



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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APPEAL  
DISMISSED

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Your Ref:

Our Ref:

T/APP/X5210/A/97/279787/P7

28 OCT 1997

Date:

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY DOMINION AND PACIFIC LIMITED  
APPLICATION NO: P9600035R4

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Council of the London Borough of Camden to refuse planning permission in respect of an application for redevelopment at The Bakery, Carlow Street, London NW1. I have considered the written representations made by you and by the Council and also those made by interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 22 September 1997.
2. There was no description of the proposed development on the application form and the covering letter referred to the works described and shown on the enclosed drawings. Those works entailed the demolition of the existing building and the erection of a new building on lower ground, ground and 9 upper floors, to provide Class B1 business space on the lower ground floor, parking on the ground floor and 23 residential flats above. The scheme was substantially amended in the course of negotiations with the Council and the proposal which they refused was for a building on lower ground, ground and 5 upper floors, with Class B1 business use on the lower ground floor, parking on the ground floor and 16 residential flats above.
3. The appeal premises were part of a bakery which ceased to operate in about 1980. Planning permission was granted in 1986 for a 2-storey extension to the building, the whole to be used for business purposes, and for residential development on the southern part of the site. The residential development was implemented but, although some work was carried out on the main building, it was not completed and the building is now effectively derelict. In February 1997 the Council granted conservation area consent for the demolition of the existing building on the site.

4. The appeal property is situated in the Belsize Park Conservation Area and I am obliged, in accordance with the requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. From the representations received, and from my visit to the site and its surroundings, I consider that the main issues in this case are firstly the effect of this proposal upon the character or appearance of the conservation area and secondly whether or not this proposed development for mainly residential accommodation would result in an unacceptable loss of an existing employment site.

5. The development plan for this area is the Camden Borough Plan, 1987, together with the Greater London Development Plan. Urban Design policies in the Borough Plan seek to achieve a good standard of design in all new development, to retain, conserve and enhance areas of architectural quality or character and to ensure that new development respects the scale and proportion of existing buildings. These aims are carried through into policies in the draft Unitary Development Plan (UDP), which also set out more detailed considerations for conservation areas.

6. Policy EM1 in the Borough Plan seeks to maintain and encourage a wide range of economic activity within the Borough, setting out criteria for determining the use of land for employment purposes which include suitability for that purpose, location in respect to potential labour and accessibility to public transport facilities. Housing policies in the Borough Plan seek generally to provide an increase in the quantity of housing, making the fullest use of vacant or under-utilised sites (HG1, HG13 and HG19), and to protect and improve existing residential amenities where possible (HG11 and HG12). Policy HG20 encourages the provision of residential and ancillary community uses within mixed use development schemes.

7. Policy EC5 in the draft UDP states that the Council will seek to retain sites and buildings which are considered to be suitable for continued employment use, assessed on the grounds of accessibility, size, location and condition. Permission will not normally be granted for redevelopment or change of use of land and buildings from employment purposes to non-employment purposes. Housing policies in the draft UDP also carry forward the aims of increasing the numbers of dwellings and improving the quality and character of the residential environment, encouraging mixed use schemes and the fullest use of vacant or under-used sites. The draft UDP has been the subject of a public inquiry. The Inspector's report has been received but the Council has taken no decision yet regarding amending the UDP. I have attached weight to these emerging policies in accordance with the guidance given in paragraph 48 of Planning Policy Guidance Note 1, "General Policy and Principles".

8. Taking the first issue, much of the character of this conservation area derives from the original 3 and 4 storey 19th Century terraced houses, but there is also a considerable amount of more recent and taller development, particularly in the vicinity of the appeal site. There is a 6 storey block of flats adjoining the site in Carlow Road, and a 5 storey block opposite, used as offices but with residential accommodation on the top floor. There are other 5 storey blocks of flats nearby to the north. The Council concluded that the proposal as now amended would be of an appropriate scale in this area and that, being constructed mainly in brick, it would be in sympathy with the predominant building materials in the area. The amended scheme is set back from the street frontage to allow for landscaping, and sets back the upper floors to allow planting on balconies. In my view the scale and design of the

building would be appropriate for this location and, in enabling the redevelopment of this derelict site, the proposal would result in some enhancement to the appearance of the conservation area.

9. Turning to the second issue, the Council have taken the view that the site is one which should be retained in employment use. You point out that, in addition to encouraging the further provision of residential accommodation, the employment policies, EM1 in the Borough Plan and EC5 in the draft UDP, do have some flexibility to take into account the particular site concerned. You maintain that in terms of its location in close proximity to residential development, this site is not well suited to employment uses in view of the probable level of activity, disturbance and traffic. You point out that the site has served no useful purpose for over 17 years, and that in any case this proposal does include a proportion of Class B1 space, meeting the Borough Plan objective of encouraging mixed use schemes.

10. Taking the criteria set out in Policy EM1 in the Borough Plan there is firstly the suitability of the site for particular employment uses. The site does adjoin a block of flats in Carlow Road, new houses to the rear and residential use on the upper floor opposite. However, Class B1 business uses are by definition those uses which would be acceptable in a residential area and I therefore see no reason why these adjoining residential properties should preclude the possibility of employment uses within Class B1 on this site. Furthermore the site is within the Camden Town Major Shopping and Service Centre, with commercial premises to the east and primarily commercial premises opposite in Carlow Road. In my view, the site is an existing employment site where continued employment uses would accord with the adjoining pattern of development.

11. In terms of relationship to potential labour markets, the site is well located, with extensive residential areas close by. It is also very well located for public transport, with bus routes along the High Street and with Camden Town and Mornington Crescent underground stations nearby. Although the existing building is clearly not suited for further use at present, it does, in my view, represent an opportunity for the provision of Class B1 business space in a suitable location. You have stated that there is no prospect of the site being developed for exclusively commercial purposes in the foreseeable future in view of the available supply of business floorspace in the area. You have submitted a letter from one local commercial property agent advising against building office accommodation on this site. However, there has been no indication of any efforts made to market the site or to find a commercial user and I have insufficient evidence before me to conclude that the site would not return to beneficial employment use in an improving commercial property market.

12. I have noted your references to a statement in the draft UDP that some sites and premises may not be considered suitable for continued employment use and to a comment made in the Inspector's report into the UDP that there must be a reasonable prospect of productive use for a site. However, I do not consider that it has been satisfactorily demonstrated that this site is unsuitable for continued employment use, nor that there is no reasonable prospect of a productive use for it. You have suggested that this proposal is a mixed use scheme and therefore accords with the Council's objectives in that regard, but in view of the very low proportion of commercial space in the building I consider that it is primarily a residential proposal.

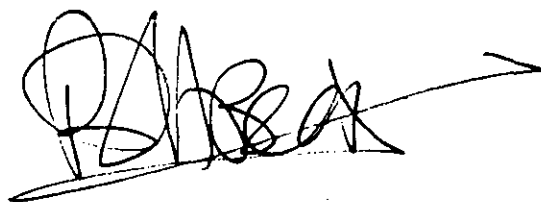
13. I have given careful consideration to the need to balance housing provision against the need for employment opportunities and also to the likelihood that residential development

would offer a more immediate prospect of improvement to the appearance of the site and the conservation area. However, I have reached the view that this site is particularly well located for employment uses, adjoining a commercial centre and well located for public transport. It is my conclusion that the loss of this site for use other than with a high proportion for employment purposes would be of harm in reducing the range and amount of employment likely to be provided in this part of the Borough and that it would therefore be in conflict with the Council's policies in that regard.

14. I have taken into account all other matters raised, but have found nothing which outweighs the factors which have led me to my decision.

15. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully

A handwritten signature in black ink, appearing to read 'R D Hiscox', with a long horizontal line extending to the right from the end of the signature.

R D HISCOX MA(Oxon) DipTP ARICS MRTPI  
Inspector