

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	17/08/2007
		N/A		Consultation Expiry Date:	30/07/2007
Officer			Application Number(s)		
Bethany Arbery			2007/2793/P		
Application Address			Drawing Numbers		
42 - 45 Belsize Park London NW3 4EE			Refer to draft decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
<p>Conversion of 42-45 Belsize Park to 4 single-family dwellinghouses; enlargement of basement to provide additional habitable floorspace and 4 car parking spaces (total of 10 for 42-45 Belsize Park and 3 town houses on Belsize Lane); erection of side extensions at lower and upper ground floor level to 43 (south elevation) and 44 (north elevation) (following demolition of existing link extension between 43 & 44); minor elevational changes, landscaping and tree planting; as an amendment to permission dated 01/07/02 (PWX0103947) (alterations to design of 3 town houses, increase to 30 car parking spaces and landscaping) itself an amendment to permission dated 27/08/98 (PW9802361R2) for conversion of 42-45 Belsize Park to 25 self-contained flats, the erection of 3 new houses and construction of a 26 space underground car park with landscaping above on land adjoining 79 Belsize Lane.</p>					
Recommendation(s):		Grant conditional permission subject to Section 106 agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	18	No. of responses	04	No. of objections	04
			No. Electronic	00		
Summary of consultation responses:	<p>A site notice was displayed from 09/07/07 to 30/07/07.</p> <p>Adjoining owners/occupiers The occupiers of 77F, 79A Belsize Lane, Flat 3 41 and 46 Belsize Park have raised objection to the proposal on the following grounds:</p> <p>Land Use Issues</p> <ul style="list-style-type: none">The proposal to use the buildings as 4 houses instead of flats is a welcome change; <p>Amenity Issues</p> <ul style="list-style-type: none">Overlooking from new windows on the side elevation of 45 Belsize Park;The new emergency fire exit door should not be used for general access to the property; <p>Car Parking Issues</p> <ul style="list-style-type: none">Why are 4 additional car parking spaces required when there are 6 already provided underground; <p>Other Issues</p> <ul style="list-style-type: none">Noise, dust and debris from construction work;It contravenes the tenancy agreement of the occupiers of the 3 town houses onto Belsize Lane who should have 24-hour access to the existing car park; andNo. 46 Belsize Park did not receive written notification of the application.					
CAAC/Local groups comments:	<p>Belsize CAAC No objection to the creation of 4 houses instead of the approved scheme for flats. The removal of the link between the two buildings is welcomed, but the small side extensions have to be set back 600mm as mentioned in guidelines.</p> <p>Belsize Residents Association This application varies from the many previous proposals for this site only in its development content: 4 large houses, rather than various numbers of flats. We make no comment on this. We must continue to object to the extension of the basement car park, in that it, again, prevents any effective landscaping or planting over it. The proposal makes a specific proposal for the tree in the crucial gap between the Belsize Lane houses and 78 Belsize Lane. A nice Plane tree; at least they recognise something of importance, but there is no space for its roots, and it's too close to no. 78, it would not, in fact, close the gap. The parking expansion is unnecessary and locally divisive and this proposal still represents no real substitute for the lost Copper Beech tree. Feelings still run high on this.</p>					

Site Description

The application site is 42-45 Belsize Park and land to the rear adjoining 79 Belsize Lane. 42-45 Belsize Park comprises 2 pairs of large semi-detached houses in use as a hotel; there is open land to the rear with a vehicular access to Belsize Lane. Adjoining the site to the north-east on Belsize Lane there was previously a row of modern 2-storey residential dwellings. These have been demolished and replaced by 3 new townhouses (see below). The site is located within the Belsize Conservation Area.

Relevant History

2007/2309/P

An application was submitted on 14.06.07 for a reduction in the number of approved flats from 26 to 25, change of residential mix to 4 x studios, 4 x 1-bedroom, 11 x 2-bedroom and 6 x 3 bedroom, enlargement of the approved basement level car park (reduction in parking spaces to 26) and other minor elevational changes as an amendment to permission dated 01/07/02 (PWX0103947) itself an amendment (alterations to design of 3 town houses, increase to 30 car parking spaces and landscaping) to permission dated 27/08/98 (PW9802361R2) for conversion of 42-45 Belsize Park to 25 self-contained flats, the erection of 3 new houses and construction of a 26 space underground car park with landscaping above on land adjoining 79 Belsize Lane. The application was reported to member's briefing on 09.08.07, who agreed that planning permission should be granted subject to a S106 to secure 5 of the units as car-free. The S106 agreement has not yet been completed.

2007/0126/P

An application was submitted on 29.01.07 for a reduction in number of proposed residential units from 26 to 25, plus enlargement of the approved basement level car park as an amendment to planning permission reference PWX0103947 (granted 01/07/02). The application was withdrawn on 26.03.07.

2005/1316/P

Planning permission was granted on 29.04.05 for details relating to treatment of the front elevation of new terraced houses pursuant to condition 2 of planning permission dated 01.07.02 (PWX0103947/R1).

2004/5025/P

Planning permission was granted on 07.02.05 for details solely relating to the erection of three new houses on Belsize Lane, as follows:

- a) Details of the elevations, detailing of the front parapet wall and details of the junction between the new houses and 77 Belsize Lane, pursuant to condition 2 of planning permission dated 01.07.02 (PWX0103947/R1) as amended by condition 1 of planning permission dated 02.10.03 (2003/0066/P).
- b) Details of hard and soft landscaping for the 3 houses, means of enclosure and ventilation to the car park, pursuant to part of condition 7 of planning permission dated 01.07.02 (PWX0103947/R1) in relation to the 3 new houses only.
- c) Details of the refuse storage areas and bicycle stands pursuant to part of condition 10 of planning permission dated 01.07.02 (PWX0103947/R1) in relation to the 3 new houses only.

2003/0066/P

Planning permission was granted 02.10.03 for variation to planning permission dated 01.07.02 (PWX0103947) for erection of 3 x 3 storey town houses, in respect of design amendments to the roof, dormer windows and front elevations.

PWX0202857

Approval of details pursuant to the grant of planning permission PWX0103947/R1 dated 01.07.02 for details of hard and soft landscaping as part of condition 7. The application was withdrawn.

PWX0103947

Planning permission was granted on 01.07.02 for amendment of the design of 3 new houses together with a 30 space underground car park and associated landscaping as a variation to the planning permission granted on 27th August 1998 (ref: PW9802361R2) for the conversion of 42-45 Belsize Park to 25 self-contained flats, the erection of 3 new houses and construction of a 26 space underground car park with landscaping above on land adjoining 79 Belsize Lane.

PW9802361R2

Planning permission was granted on 27.08.98 for variation of planning permission dated 14.08.96 (for the change of use of the existing building from a hotel to 26 self-contained residential units together with the erection of single storey rear extension at basement level and the landscaping of the land to the rear together with the provision of 17 car parking spaces) in relation to conversion from hotel to 25 units, external alterations, provision of three new dwelling houses and construction of an underground car park with 26 car parking spaces and a landscaped area above.

9500249R6

Planning permission was granted on 14.08.96 for change of use of the existing building from a hotel to 26 self-contained residential units together with the erection of a single storey rear extension at basement level, and the landscaping of the land to the rear together with the provision of 17 car parking spaces.

9560026

Demolition of existing boundary wall to Belsize Lane (Planning application also received for construction of 3 storey residential building comprising of 5 flats and 20 underground parking spaces). The application was withdrawn.

9500249

Construction of 3 storey residential building comprising of 5 flats and 20 underground parking spaces. The application was withdrawn.

PL9300154R7

Planning permission was granted on 21.10.94 for conversion to 26 flats with rear extension and 15 car parking spaces to the rear.

Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

London Borough of Camden Replacement (2006)**Primary Policies**

SD1 – Quality of life
SD6 – Amenity for occupiers and neighbours
H1 – New housing
H8 – Mix of units
B1 – General design principles
B3 – Alterations and extensions
B7 – Conservation areas
N8 – Ancient woodlands and trees
T3 – Pedestrians and cycling
T7 – Off street parking, city car clubs and city bike schemes
T8 – Car free housing and car capped housing
T9 – Impact of parking
T12 – Works affecting highways

Other Policies

S1 & S2 – Sustainable development
H7 – Lifetime Homes and wheelchair housing

Camden Planning Guidance (2006)**Belsize Conservation Area Statement (2003)**

Assessment

History

There is a history of applications on this site dating back to the mid 1990s. The planning permission granted in 2002 (itself an amendment of permissions granted in 1998 and 1996) has been part implemented. The 3 new town houses fronting onto Belsize Lane have been completed as has part of the underground car parking which currently provides 6 spaces (2 for each of the dwellings).

The officer's report states that the proposal was conceived to be constructed in two phases. The first phase was for the 3 townhouses and 26 of the car parking spaces to be provided. The second phase was for the conversion of the hotel to residential and the provision of the rest of the underground parking. It appears that 'Phase 1' was completed some time ago (the detailed design of which was revised by permissions granted in 2003 and 2005). The underground parking which has been constructed doesn't provide 26 spaces, it is smaller they have only provided 6 spaces so far. It should be noted that there was no conditions attached to this permission to require the scheme to be carried out in its entirety or that the car parking could only be provided in the event that the conversion to flats was carried out.

Proposal

The applicant now intends to finish implementing the permission that was granted in 2002 by carrying out phase 2 of the works which relate to the hotel on Belsize Park. However, they would like to make a number of alterations to the approved scheme, which this applications seek planning permission for:

- conversion of 42-45 Belsize Park to 4 x 7-bedroom single-family dwellinghouses;
- enlargement of basement to provide additional habitable floorspace (under the existing buildings) and 4 car parking spaces (total of 10 for 42-45 Belsize Park and 3 town houses on Belsize Lane);
- erection of side extensions at lower and upper ground floor level to 43 (south elevation) and 44 (north elevation) (following demolition of existing link extension between 43 & 44); and
- minor elevational changes.

The proposal also includes details of the tree planting and landscaping proposals (drawing /71 & tree planting and maintenance report) together with the reinstatement of the original features (drawing /59) required by conditions 4 and 7 of the original permission.

Assessment

Land Use

The proposal is for reconfiguration of 42-45 Belsize Park resulting in a reduction in the total number of units provided by 22 units and an alteration to the mix of units sizes provided. The 2001 approval refers to 25 units, however, the approved plans actually showed 26. The proposal is for 4 x 7-bedroom family sized residential units.

Bedrooms	2001	Proposed
3+	5	4
2	12	-
1	6	-
Studio	3	-
Total	26	4

The proposal would result in the net loss of 22 proposed residential units. The lawful use of the buildings remains as a hotel. Although the permission has been part implemented the main buildings have continued to be operated as a hotel and no work has commenced to facilitate its conversion to residential accommodation. In view of this it is considered that it is not possible to resist the loss of the residential units under Policy H3 since they do not exist and there is no requirement on them to complete the approved scheme in its entirety. The proposed mix of units is considered to be acceptable; Policy H8 encourages the provision of schemes with a mix of large and small units, including some family sized accommodation. The proposed increase in family

sized units is welcomed.

Standard of Accommodation

In terms of the quality of accommodation being provided all the units are generously proportioned and well in excess of the residential development standards detailed in the CPG. All units have access to adequate natural daylight and ventilation. The applicant has indicated a willingness to ensure that the units are constructed to lifetime homes standards. It is recommended that an informative be attached to the permission (if granted) encouraging the applicant to do this in accordance with Policy H7. Adequate space has been provided for the storage of refuse and recycling. Each unit needs to have 1 x 360L bin for recycling and 2 x 360L bin for general waste (dimensions 1110H x 650L x 880D). All waste is to be collected from Belsize Park. The applicant is also encouraged to provide space on the gardens for composting.

Car Parking

Were this a fresh application for planning permission the Council would require the residential accommodation to be secured as car free under Policy T8. The site has a good PTAL rating (6a - excellent) and is located within a CPZ which suffers from parking street. It is acknowledged in this instance that there is a planning permission that has already been granted and will allow the provision of 30 car parking spaces and therefore it is not possible to require this in this instance. There are proposed changes to the extent and layout of the basement parking. Whilst there is an increase in the size of the basement, there is only to be 10 spaces provided in total (4 in addition to the ones already used by the 3 town houses). There is to be a reduction in the number of car parking spaces from 30 to 10. However, the number of units on site has also reduced from 29 to 7. Therefore the provision would be 10 spaces for 7 dwellings. The existing 6 car parking spaces have already been allocated to the 3 town houses (and are on a 99 year lease to the owner of the townhouses), therefore only 4 car parking spaces are to be provided for the 4 residential units onto Belsize Park (1 per dwelling). The proposed car parking provision is therefore in accordance with the Council's parking standards as detailed in Policy T7 and appendix 6 of the Unitary Development Plan. The objections raised regarding the expansion of car parking on the site cannot be sustained. The highways department have recommended that the property be secured as car capped (see Policy T8).

The original car parking layout caused some concern with the highways department. The basement whilst showing only 4 car parking spaces provided substantial additional space which could easily be used to provide more parking. The applicant has since revised the layout, whilst there remains some 'spare' space the new layout, by its design, does restrict parking to 4 cars. By arranging the parking end-on, removing some of the manoeuvring space that was available and reducing the aisle width to a maximum of 6 metres, the possible manoeuvres that vehicles can do to get in and out of the bays has been restricted. This means any additional car parking would prevent cars getting in and out of the designated bays.

Cycle Parking

Council standards require the provision of cycle parking at a standard of 1 per residential unit (see Policy T3). It is noted that the previous permission included a condition requiring the submission of details of the bike stands to be submitted to the council before work commenced. The applicant has indicated provision of 4 bike stands within the basement. A condition should be imposed to ensure that further details of this bicycle parking is provided prior to occupation of the development.

Highways Issues

Given the proposed extent of excavation that is being proposed it is considered that a construction transport plan should be provided to ensure that the development does not have an adverse impact on the local transport network. This should be secured by legal agreement in accordance with Policy T12.

Design and Amenity Issues

The majority of the additional basement excavation is below the building footprint and will not have a visual impact on the appearance of the building or the conservation area. The remaining area of the basement is beyond the building footprint and provides car parking. Its only visual elements are the entrance ramp and the spiral staircase which already exist and a new MOE staircase located adjacent to the boundary with No. 41. The proposed alteration is relatively minor and is considered to be non-contentious in design terms. This element of the works does not raise any amenity concerns since it is largely below ground level.

It is proposed to demolish part of the link which exists between 43 and 44 Belsize Park at lower ground floor level and ground floor level and the whole of the link at second floor level. The two buildings would continue to be linked at lower ground floor level, but the townscape gap would be reopened above. This work which did not form part of the original scheme is welcomed in design terms. The Belsize Residents Association have requested that the side extensions be set back further from the front façade of the building, in line with the CPG. Given the infill extension which exists at present, and that for which they have approval for, it is not

considered to be justified to require this in this particular instance. There are windows facing towards each other in these side extensions. It is considered that a condition should be imposed to ensure that these openings are partially obscure glazed (bottom sash) to prevent any adverse impact in terms of overlooking between the new residential units. The use of clear glazing on the top sash will ensure that all the rooms continue to receive adequate natural light.

Residents at 46 Belsize Park have raised concern about a potential increase in overlooking to their property. The proposed windows in the south-west elevation are the same as those approved in 2002, with the exception of those at second floor level where there is a reduction in the number of openings (from that approved). It is not considered that there would be any significant increase overlooking as a result of works which form part of the current application. With regard to the fire escape door which they also mention there is an existing fire escape door on this elevation; it is not proposed to reposition this.

The drawings indicate an increase in the number of rooflights on the main roof. They remain appropriate in size and number and their location on the roofslope. The elevations are to remain as approved, although they intend to reinstate the original rendered boundary walls which were not part of the approved scheme. They also propose to replace the windows with new double-glazed vertically sliding box sash timber framed windows. This is considered to be acceptable in design terms. The approved scheme included substantial extensions to the rear of the building at lower ground floor level along the entire rear of the façade. It is proposed to omit this element; this is welcomed as it allows the rear façade of the original building to be retained.

Conditions

The 2002 permission has been part implemented, but only condition 2 of this permission has ever been discharged. There were a number of conditions attached to the permission which should have been discharged prior to the commencement of any of the works: Condition 7 which dealt with hard and soft landscaping, irrigation systems, ventilation and access stairs to the car park and all means of enclosure; condition 10 relating to vehicle and bike control entry, refuse storage and bike parking; and condition 11 which required the submission of a contract for the redevelopment work prior to the felling of the Copper Beech. It is extremely regrettable that the development has got this far advanced without these conditions having been addressed. It is not considered expedient to pursue these details in respect of the 3 town houses, but they should be required in respect of the new flats. Condition 7 is covered below. The wording of condition 10 should be adjusted accordingly. The TPO'd tree was felled a number of years ago and therefore condition 11 is no longer necessary. The loss of tree was accepted subject to a suitable replacement planting scheme, the current proposal seeks to ensure that this is now provided.

The proposal seeks to provide some of the information requested under conditions 4 and 7 of the original permission.

Condition 4 related to the mouldings, this was only required to be discharged before work started on the part of the development which related to the buildings on Belsize Park. The original appearance of the buildings front Belsize Park is to be reinstated, with existing mouldings repaired or replaced and decorative metalwork replaced. Additional information is required in respect of this condition. The applicant has submitted a 1:50 scale drawing (drawing /59) detailing the proposed remedial work to the architectural features. However, the condition required the submission of detailed drawings of various features at scale 1:5. It is therefore considered that this condition should continue to be imposed on the permission (see condition 3).

The approved scheme (condition 7) required them to provide a replacement tree and planting to compensate for the loss of copper beech. The submitted drawings indicate the provision of 2 x weeping birch, 4 x snowy mespilus, 2 x crab and 1 plane. The drawing also provided details on the proposed landscaping to the front and rear. There is to be stone paving adjacent to an area of grass to the rear, and grass and evergreen hedging behind the front boundary wall to the front of the building (see e-mail dated 06.08.07). The arboricultural officer has advised that the proposed new tree planting is considered to be acceptable and will enhance the character of the conservation area and improve the setting of the building. The London Plane will provide a significant level of visual amenity in the future. The objection raised by Belsize Residents Association is not considered to be justified. The drawings also indicate how the landscaping incorporates the access stairs to the car park and means of enclosure. There is no objection any of the works proposed in principle, however, it is considered that further details should be submitted in respect of the following: the brick dividing walls in the rear garden (since it is not clear how high these are), the front metal entrance gates and the stone and concrete sett paving proposed to the front and rear of the property.

Recommendation: Grant conditional permission subject to S106 to secure the units as car capped and for the submission of a construction transport plan.

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