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| Delegated Report | | Analysis sheet | Expiry Date: | 04/03/2014 |
| | | N/A | Consultation Expiry Date: | 15/05/2014 |
| Officer | | | Application Number(s) | |
| Gideon Whittingham | | | 2013/8317/P | |
| Application Address | | | Drawing Numbers | |
| 61-63 Holmes Road London NW5 3AN | | | Refer to Decision Notice | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | |
| | | | | |
| Proposal(s) | | | | |
| Variation of condition 7, in relation to Class B1 floorspace, of outline planning permission (2011/0201/P & APP/X5210/A/11/2163152) dated 12/03/2012, for the erection of a 5 storey plus basement building. | | | | |
| Recommendation(s): | | Grant Variation of Condition No.7 | | |
| Application Type: | Variation or Removal of Condition(s) | | | |

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| Conditions or Reasons for Refusal: | Refer to Decision Notice | | | | | |
| Informatives: | | | | | | |
| Consultations | | | | | | |
| Adjoining Occupiers: | No. notified | 27 | No. of responses | 01 | No. of objections | 01 |
| Summary of consultation responses: | <p>A site notice was displayed from 23/04/2014 and a public notice was published in the Ham & High from 24/04/2014.</p> <p>An objection was received from an occupier of 19 Bassett Street regarding:</p> <p><i>“This is a grotesque attempt to cover up a deliberate attempt to pull the wool over LBC Planning's eyes. The building was started without a basement, part of the agreed scheme. The basement would have been business space. By not building it, the developer is depriving the area of business space that is needed.</i></p> <p><i>There is a need for business space. Much has been lost, and is being lost. The area can ill-afford to give up new commercial space which has been agreed in a planning consent.”</i></p> <p>Officer comment: These matters have been addressed in paragraphs 2.3 - 2.7.</p> | | | | | |
| CAAC/Local groups comments: | The Camden Society was notified of this application. To date no response has been received. | | | | | |

Site Description

The site is located on the south side of Holmes Road off Kentish Town Road. The existing buildings consist of two storey Victorian properties with commercial floorspace at ground floor level and residential to the upper floor. The building has two frontages onto Holmes Road as they are situated on a corner, the main frontage faces north west and a smaller frontage faces north east. The adjacent properties at 55-57 and 65-69 Holmes Road form the south eastern and south western boundaries of the site.

The area is characterised by a variety of building sizes and uses, including mixed-use (business and residential) buildings of up to six storeys. Historically Holmes Road has been an employment area but recent developments have brought about a significant proportion of residential uses. There is a Council housing block to the west at no.76 Holmes Road, a student housing block to the north at 54 - 74 Holmes Road, recently constructed residential block to the north at 74a Holmes Road and a residential block to the south east at 55-57 Holmes Road. 65-69 Holmes Road has gained permission for a 6 storey (above ground) student accommodation and commercial floorspace scheme (allowed December 2011, ref 2010/6039/P)

The buildings are not listed or within a conservation area but the Inkerman Conservation area lies to the south. The Kentish Town Industry Area lies immediately to the north of the site and the Kentish Town District Shopping and Service Centre is 200m to the east.

Relevant History

Planning:

2011/0201/P: Refused consent then subsequently allowed on appeal (ref: APP/X5210/A/11/2163152) on 12/03/2012 – Outline application for the erection of a 5 storey plus basement building comprising light industrial (Use class B1) at basement and ground floor levels and residential (Use class C3) at 1st, 2nd, 3rd and 4th floors (5 x 1bed and 3 x 2bed units) following demolition of existing building (furniture repair Class B1 and residential Class C3) (application seeks permission for scale, layout and access only and not appearance of the building or landscaping).

The Inspector attached the following relevant conditions to the decision:

7) The total floorspace of the Class B1 element of the development shall comprise 311sqm.

This appeal decision is addressed in this report. The conclusions reached by the Inspector are material to assessment of the current application.

Enforcement:

EN13/1379: The construction underway does not include a basement 2011/0201/P - allowed on appeal. This application seeks to correct the enforcement investigation.

Relevant policies

National and Regional Policy

National Planning Policy Framework 2012

London Plan 2011

LDF Core Strategy and Development Policies

CS1 - Distribution of growth

CS5 - Managing the impact of growth and development

CS14 - Promoting high quality places and conserving our heritage

DP13 - Employment sites and premises

DP27 – Basements and lightwells

Camden Planning Guidance 2011/2013:

CPG5 Town Centres, Retail and Employment, CPG6 Amenity

Assessment

1. Proposal:

1.1 The application proposes to omit the basement floor level from permission ref: 2011/0201/P & APP/X5210/A/11/2163152, dated 12/03/2012.

1.2 Condition 7 attached to ref: 2011/0201/P, currently states:

- The total floorspace of the Class B1 element of the development shall comprise 311sqm

1.3 This application shall amend Condition 7 to be read as:

- The total floorspace of the Class B1 element of the development shall comprise 103 sqm

2. Assessment:

2.1 The principal consideration material to the determination of this application is the loss of commercial floorspace.

2.2 In terms of office provision, the development control committee report associated with 2011/0201/P noted:

'Commercial

6.2.1 Policy CS8 seeks to ensure that the borough retains a strong economy. It seeks to do this by,

amongst other things, safeguarding existing employment sites that meet the needs of modern industry and employers. Policy DP13 seeks to implement the priorities outlined in CS8 and states that the Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business use unless it can be demonstrated that the site is no longer suitable for its existing business use and there is evidence that the possibility of re-using or redeveloping the site for alternative business use is not viable.

6.2.2 The site currently provides 161sqm of ground floor commercial B1 floorspace. The residential units on the upper floors do not appear to benefit from planning permission and may have originally been commercial floorspace, however council tax has been paid on these units since 2000 and 2001 and they therefore appear to be lawful as they have been in place for more than 4 years. The proposal is for 161sqm of ground floor commercial B1 floorspace and 150sqm of basement commercial B1 floorspace. The proposal therefore involves the replacement of the existing ground floor commercial floorspace which is of an improved quality as the floor to ceiling height is increased to 3.3m. The unit would be serviced in the same way as existing using the pay and display bays on the main north west frontage of the site. Whilst the basement floorspace is only accessible via a staircase and has a 2.4m floor to ceiling height this is considered to be acceptable as it is additional floorspace to that existing and could provide useful storage and ancillary space for the ground floor commercial unit. The principle of the replacement commercial floorspace is therefore in accordance with policies CS6 and DP13.'

2.3 In light of the officers comments, it is clear the basement floor level was deemed as additional floorspace and would provide useful storage and ancillary space for the ground floor commercial unit.

2.4 The previous occupier of the commercial unit has maintained occupancy within the proposed building. It has been stated however, that a requirement for additional commercial floorspace is no longer necessary for the viability and suitability of the business in this location.

2.5 In assessment of CS6 and DP13, the preference would be to retain commercial floorspace.

2.6 However within given that:

1. The proposal would remove additional commercial floorspace only;
2. The commercial users viability is secured without a required basement floor level;
3. The access arrangement, both internal and external, would not be suitable to divide floor levels;
4. The proposed ground floor floorspace is an improved quality of space

2.7 The omission of the basement floor level in this instance would be acceptable without undermining the aims of CS6 and DP13.

Recommendation: Grant Variation of Condition No.7