

<b>Delegated Report</b> (Members Briefing)		<b>Analysis sheet</b> N/A	<b>Expiry Date:</b> 03/03/2014
			<b>Consultation Expiry Date:</b> 12/02/2014
<b>Officer</b> Gideon Whittingham		<b>Application Number(s)</b> 2014/0082/P	
<b>Application Address</b> 21A Ferdinand Street London NW1 8EU		<b>Drawing Numbers</b> Refer to Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>
<b>Proposal(s)</b> Erection of 3 storey 4 x bedroom dwellinghouse			
<b>Recommendation(s):</b>		Grant Subject to a Section 106 Legal Agreement	
<b>Application Type:</b>		Full Planning Permission	

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	<b>24</b>	No. of responses	<b>04</b>	No. of objections	<b>04</b>
Summary of consultation responses:	<p>Objections were received from the occupiers of 19, 21 and 23 Ferdinand Street and 25 Horsell Road (Islington) regarding:</p> <ul style="list-style-type: none"> <li>• Overdevelopment on site (This matter has been discussed accumulatively within Para 2.1-2.8 and 4.1-4.10)</li> <li>• Bad architectural design (See Para 2.4-2.8)</li> <li>• Harm to heritage asset (See Para 2.7)</li> <li>• Overshadowing (See Para 4.8)</li> <li>• Loss of sunlight/daylight (See Para 4.1-4.9)</li> <li>• Loss of privacy and noise disturbance (See Para 4.1-4.10)</li> <li>• Drainage of 21 Ferdinand Street not suitable considered (See Para 7.1)</li> <li>• Should include a new security gate at Ferdinand Street (See Para 7.2)</li> </ul>					
CAAC/Local groups comments:	<p>Councillors Sanders, Fraser and Bokth object regarding:</p> <p><i>“We are writing to object to the proposal to insert a new dwelling in a tiny wedge of space on Ferdinand Street.</i></p> <p><i>Having visited the site to see the space first hand, we believe this cramped and dark location is not suitable for a dwelling house. The quality of the new accommodation will be very poor, with a severely restricted outlook and no access to outside amenity. Camden has a policy commitment to secure good quality design and a high standard of new housing – we think this objective should be given extra weight in this traditionally industrial area of local historical significance.</i></p> <p><i>More seriously, the impact on quality of life for those in neighbouring properties would be unacceptable and in contravention of Development Policy 26 (Managing the Impact of Development on Occupiers and Neighbours). The proposed building would directly block windows from neighbouring 21 Ferdinand Street, impacting light levels in the existing property.</i></p> <p><i>We are surprised that a building has been proposed that would have such significant consequences for a neighbouring property, and we strongly urge the council to reject it.”</i></p> <p>Officer Comment:  With regard to overdevelopment, this matter has been discussed accumulatively within Para 2.1-2.8 and 4.1-4.9. With regard to quality of accommodation, this matter has been discussed in section 3 and 4 of the main report. With regard to the impact of the proposal upon the adjacent neighbours, this has been discussed in section 4 of the main report.</p>					

## Site Description

The development site is located within a former industrial yard that is set away from the main public realm via an access route from Ferdinand Street.

To the south west of the application site is 10a Belmont Street, a 7\* storey (plus attic storey) residential/commercial building. To the north west of the application site are three terraced residential properties that face onto Belmont Street (Nos.10, 12 [owned by the applicant] and 14). To the east is the 3 storey residential property of 21 Ferdinand Street. Beyond is Nos.17, 25 and 27 which are owned by the applicant. Immediately behind the application site to the north is a semi-private open space with an electricity sub-station and playground area between the large blocks of residential flats.

The surrounding neighbourhood comprises a mixture of building heights and uses. It is broadly residential in nature to the north, west and east, including some family-sized housing and several blocks of local authority flats. The general character changes to more commercial uses (often with residential above) to the south, including some business uses around the application site to the rear and along the access road leading to Ferdinand Street, with shops and town centre uses fronting Chalk Farm Road. Generally the built form rises from lower and small scale development of two to three storeys on Chalk Farm Road towards taller and bulkier buildings to the north in the form of twentieth century housing blocks located in spacious grounds.

To the south of the site lies the Regent's Canal Conservation Area. Harmond Street Conservation Area lies to the east with West Kentish Town Conservation Area to the north. The closest listed buildings are the Roundhouse (Grade II\*) on the south side of Chalk Farm Road and Kent House (Grade II) to the east.

The site is not within any conservation area and the adjacent buildings are not listed. The adjacent building of 10a Belmont Street is however a non-designated heritage asset.

\*please note the building has a number of extant permissions which are currently under construction.

## Relevant History

### 10a Belmont Street:

- 2013/5406/P - Change of use from offices (Class B1) to residential (Class C3) to provide 10 units (1x3 bedroom, 9x4 bedroom) at ground, first, second, third and fourth floor levels. (GPDO Prior Approval). Granted on 16/10/2013.
- 2013/3996/P - Change of use from offices (Class B1) to residential (Class C3) to provide 10 units at ground, first, second, third and fourth floor levels. (GPDO Prior Approval). Refused on 20/08/2013.
- 2013/1999/P - Excavation to create new basement floor level beneath footprint of existing B1 (office) building with associated front and rear lightwells and installation of railings at ground floor level. Granted on 14/08/2013
- 2013/3333/P - Amendment to planning permission 2011/4415/P decided 30/11/2011 for the erection of additional 6th floor and extension to 5th floor to provide 8 residential units (Class C3) (3 x 1-bed, 4 x 2-bed, 1 x 3-bed), and erection of a five storey rear extension to provide additional office space (Class B1), namely to provide 3 units (3 x 4b units) instead of 8 units (3 x 1b, 4 x 2b, 1 x 3b) within the rooftop extension. Recommended for approval 12 July 2013, subject to S106 deed of variation.
- 2012/6866/P Erection of an additional 7th floor to provide 3 residential units (Class C3), including external terrace area with green roof and associated alterations. Refused 12 March 2013. Allowed on appeal 04/11/2013.

- 2011/4415/P Erection of additional 6th floor and extension to 5th floor to provide 8 residential units (Class C3) (3 x 1-bed, 4 x 2-bed, 1 x 3-bed), and erection of a five storey rear extension to provide additional office space (Class B1), including creation of roof terrace at rear 5th floor level and external terraced area at 6th floor level, creation of green roof, and associated alterations. Granted 30 November 2011.
- 2009/4257/P Erection of seven storey mixed use building comprising two basement levels for business use (Class B1) and 163 self contained student units (Sui Generis) with associated facilities for student accommodation at ground-7th floor levels, following demolition of existing 5 storey building in Class B1 business use and demolition of a residential dwelling. Refused 24 December 2009 and consequently dismissed at appeal on 3 February 2011.
- 2006/2058/P- Change of use at part ground floor level from business use (Class B1) to leisure use (Class D2) for use as a fitness studio. Refused on 11 July 2006
- 2005/5574/P- Change of use at fourth floor level from offices (Class B1a) to gymnasium (Class D2). Granted on 6 March 2006. This permission has expired and does not appear to have ever been implemented.

#### **Applications yet to be determined:**

- 2013/7829/P - Change of use of 1st floor of rear extension from B1 to C3 in association with Flat 3 (consented 2013/5406/P).
- 2013/7991/P - Change of use of 2nd floor of rear extension from B1 to C3 in association with Flat 5 (consented 2013/5406/P).
- 2013/7993/P - Change of use of 3rd floor of rear extension from B1 to C3 in association with Flat 7 (consented 2013/5406/P).

#### *Enforcement*

- EN13/0680 – Basement being dug without planning permission – awaiting outcome of current planning applications
- EN12/0542 Construction Management Plan breach – case closed no breach found 8 Feb 2013

#### **10, 12 and 14 Belmont Street:**

2014/0034/P - Erection of additional storey to roof, full height rear extensions, and associated elevation alterations to front and rear. Applications yet to be determined

#### **21 Ferdinand Street:**

- 2011/1026/P - Erection of a roof extension at second floor level with roof terrace over to form additional residential accommodation to live/work unit (Sui generis). Granted 28/04/2011

#### **17 Ferdinand Street:**

- 2012/2578/P: Redevelopment of site to provide 418 sqm of office space (Class B1) at ground floor level and 16 self contained residential flats at first, second and third floor levels (11x 2-bedroom + 2x 1-bedroom market housing units and 1x 1-bedroom + 2 x 2b affordable housing units) (Class C3) with associated waste storage, cycle storage, plant room and landscaping, following demolition of existing two storey warehouse (Class B8). Granted 16/08/2012.

## **Relevant policies**

### **National and Regional Policies**

National Planning Policy Framework 2012

London Plan 2011

### **LDF Core Strategy and Development Policies**

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change and promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces & encouraging biodiversity

CS19 Developing and monitoring the Core Strategy

DP2 Making full use of Camden's capacity for housing

DP5 Homes of different sizes

DP6 Lifetime homes and wheelchair homes

DP16 The transport implications of development

DP17 Walking, cycling and public transport

DP18 Parking standards and limiting the availability of car parking

DP20 Movement of goods and materials

DP21 Development connecting to the highway network

DP22 Promoting sustainable design and construction

DP23 Water

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP27 Basements and lightwells

### **Camden Planning Guidance 2011/2013:**

CPG 1 Design

CPG 2 Housing

CPG3 Sustainability

CPG6 Amenity

CPG 7 Transport

CPG8 Planning Obligations

## Assessment

### Background:

No.10a, 10 Belmont Street and 21 Ferdinand Street are currently undergoing construction works (see photos as per MB PACK). These works do not relate to this site or enable this application.

Whilst labelled as 21a Ferdinand Street, the adjacent existing building is called 21 Ferdinand Street, an informative has been attached advising the need to confirm or revised the postal address to avoid confusion.

### 1. Proposal:

1.1 The application proposes:

- The erection of a 3 storey dwellinghouse (Dimensions 9.5m in height, 8.7m in width, 6.7m in depth) consisting of 4 bedrooms, fenestration facing north and east, a balcony facing north at second floor level and a green main roof.

1.2 The proposal would not result in the loss of any employment floorspace and is not located in a designated employment/industrial area.

1.3 The principal considerations material to the determination of this application are summarised as follows:

- **Design/Townscape**
- **Provision and quality of residential floorspace**
- **Adjacent residential amenity**
- **Transport, access and parking**
- **Sustainability - resources and energy**
- **Other Matters**

### 2. Design/Townscape

2.1 The proposed dwelling would be located between Nos.10 & 10a Belmont Street and 21 Ferdinand Street.

2.2 The dwelling would rise 9.5m in height over 3 floors, of a comparable height (1m lower in terminating height) to the abutting 21 Ferdinand Street and the relative scale of the surrounding buildings of the service yard.

2.3 Abutting Nos.10 & 10a Belmont Street and 21 Ferdinand Street, the dwelling would have two visible elevations, a 2.3m width east elevation facing Ferdinand Street and a 6.6m north elevation facing a semi-private open space with an electricity sub-station and playground area.

2.4 The dwelling would be built using reclaimed brick and aluminium framed windows matching the adjacent 5 storey extension of 10a Belmont Street. Of the two visible elevations, the north facing elevation would comprise an anodised aluminium screen mesh to the brick facade from ground to second floor, with the ground floor east elevation also faced with this screen, to introduce a more industrial appearance.

2.5 The dwelling incorporates fenestration to each visible elevation in keeping with the appearance of the rear extension at 10a Belmont Street, albeit reflecting a more domestic scale.

2.6 At main roof level, a parapet of 0.3m will provide space for a single level green roof.

2.7 In terms of the wider context and in view of the 'concern about the juxtaposition with the non-designated heritage asset of 10a Belmont Street', the terminating height of the new dwelling, its recess from the rear extension of 10a Belmont Street, detailed design and materials would appropriately relate, without harm to the setting or views of the non-designated heritage asset. Although the dwelling would be built across the rear and flank elevation of a non-designated heritage

asset, thereby obscuring east facing views of the ground to second floor levels, such views are already obscured by the building line of 21 Ferdinand Street. In terms of the north facing elevations, the materials proposed are particularly sympathetic given they match the facade of 10a Belmont Street and therefore no significant harm would be made, nor a discernable detraction from the design concept or significance of 10a Belmont Street.

2.8 The overall form, appearance and use of materials are considered to be of a good quality to address the requirements of the LDF policies. The materiality of the visible elevations of the house is considered to reference the former industrial context of the area, as well as the now domestic use of the service yard. In view of the 'concern about design', the colour and texture of the brick as well as the remainder of the facing materials shall therefore be secured by way of a condition, to ensure the highest standards are delivered.

### **3. Provision and quality of residential floorspace**

3.1 The application would provide a 4 bedroom dwelling of approximately 99sqm (GIA) with all bedroom sizes of at least 11sqm (double bedrooms), in compliance with the residential development standards set out in Camden Planning Guidance and the London Plan standards (First and double bedrooms - 11.0 sqm, Single bedrooms - 6.5 sq m).

3.2 The dwelling would be capable of accommodating upwards of 5 persons, meeting the minimum floorspace requirements set out in Camden Planning Guidance (5 persons – 84sqm, 6 persons - 93 sqm) and 1 sqm short of the London Plan standards (5 persons - 100sqm).

3.3 The applicant has submitted a Lifetime Homes statement identifying design features which would maximise accessibility and the site/building's constraints. The proposal largely complies with the Lifetime Homes criteria, however the constraints of the site, in particular the inability to provide a parking space in close proximity and lift within, restrict compliance with criteria Nos.1 and 2. In the context of those constraints, it is considered that the proposal adequately meets all applicable standards and is therefore in accordance with policy DP6, subject to a securing condition.

3.4 In accordance with CPG2 Housing, at 2.6m high all habitable rooms would exceed the minimum headroom of 2.3m.

3.5 The Council expects that all developments will receive adequate daylight and sunlight to support the activities taking place in that building. Residential developments should maximise sunlight and daylight, both within the new development and to neighbouring properties whilst minimising overshadowing or blocking of light to adjoining properties.

3.6 The applicant has submitted a sunlight/daylight report demonstrating the internal BRE levels of the proposed dwelling.

3.7 The ADF method quantifies the level of daylight in a room (kitchen, living room and bedroom), to establish whether each habitable room will have a predominantly day lit appearance. The minimum levels for different room types are Kitchens: 2%; Living rooms: 1.5% and Bedrooms: 1%.

3.8 At ground floor level, the building comprises 2 bedrooms, each serviced by a single window facing north. At first floor level, the building comprises 2 bedrooms, each serviced by a single window facing north or east. At second floor level, the building comprises the living room, serviced by 2 windows facing north and east.

3.9 All rooms comply with the minimum BRE levels required for ADF and those of CPG6. The BRE guide recommends for dwellings ADF to reach 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The ground floor bedrooms would reach 1.0% and 1.7%, the first floor bedrooms would reach 1.6% and 3.5% and the living room/kitchen at second floor level would reach 3.9%.

3.10 In terms of outlook, the dwelling would enjoy dual aspect accommodation of the service yard and semi-private open space to the rear. A balcony at 2<sup>nd</sup> floor level of 5sqm will provide external amenity space.

3.11 The area to the rear (north elevation) is not well overlooked. The metal screen will provide a good level of security and privacy for the house.

3.12 It is considered that the development strikes an acceptable balance between responding to the urban constraints of the site with the need to make full use of the underused and vacant site to deliver much needed housing. The house would benefit from good natural daylight and sunlight which would contribute a new family sized dwelling to Camden's housing stock, in accordance with CS6, DP2 and DP5.

#### **4. Adjacent residential amenity**

4.1 The new dwelling would fill an area between Nos.10, 10a Belmont Street and 21 Ferdinand Street. The dwelling would directly abut the elevations of 10a Belmont Street and 21 Ferdinand Street, whilst sitting on the boundary with 10 Belmont Street.

4.2 The applicant has submitted a ground, first and second floor plan (appendix A) to demonstrate an amalgamated the implementation of all schemes at 10a, 10, 11, 12 Belmont Street and 21a Ferdinand Street. Please note not all works have been approved, but are useful to assess the impact of each proposal.

4.3 With regard to 10a Belmont Street, the dwelling would cover the lightwell and associated windows serving the commercial unit (Class B1 – Marked as 'A' – on amalgamated plans) to the permitted basement extension (2013/1999/P not implemented), 2 rear windows to the main building (serving dressing rooms) and 2 flank windows to the rear extension (serving living rooms - Marked as 'B' – on amalgamated plans) at first floor level and 2 rear windows to the main building (serving dressing rooms Marked as 'C' – on amalgamated plans) and 2 flank windows to the rear extension (serving living rooms) at second floor level.

4.4 With regard to 10 Belmont Street, the flank wall of the new dwelling would not block any windows to this house. The resulting distance between the flank wall (windowless) of the proposed dwelling and 10 Belmont Street would however be reduced from 10m to 4m. Whilst this would see a reduction in outlook to the occupiers of 10 Belmont Street, an existing staircase (associated with 10a Belmont Street) is already at this location. Therefore the proposal would be of no greater detriment than the existing arrangement.

4.5 With regard to 21 Ferdinand Street, its flank elevation is windowless and no windows would therefore be affected.

4.6 Within this context, windows to No.10 Belmont Street and 21 Ferdinand Street would not be obscured to any greater detriment. A number of windows serving residential units of 10a Belmont Street would however be blocked (Marked as 'A, B & C' – on amalgamated plans). However, it is noted that these flats (implemented but as yet unoccupied - 2013/5406/P) would still enjoy dual aspect accommodation, with 6 windows per flat remaining (within the rear extension), looking outward upon the rear yard.

4.7 With regard to privacy, the 5 storey rear extension of 10a Belmont is located within 3m of the façade of 21 Ferdinand Street, where mutual overlooking is an existing arrangement (Marked as 'X' – on amalgamated plans). Whilst the lower floor levels of 21 Ferdinand Street are windowless, the roof extension at second floor level (2011/1026/P) features a fully glazed elevation, albeit set behind a terrace. As a result, the windows serving the flank (north facing) and rear elevation of the 10a Belmont Street rear extension (Marked as 'X' – on amalgamated plans, particularly at second and third floor levels, already allow overlooking to the living accommodation, windows and terrace of 21 Ferdinand



Street.

4.8 The new dwelling would block the 10a Belmont Street windows described above therefore omitting the overlooking towards 21 Ferdinand Street. Although the new dwelling would introduce a window at second floor level on the east facing elevation, which would be closer than those at 10a Belmont Street, it would however be recessed from the front façade and at a particularly oblique right angle to 21 Ferdinand Street. In this respect the proposal obscuring some direct views from 10a Belmont Street would actually be an improvement for the occupiers of 21 Ferdinand Street, whilst the new arrangement would not result in any greater loss of privacy.

4.9 The location of the dwelling in and amongst the surrounding building context would not result in a loss of sunlight, daylight or increase in overshadowing to 21 Ferdinand Street. With regards to 10 Belmont Street, the impact upon the sunlight of the rear facing windows did not form part of the submitted a sunlight/daylight report. Based on an onsite assessment, the proposed house would be of no greater detriment than the existing staircase in situ at 10a Belmont Street.

4.10 The new dwelling would, by virtue of its location abutting the elevations of 10a Belmont Street, cover the lightwell and associated windows to the permitted basement extension, 6 rear windows to the main building and 6 flank windows to the rear extension. Whilst it is acknowledged the development would result in a loss of light to a number of residential units at 10a Belmont Street, the number of windows remaining to each flat would still provide a good level of sunlight and daylight for residential accommodation. With regards to 10 Belmont Street, its outlook would be no less than the existing arrangement, again given that a staircase is currently in situ.

## **5. Transport, access and parking**

5.1 The application site has a PTAL rating of 6 which indicates that it has an excellent level of accessibility by public transport. A number of vehicles are currently able to park within the central courtyard.

### *Car-free development*

5.2 The London Plan 2011 and policy DP18 of the LDF identify that car-free and car-capped should not only be sought for housing but also for developments in general and should be ensured by Boroughs in areas of high public transport accessibility. In accordance with Policies DP18 and DP19, all new residential units should therefore be made car-capped, secured by a Section 106 planning obligation. The applicant has accepted the principle of the car-capped housing and payment of the Council's legal fees.

### *Cycle parking*

5.3 The applicant has provided a Josta 2 tier cycle rack within the development as per CPG 7 (transport). The layout and number of cycle spaces could be secured by way of a condition.

### *Construction Management Plan*

5.4 Due to the scale and likely method of construction, a Construction Management Plan will be required in order to mitigate any adverse impacts, secured by a Section 106 planning obligation.

## **6. Sustainability - resources and energy**

6.1 LDF policies CS13 and DP22 promote higher environmental standards in design and construction and provide details of the sustainability standards the Council expects development to meet. In line with policy DP22 new build housing is currently expected to meet Code for Sustainable Homes Level 4, achieving a minimum 50% credits in the energy, water and materials category. The applicants have submitted a sustainability report that indicates the new house will meet Code Level 4 of the Code for Sustainable Homes with an overall score of 69.05 points, meeting all minimum credits in the energy, water and materials category. A Section 106 Agreement shall secure a commitment to meet Level 4 of the Code for Sustainable Homes as indicated in the pre-assessment and post-construction review.

## **7. Other Material Considerations**

7.1 An informative shall be attached notifying the applicant that:

- Noise from demolition and construction works and sound insulation between dwellings is subject to control under the Building Regulations and/or the London Buildings Acts.
- The proposal may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings and to consult a suitably qualified and experienced Building Engineer.

7.2 A new security gate to the access Ferdinand Street would not be requested in this instance.

### **8. Community Infrastructure Levy (CIL)**

8.1 The proposal will be liable for the Mayor of London's CIL as the development includes the creation of an additional unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £4,950 (99sqm x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

**Recommendation:** Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Construction and Demolition Management Plan
- Commitment to meet Level 4 of the Code for Sustainable Homes as indicated in the pre-assessment and post-construction review
- S106 for car-capped development