

Delegated Report		Analysis sheet	Expiry Date:	1) 31/01/2014 2) 06/02/2014 3) 06/02/2014 4) 31/03/2014
		N/A	Consultation Expiry Date:	1) 30/01/2014 2) 30/01/2014 3) 30/01/2014 4) 27/02/2014
Officer			Application Number(s)	
Gideon Whittingham			1) 2013/7829/P 2) 2013/7991/P 3) 2013/7993/P 4) 2014/0408/P	
Application Address			Drawing Numbers	
10a Belmont Street London NW1 8AN			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
1) Change of use of 1st floor of rear extension from B1 to C3 in association with Flat 3 (consented 2013/5406/P). 2) Change of use of 2nd floor of rear extension from B1 to C3 in association with Flat 5 (consented 2013/5406/P). 3) Change of use of 3rd floor of rear extension from B1 to C3 in association with Flat 7 (consented 2013/5406/P). 4) Change of use of 4 th floor of rear extension from B1 to C3 in association with Flat 9 (consented 2013/5406/P).				
Recommendation:	1, 2, 3, 4) Grant Planning Permission subject to a S106 Legal Agreement			
Application Type:	1, 2, 3, 4) Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	1) 93 2) 93 3) 93 4) 80	No. of responses	1) 02 2) 02 3) 02 4) 01	No. of objections	1) 02 2) 02 3) 02 4) 01
Summary of consultation responses:	<p>2013/7829/P - An objection was received from the occupiers of 8A Belmont Street and 25 Horsell Road (Islington):</p> <ul style="list-style-type: none"> • Loss of privacy and noise disturbance (Para 4.1-4.3) • Insufficient parking (Para 6.1) • Overworked infrastructure (Para 2.1-2.7) <p>2013/7991/P - An objection was received from the occupiers of 8A Belmont Street and 25 Horsell Road (Islington):</p> <ul style="list-style-type: none"> • Loss of privacy and noise disturbance (Para 4.1-4.3) • Loss of B1 office accommodation (Para 2.1-2.7) <p>2013/7993/P - An objection was received from the occupiers of 8A Belmont Street and 25 Horsell Road (Islington):</p> <ul style="list-style-type: none"> • Loss of privacy and noise disturbance (Para 4.1-4.3) • Loss of B1 office accommodation (Para 2.1-2.7) <p>2014/0408/P - An objection was received from the occupier of 25 Horsell Road (Islington):</p> <ul style="list-style-type: none"> • Loss of privacy and noise disturbance (Para 4.1-4.3) • Loss of B1 office accommodation (Para 2.1-2.7) 					
CAAC/Local groups comments:	No responses received.					

Site Description

The application site comprises a 7 storey at 10a Belmont St that was formerly a piano factory and is now authorised for both commercial (light industrial businesses) and residential uses. A single storey building at the front is excluded from the application site and a forecourt at the front of 10a is used for servicing and deliveries to the building. A yard at the rear part of the site is used for servicing and deliveries but only part of this area forms part of the application site (where the rear extension is located). Several businesses and residential uses in buildings that are excluded from the application site abut this yard and use it for access, servicing and deliveries. The yard is accessed via a relatively narrow access road from Ferdinand Street and an undercroft beneath 27 Ferdinand St.

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. There is a large hostel fairly close by at 92 Belmont St and the Charlie Ratchford Centre for the elderly is also on Belmont St to the north west. 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 St, with shops and town centre uses fronting Chalk Farm Rd. 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.

Originally the area comprised terrace houses arranged around a square. This urban form is still evident with many of the buildings on Belmont Street being survivors from this period. To the south of the site lies the Regent's Canal Conservation Area. Harwood 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.

Relevant History

10a Belmont Street:

- 2013/7971/P - Alteration to external staircases on north facing (flank) and east facing (rear) elevations for provision of balconies as amenity terraces for new flats at 1st to 6th floor levels. Granted on 28/04/2014.
- 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.

Reasons for refusal:

1) In the absence of an agreed s106 planning obligation, suitable mitigation measures are not secured to mediate against the additional parking stress and congestion on the local highway network as a result of the development and therefore it fails to comply with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

2) The proposal fails to make adequate provision for accessible cycle parking for the proposed units and would therefore fail to encourage sustainable forms of transport as a result the development fails to comply with Class J2(a) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 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.

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

21a Ferdinand Street:

- 2014/0082/P - Erection of 3 storey 4 x bedroom dwellinghouse. Application yet to be determined

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 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)

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)

CS16 (Improving Camden's health and well-being)

CS19 (Delivering and monitoring the Core Strategy)

DP2 (Making full use of Camden's capacity for housing)

DP3 (Contributions to the supply of affordable housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP13 (Employment sites and premises)

DP16 (The transport implications of development)

DP17 (Walking, cycling and public transport)

DP18 (Parking standards and the availability of car parking)

DP19 (Managing the impact of parking)

DP20 (Movement of goods and materials)

DP21 (Development connecting to the highway network)

DP22 (Promoting sustainable design and construction)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP32 (Air quality and Camden's Clear Zone)

Camden Planning Guidance 2011/2013:

CPG1 Design, CPG2 Housing, CPG3 Sustainability, CPG6 Amenity, CPG7 Transport, CPG8 Planning Obligations

Assessment

1. Proposal:

1.1 The application proposes:

- The change of use of 1st floor of rear extension (78sqm) from B1 to C3 in association with Flat 3 (consented 2013/5406/P) to create flat of approximately 259sqm.
- The change of use of 2nd floor of rear extension (78sqm) from B1 to C3 in association with Flat 5 (consented 2013/5406/P) to create flat of approximately 270sqm.
- The change of use of 3rd floor of rear extension (78sqm) from B1 to C3 in association with Flat 7 (consented 2013/5406/P) to create flat of approximately 265sqm.
- The change of use of 4th floor of rear extension (78sqm) from B1 to C3 in association with Flat 9 (consented 2013/5406/P) to create flat of approximately 264sqm.

1.2 No external alterations are sort as part of this application

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

- Land use - Loss of employment floorspace
- Provision and quality of residential accommodation
- Adjacent residential amenity

- Design related issues/townscape
- Transport, access and parking
- Affordable Housing
- Community Infrastructure Levy (CIL)

2. Land use – Loss of office accommodation

2.1 The proposal relates to the 5 storey extension approved in 2011 (2011/4415/P) which provides 378sqm of office floorspace, albeit currently under construction.

2.2 The proposal would seek to change the use of the first to fourth floor levels to provide additional residential floorspace to the main building. The ground floor area of the extension would remain in office use.

2.3 The proposal would therefore result in the loss of employment floorspace, which is considered on the basis of policies CS8 and DP13. Policy CS8 seeks to secure a strong economy in the borough by (amongst other things) safeguarding existing office premises in the borough which meet the needs of modern industry and employers. However, more specifically paragraph 8.8 indicates that the Council are promoting sufficient office space to meet projected demand, and so there is a general presumption that older office spaces can be released where housing or community uses are proposed. DP13 indicates circumstances under which the Council may change to non-business use, namely where premises are not suitable for their existing use and there is evidence that the possibility of re-using or redeveloping the site for alternative business use is not appropriate.

2.4 In assessment of CS6 and DP13, the preference would be to retain employment floorspace.

2.5 However within given that:

1. The proposal would remove additional, albeit as yet to be completed, commercial floorspace only;
2. The access arrangement, both internal and external, would not be suitable to divide floor levels for independent occupiers;

2.6 The loss of the employment floorspace in this instance would be acceptable without undermining the aims of CS6 and DP13.

2.7 Given that the loss of employment floorspace is considered to have been justified, the principle of Class C3 accommodation is appropriate and in line with DP13, CS6 and DP2. Housing is the priority land use of the LDF and this proposal would add to the housing stock in the borough.

3. Provision and quality of accommodation

3.1 The submitted information suggests the proposal would provide additional accommodation at first floor level for a 4 bedroom flat of 259sqm, a second floor 4 bedroom flat of 270sqm, a third floor 4 bedroom flat of 265sqm and a fourth floor 4 bedroom flat of 264sqm. In each instance the flats would meet the minimum floorspace requirements according to the CPG standards.

3.2 The newly extended units would all enjoy dual aspect accommodation. It is considered that the levels of daylight to the proposed units would comply with CPG standards and provide an adequate level of residential amenity.

3.3 All habitable rooms should have minimum headroom of 2.3m. The exceptions are habitable rooms in existing basements, which may have 2.1m headroom. In this instance all units would comply.

3.4 Within this context, it is considered each of the proposed units would provide good habitable accommodation to Camden's housing stock.

3.5 The matter of privacy and overlooking for prospective occupants shall be covered in the 'adjacent

residential amenity' section.

4. Adjacent residential amenity

4.1 The 5 storey rear extension is located within 3m of the façade of 21 Ferdinand Street. Whilst the lower floor levels of 21 Ferdinand Street are windowless, the roof extension (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 rear extension, particularly at third and fourth floor levels, allow mutual overlooking to the respective habitable areas. To reasonably mitigate this issue, a condition shall be attached securing obscurely glazed windows to the north facing elevation of the five storey rear extension.

4.2 With regard to 17 Ferdinand Street, the approval in 2012 (2012/2578/P) includes a 4 storey residential development, set 4m from the façade of 10a Belmont Street. Given this proximity, the windows serving the flank (south facing) and rear elevation of the rear extension, particularly at first, second and third floor levels, allow mutual overlooking to the habitable areas of 17 Ferdinand Street and 10a Belmont Street. Given this is an existing situation, no additional measures shall be imposed.

5. Design related issues/townscape

5.1 Whilst no external alterations have been sought, the installation of obscure glazing shall benefit the amenity levels enjoyed by the adjacent residential occupiers. Such an alteration would appropriately relate, without harm to the building character and appearance.

6. Transport, access and parking

6.1 Flats, 3, 5,7 & 9 have been made car-free, secured by a Section 106 planning obligation as part of 2013/5406/P. Given the proposal would provide each of these flats with additional floorspace, an additional car-free agreement would not be required.

7. Affordable Housing

7.1 Legal agreements associated to applications 2011/4415/P and 2012/6866/P maintained an obligation to the owner that, if at any time permission granted provided additional residential units or floorspace for residential purposes which exceeds the Council's policies on contributions to supply Affordable Housing, the owner shall enter an agreement to secure a an on-site, off-site or financial contribution.

7.2 In this instance, the implementation of 2011/4415/P and 2012/6866/P and the current applications (2013/7829/P, 2013/7991/P, 2013/7993/P, 2014/0408/P) would provide 1,272sqm GEA of residential floorspace providing 13 flats cumulatively and therefore trigger the associated Legal Agreements to the owner Risetall Ltd.

7.3 The main land-use policy considerations for the residential development of the site relate to policy CS6 (Providing quality homes) of the Core Strategy and policies DP2 (Making full use of Camden's capacity for housing), DP3 (Contributions to the supply of affordable housing) and DP5 (Homes of different sizes) of the Development Policies document. Camden Planning Guidance 2 (Housing) sets out the necessary guidance for the delivery of housing and accommodation standards.

7.4 Policy CS6 seeks all developments with a capacity to provide 10 units or more (or 1,000sqm GEA or more) to make a contribution to affordable housing. The proposed development would provide 13 flats totalling 1,272sqm GEA. In assessment of the DP3, the proposal would require 13% of the floorspace (165sqm) to be delivered as affordable housing on site, or 15% of the floorspace (191sqm) off-site.

7.5 Given the problematic history of providing affordable housing on site and in the knowledge that the applicant does not own any other buildings within the administrative boundary of Camden which could feasibly be used to provide the requisite residential accommodation, it is considered that it would be not be reasonable to expect further affordable housing tenures to be secured as part of the development. The Council will therefore accept deferred affordable housing contributions.

Payment in lieu

7.6 For a primarily residential scheme with a non-residential element, if the Council agrees that a payment in lieu of affordable housing is appropriate, the level of payment will be guided by policy DP3 and the figure of £2,650 per sqm of on-site target for affordable housing.

The contribution has therefore has been calculated as:

Total net additional floorspace GEA	1,272sqm
Requirement for housing (13% of net additional floorspace)	165sqm
Affordable floorspace GEA provided on site	0sqm
Affordable floorspace GEA shortfall	165sqm
Camden multiplier for payment-in-lieu calculation (165sqm x £2,650)	£437,250
<u>Contribution:</u>	<u>£437,250</u>

7.7 In this instance the applicant has confirmed that they are willing to making a £437,250 housing contribution in full.

8. Community Infrastructure Levy

8.1 The proposal will be liable for the Mayor of London's CIL Based on the Mayor's CIL charging schedule and the information given on the plans the charge is likely to be £15,600 (312sqm x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, or and indexation in line with the construction costs index.

9. Other Matters

9.1 An informative shall be attached notifying the applicant that aspects including safety, fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings is subject to control under the Building Regulations and/or the London Buildings Acts.

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

- **Financial contribution of £437,250 in lieu of provision of housing provision;**