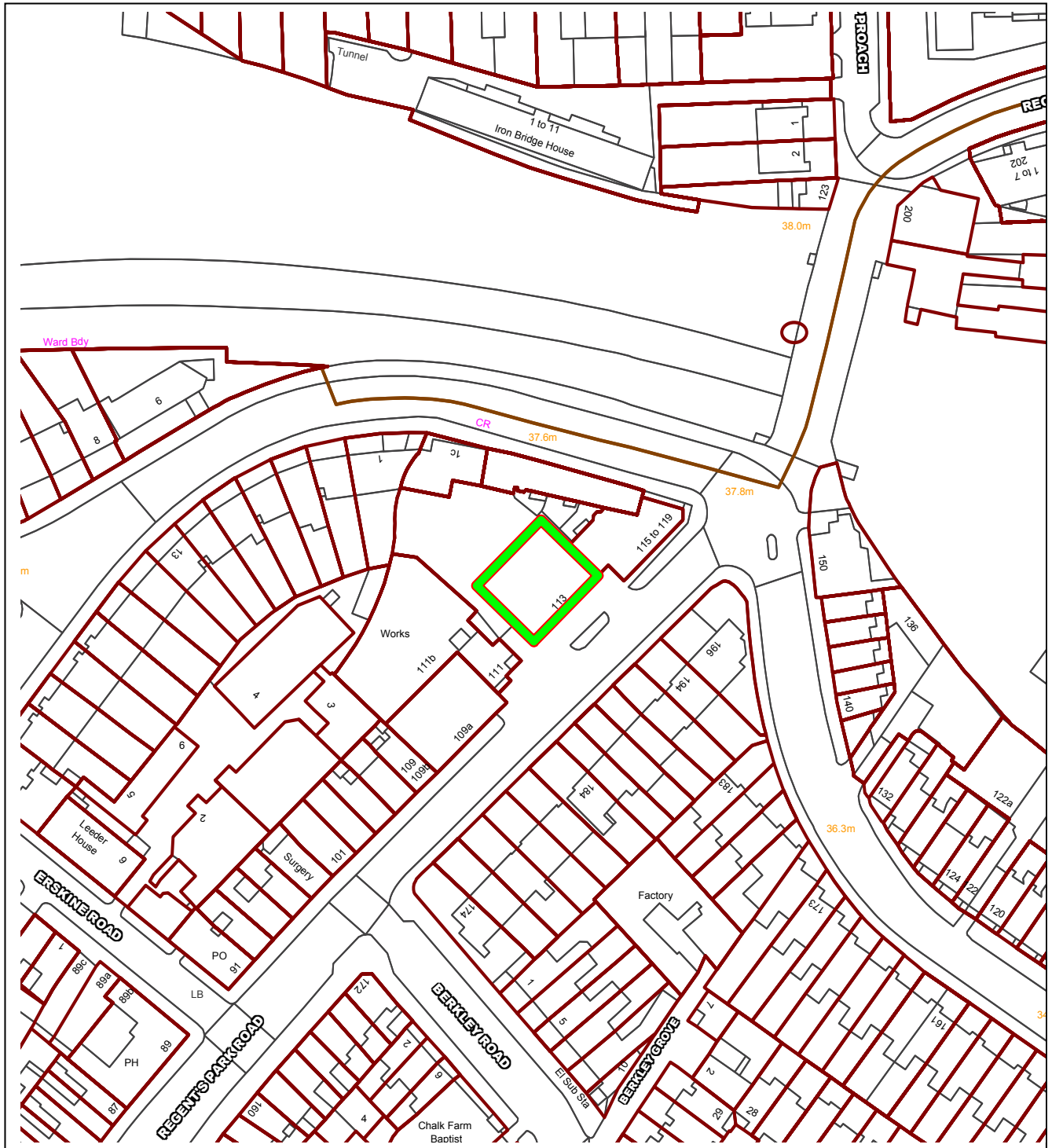


113 Regents Park Road - 2014/7596/P



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Members Briefing Report		Analysis sheet		Expiry Date:	03/02/2015
		N/A		Consultation Expiry Date:	26/2/2015
Officer			Application Number(s)		
Nanayaa Ampoma			2014/7596/P		
Application Address			Drawing Numbers		
113 Regent's Park Road London NW1 8UR			See draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Alterations to shopfront including landscaping and associated works to the car parking and works to building fenestration.					
Recommendation(s):		Grant Full Planning Permission Subject to a S106			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	40	No. of responses	12	No. of objections	12
			No. electronic	00		
Summary of consultation responses:	The application was published in the Ham and High between 22/02/2015 and 12/02/2015.					
	A Site Notice was also displayed at the site for a period of 21 days between 21/01/2015 and 11/02/2015.					
	Neighbour comments have been received from:					
	<ul style="list-style-type: none">- 3 Erskine Road London NW3 3AJ- Penthouse A, 1B King Henry's Rd NW3 3QP- 14 Chesterfield House, 1B King Henry's Road NW3 3QP- 5 Ainger Rd. NW3 3AR- 45 Princess Road NW1 8JS- 26 Lower Merton Rise London NW3 3SP- Basement Flat 126A Gloucester Avenue London NW1 8JA- 1 Egbert Street NW1 8LJ- 47 Kingstown Street London- 17a Princess Road London NW1 8JR- 74 Gloucester Avenue London NW1 8JD- Flat 6 47 Regent's Park Road					
	These objections can be summarised as follows:					
	<ul style="list-style-type: none">- Ground floor is retail- Object to loss of retail at ground floor- Permission is already having an effect on the area as the nearby Utopia Village has closed in expectation that the property will become residential.- Development would lead to the loss of jobs- Bibendum also use their forecourt for charity fund raising events and this is important to the community.- Plans indicate that the proposed car park space number nine abuts the rear gardens of the properties at King Henry's Road. Therefore development may lead to the loss of the rear right of way and access to the garages.- Windows at north and west elevation should remain as is in respect of privacy to residents.- The proposed plant, cooling and tank rooms as well as bike storage should be moved to the other side of the building closer to the officers.- Previous developers have applied for and got planning permission in this area and then once permission has been got they then continually add to the plans and alter them to their benefit and the					

detriment of residents. A condition could be placed on the building not allowing any further development of the site as it's been a bit relentless.

- Access needs to remain for the two garages at the rear of Bibendum in order to stop anti-social behaviour.
- The building frontage is much loved if the application is approved it would be a terrible loss to a wonderful neighbourhood.
- We need more shops in the area
- The proposed alterations are unnecessary
- The application is no longer relevant because the sister application 2014/7695/P, has been withdrawn
- The building frontage is an important part of the visual and historic fabric of this conservation area.
- The building was previously used for toxic substances and so a contamination report should be submitted.
- New residential use at the car park is likely to lead to greater noise.

Officer response: *The application forms part of a number of successive applications for Prior Approval and Full Planning permissions at the site. The linked application 2014/7695/P (which was withdrawn) related to the Prior Approval for office to residential for the whole unit. This has since been resubmitted under references 2015/2726/P and 2015/2727/P which have been granted. There is no change of use proposed under this application. Therefore the use of the ground floor and the loss of A1 and potential impact on the high street is not relevant.*

*Please see section titled **Design** for comments on the acceptability of the front fenestration changes.*

Issues of contamination are not relevant here as there is no change of use proposed. There will be no change to the rear parking area. The original plans indicated that there would be issues of access for the residential garages and right of way; however this has been explained as a drawing error and amended plans have been submitted. Officers have taken the view that it would be unreasonable to force the applicant to move the plant and cooling systems to the opposite side of the property or use the forecourt for charity as it would not be enforceable. In addition, it would be unreasonable to condition the application so that no future application under Section 73 (Minor Material Amendment) or Section 96A (Minor Material Amendment) can be made as each application must be considered on its merits.

*There will be no changes to the current obscure nature of the windows at north and west elevation. Also, see section titled **Amenity**.*

The level of noise envisaged from the use of the car parking for residential purposes is not considerable significantly more than the current commercial use. Even though it would mean parking at night it is not unusual for residential properties to be very close to parking i.e street parking or nearby residential group garages. Notwithstanding the above the application is for external changes only.

<p>CAAC/Local groups* comments: *Please Specify</p>	<p>CAAC: The building is acknowledged as making a positive contribution to the conservation area, and that its shopfront is formally categorised as a shopfront of merit in the Primrose Hill Conservation Area Statement (p. 26). It is noted as a former petrol station (p.19), and its distinctive character is carried through in its use of redbrick with glazed elements at string lines and tympanum, and bold use of brick piers at ground level reflecting the need for wide span openings for vehicles. All these elements form a coherent elevation, which are significant as contributing to the character and appearance of the heritage asset.</p> <p>We therefore object to the heavy, over-dominant, forms of the entrance now proposed, which diminish the significance of the original brick piers and perception of the scale of the central opening, and so harm the significance of the main lines of the original elevation.</p> <p>We are also concerned by the implications of the insertion of a lift for any overrun structure on the roof, which is visible in long views.</p> <p>Officer response: <i>The proposed lift has been removed from the application. Please see section titled Design for comments on external works.</i></p>

Site Description

The application site is occupied by a detached two storey Victorian warehouse style building, with a mansard roof extension. The area around the building is of mixed use character with residential and commercial uses in close proximity.

The site was previously industrial and was refurbished in the early 1980s into a showroom and offices. The site is currently used by a wine merchant.

The application site falls within the Primrose Hill Conservation Area. The building is not listed. However the property has been identified as a positive contributor under the Primrose Hill Conservation Area Appraisal (p.26)

Relevant History

2015/2726/P: Change of use of ground floor from office (Class B1a) to 2 residential units (Class C3).
– **Granted 14/07/2015**

2015/2727/P: Change of use of first and second floors from office (Class B1a) to 6 residential units (Class C3).- **Granted 14/07/2015**

2015/2546/P: Use of ground floor as offices (Class B1). – **Pending consideration**

2014/7695/P: Change of use from offices (B1) to 8 residential units (2 x 3 bedroom, 4 x 2 bedroom, 2 x 1 bedroom, class C3) - **Withdrawn**

9400518: Application for certificate of lawfulness for use as retail on ground floor and offices on first floor. (Plans submitted) – **Granted 18/04/1994**

31938/R2: Refurbishment of the existing industrial accommodation, together with refurbishment, conversion and extension of other accommodation to provide showrooms (ground floor and basement of Nos 115 & 117 Regents Park Road), Estate Agents office, ground floor and basement (119 Regents Park Road) and 26 flats and the provision of a new means of access to King Henry's Road.- **Granted 20/02/1981**

Relevant policies

National Planning Policy Framework (2012)

The London Plan March 2015 consolidated with alterations since 2011

LDF Core Strategy and Development Policies

Core Strategy (2010)

CS5 Managing the impact of growth and development

CS11 Promoting sustainable and efficient travel

CS14 Promoting high quality places and conserving our heritage

CS19 Delivering and monitoring the Core Strategy

Development Policies (2010)

DP20 Movement of goods and materials

DP24 Securing High Quality Design

DP25 Conserving Camden's Heritage

DP26 Managing the impact of development on occupiers and neighbours

Supplementary Planning Policies

CPG 1 Design (2014)

CPG 6 Amenity (2011)

CPG 7 Transport (2011)

Primrose Hill Conservation Area Statement (2000)

Assessment

Proposal

- 1.1 The application seeks planning permission for works to the external fabric of the building to its east, south and west elevations. Also, landscaping to the front of the property, four rooflights and works to the parking area at the front of the property.
- 1.2 At the rear, the application proposes to introduce a new window to align with the windows at ground floor. Four new windows are also proposed to the south of the property. At the front elevation (east) new windows and doors would be introduced.
- 1.3 No changes are proposed to the north elevation. There are currently fourteen car parking spaces at the site, however after the landscaping works this will be reduced to eight.

Amendments

- 2.1 The original application hoped to create clear glazing on all the windows to the rear and side of the site at the north and west elevations. Through discussions it has been agreed with the applicant that currently obscured windows at these elevations will remain as such to help ensure that the current level of neighbour privacy at the site is maintained.
- 2.2 The main areas of consideration are:
 - Design
 - Amenity
 - Highways

Design

- 3.1 Policy CS14 requires that all alterations in conservation areas respect and enhance the character of the area and location. The Council will only give permission to those developments that preserve or enhance the character and appearance of the area. This is further supported by policies CS5 of the Core Strategy and DP24 and DP25 of the Development Policies which state that the Council will require all developments including alterations and extensions to existing buildings, to be of the highest design standards in terms of the character, siting, context, form and scale to the existing building and the general area.
- 3.2 The proposed alterations to the building are considered in keeping with the character of the property. The proposed rooflights would not be visible. The proposed new windows at south and west elevations are in keeping with what is currently at the site and are positioned in line with the existing. When completed these windows will relate well with both elevations. The most significant alteration relates to the front (east) elevation. At present there is continuous glazing at the ground floor divided only by 2 stacked brick pillars which carry through to the first floor. These pillars would remain. The large Bibendum fascia sign would be removed leaving a more traditional industrial building. The proposed new glazing would be positioned in the same area as the existing windows. New sliding doors will be introduced and dark grey anodised metal panels would be inserted above each window. These changes are considered to respect the proportions of the existing building and the proposed materials relate well with the property.
- 3.3 As a result, the proposed alterations to the building fenestration would be in keeping with the area and the unique character of the property and is supported on design grounds. Furthermore the proposed development would preserve the character and appearance of the conservation area as

required by the above policies.

Amenity

- 4.1 Under section 7 of supplementary planning guidance CPG 6 (Amenity), all developments are required to have some regard for the amenity of existing and future occupants. Policies CS5 (Core Strategy) and DP26 (Development Policies) state that the council will protect the quality of life for existing and future occupiers, as well as neighbours by only granting permission for those developments that would not have a harmful effect on amenity. Such issues include visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels.
- 4.2 The current amenity arrangements in the area would remain much as present with no change to sublight and outlook for neighbours. However, objections have been received concerning the possible loss of privacy at the west elevation. These windows are currently obscured and will remain so. The newly proposed windows to the south of the site would face the property at 111 Regents Street. However this is a commercial premises and is therefore not afforded the same protection from overlooking from adjoining buildings. Therefore the proposals are not considered to result in an increased opportunity for overlooking to neighbouring residential properties compared to the existing situation.
- 4.3 Comments have been received regarding noise from the proposed cooling and plant systems at basement level. Concerns have been raised that they may produce unnecessary noise to nearby residents. The Noise Assessment submitted demonstrates that the total noise impact of the units when used in standard mode during the day and night is below the Council's noise requirements. The council's Noise Officer has also confirmed that the proposal is acceptable with condition that the noise is kept below the Council's normal maximum standard. This condition has been attached in order to respect the existing amenity arrangements in the area.

Highways

- 3.1 The application is supported by the Highway Officer subject to a S106 agreement for Construction Management Plan and highways contributions of £14,261.94 which are all considered pivotal to any approval.
- 3.2 The application site is located within a conservation area and is in a residential shopping street. In cases such as these where the construction impact may be particularly significant, Camden will seek to ensure that any impact is properly managed by the developer through compliance with a Construction Management Plan ("CMP") and Highways Contributions are secured. The proposed contributions allow the Highways Authority to collect fees to be used in the event that the highways is damaged by the development, while the CMP ensures that the works are carried with care to the highways. The potential impacts for the proposed internal and external works include traffic generation from removal and delivery of materials on and off site, excavating the kerb and footway, disposal of material and cement, concrete and granite works. These works could also result in traffic disruption and dangerous situations for pedestrians and road users. Therefore in accordance with policies CS5, CS11, CS19, DP20, and DP26 and CPG7 contributions and a CMP are required. In addition, it is considered that these requirements cannot be secured via condition and must be secured via S106.
- 3.3 This is because under the Planning Act conditions are used to control matters on land within the developers' control. However, a CMP and highways contributions are designed to be an enforceable and precise document setting out how measures will be undertaken not just on site, but also around the site in order to minimise as far as is reasonable, the detrimental effects of construction on local residential amenity and/or highway safety on the nearby roads. Hence,

using a condition to secure the type of off-site requirements usually included in a CMP would in this case be unenforceable.

- 3.4 As such, a Section 106 Agreement (rather than a condition) is the most appropriate mechanism in this instance. This is in accordance with National Planning Policy Guidance where it states as an example of an unacceptable condition, is one requiring loading and unloading and the parking of vehicles not to take place on the highway, as it purports to exercise control in respect of a public highway which is not under the control of the applicant.

Conclusion

- 5.1 In light of the above, the proposed development is in general accordance with policies CS5, CS11, CS14 and CS19 of the London Borough of Camden Local Development Framework Core Strategy (2010), and policies DP20, DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies (2010).
- 5.2 The proposal would have an acceptable impact on the conservation area, neighbour amenity and the highways subject to the recommended conditions and obligations.

Recommendation – Grant conditional permission subject to a Section 106 with the following Heads of Terms:

- Construction Management Plan
- Highways contributions

|

DISCLAIMER

Decision route to be decided by nominated members on Monday 20th July 2015. For further information please click [here](#)

Rear/west elevation



Side/south elevation of property



Neighbouring shops

JLL
30 Warwick Street
London
W1B 5NH

Application Ref: **2014/7596/P**

16 July 2015

Dear Sir/Madam

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
113 Regent's Park Road
London
NW1 8UR

Proposal:

Alterations to shopfront including landscaping and associated works to the car parking and works to building fenestration.

Drawing Nos: Existing: (01)-E-001, (01)-E-002 Rev A, (01)-E-003, (01)-E-004, (01)-P-0B0 Rev A, (01)-P-0G0, (01)-P-001, (01)-P-002, (01)-P-003, (01)-S-001 Rev B, (01)-S-002 Rev B, (01)-X-001, Proposed: (03)-S-01 Rev E, (03)-P-01 Rev E, (03)-P-06 Rev C, (03)-E-01 Rev D, (03)-E-02-Rev D (03)-E-03 Rev C, (03)-E-004 Rev C, (03)-P-02-Rev D, (03)-P-03-Rev C, (03)-P-04-Rev C, Environmental Noise Assessment and CIL form

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Existing: (01)-E-001, (01)-E-002 Rev A, (01)-E-003, (01)-E-004, (01)-P-0B0 Rev A, (01)-P-0G0, (01)-P-001, (01)-P-002, (01)-P-003, (01)-S-001 Rev B, (01)-S-002 Rev B, (01)-X-001, Proposed: (03)-S-01 Rev E, (03)-P-01 Rev E, (03)-P-06 Rev C, (03)-E-01 Rev D, (03)-E-02-Rev D (03)-E-03 Rev C, (03)-E-004 Rev C, (03)-P-02-Rev D, (03)-P-03-Rev C, (03)-P-04-Rev C, Environmental Noise Assessment and CIL form

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 The developer must provide an intrusive pre-demolition and refurbishment asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and shall be submitted to the LPA and must be approved prior to commencement of the development. The scheme as submitted shall demonstrably identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. Detailed working methods are not required but the scheme of mitigation shall be independently verified to the satisfaction of the LPA prior to occupation.

Reason: To protect future occupiers of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the [adjoining] premises [and the area generally] in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Culture and Environment Directorate