

Delegated Report (Refusal)		Analysis sheet		Expiry Date:	12/08/2016
		N/A /		Consultation Expiry Date:	17/06/2016
Officer			Application Number(s)		
Raymond Yeung			2016/2896/P		
Application Address			Drawing Numbers		
1A Glastonbury Street London NW6 1QJ			See decision notice.		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Redevelopment of the site to provide a 3 storey 2 bedroom dwellinghouse with basement (following the demolition of commercial garage premises) with associated cycle storage and amenity space.					
Recommendation(s):		Refuse			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	06	No. of responses	6 (not including multiple letters from individual neighbours)	No. of objections	6
					No. of comments	0
Summary of consultation responses:	<p>6 neighbouring objections were received from occupiers of Nos. 34, 36, 45 Ravenshaw Street, 4 Glastonbury Street, 13 Ellerton (30 Mill Lane), 10 Abbey view.</p> <p>The objection matters raised during the consultation process include the following:</p> <ul style="list-style-type: none"> - The change of use and loss of employment within the working garage <p>Officer's response: See section 2; Principle of development</p> <ul style="list-style-type: none"> - Poor amenity allowed in the rooms to the potential occupiers <p>Officer's response: See section 3; Quality of accommodation</p> <ul style="list-style-type: none"> - Poor design and access - Scale, mass and height of the building - Empty section within the roof pitch <p>Officer's response: See section 4; Design</p> <ul style="list-style-type: none"> - Loss of light and outlook <p>Officer's response: See section 5; Amenity</p> <ul style="list-style-type: none"> - Extensive excavation impact and safety - Construction and structural stability and safety - Basement construction is not normal within the area <p>Officer's response: See section 6; Basement Impact Assessment</p> <ul style="list-style-type: none"> - Noise, disturbance and other disruptions from construction - Some inaccuracies in description of report and plans <p>Officer's response: With particular regard to discrepancies and noise and disturbance comments are acknowledged however would not hold significant weight in assessing this application to warrant a refusal. However they would be dealt with and clarified by other means.</p>					

**CAAC/Local groups
comments:**

None received from CAAC/Local Groups.

Councilor Lorna Russell objects:

- Basement excavation would have impact on neighbours and subsidence
- Building would overshadow the neighbours and reduce sunlight and outlook
- The removal of garage for a smaller boundary wall would be a security risk

Site Description

This application relates to a triangular plot of land which is currently occupied by single storey garage within an existing employment use (B2). It lies adjacent to a terrace of buildings at 1-5 Glastonbury Street and borders the rear gardens of 36-42 Ravenshaw Street.

Although the site does not fall within a conservation area, it is located within a uniform pattern of buildings, containing some architectural merit. The south side of the street to which the application property adjoins is characterised by a period terrace of uniform character, constructed circa 1950's. The North side of the street is characterised by a 3m high brick wall enclosing a listed primary school behind.

Relevant History

2014/7654/P - Change of use and redevelopment of site, including works of excavation, to provide a 3 storey with basement (1 x 3 bed) dwelling house (following the demolition of commercial garage premises). Refused 27th April 2015.

Refusal reasons:

- 1. The proposed development, by reason of the loss of employment floorspace in the form of a vehicle repair garage (Class B2) which remains suitable for continued use, would fail to support economic activity in Camden particularly small and medium sized businesses and would result in the loss of employment opportunities.*
- 2. The proposed building, by reason of its inappropriate height, bulk, massing and detailed design fails to relate to the context of the adjoining terrace, to the detriment of the character and appearance of the surrounding area.*
- 3. The proposed building by reason of its height and proximity to the neighbouring buildings results in a harmful loss of outlook to the adjoining neighbours on Ravenshaw Street.*
- 4. The proposed residential unit, by reason of its low ceiling heights, lack of outdoor amenity space, and lack of natural daylight and outlook from the basement habitable rooms, would result in sub-standard accommodation that would fail to provide an acceptable level of residential amenity to their occupants.*
- 5. The Basement Impact Assessment fails to demonstrate that the proposed development would maintain the structural stability of the neighbouring properties; would avoid adversely affecting drainage and run-off causing other damage to the water environment; and avoid cumulative impacts upon structural stability or the water environment in the local area.*
- 6. The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally.*
- 7. The proposed development, in the absence of a legal agreement to secure 'car-free' housing, would be likely to contribute unacceptably to parking congestion in the surrounding area and promote the use of non-sustainable modes of transport.*
- 8. The proposed development, in the absence of a legal agreement securing a design and post-construction sustainability review achieving Level 4 in a Code for Sustainable Homes Assessment.*

Relevant policies

LDF Core Strategy and Development Policies

Core strategy:

CS1- Distribution and growth
CS5- Managing the impact of growth and development
CS6 – Providing quality homes
CS8 - Promoting a successful and inclusive Camden economy
CS10- Supporting community facilities
CS11- Promoting sustainable and efficient travel
CS13- Tackling climate change through higher environmental standards
CS14 – Promoting high quality places and conserving our heritage
CS15- Protecting and improving our parks and open spaces & encouraging biodiversity
CS19- Delivering and monitoring the Core Strategy

Development policies:

DP2- Making full use of Camden's capacity for housing
DP5- Homes of different sizes
DP6- Lifetime homes and wheelchair homes
DP13 - Employment sites and premises
DP17-Walking, cycling and public transport
DP18- Parking standards and limiting the availability of car parking
DP19 - Managing the impact of parking
DP20- Movement of goods and materials
DP22- Promoting sustainable design and construction
DP23- Water
DP24- Securing high quality design
DP26- Managing the impact of development on occupiers and neighbours
DP27- Basement and lightwells
DP29- Improving access

Camden planning guidance 2013 and 2015:

CPG1 (Design)- Chapters: 1; 2; and 6
CPG2 (Housing) – Chapters: 4 and 5
CPG3 (Sustainability)
CPG4 (Basements)
CPG6 (Amenity)- chapters 6 & 7
CPG7 (Transport) –Chapters 7 and 9
CPG8 (Planning obligations)- Chapters 3, 4, 7, 10 and 11

The London Plan 2016

Policies 3.3, 3.4, 3.5, 5.3, 5.18, 6.9, 6.10, 6.13, 7.4,7,6, 8.2

NPPF 2012

London Housing SPG

Fortune Green and West Hampstead Neighbourhood Plan Policies 1, 2, 7 & 12.

Assessment

1. Proposal

1.1 The proposal is for a change of use from B2 commercial garage premises to provide a 3 storey with basement (1 x 3 bed) dwelling house following demolition and redevelopment of the site.

1.2 The key issues to consider are:

- The principle of the development
- The impact on the general area, the character, appearance and setting of the area.
- Quality of residential accommodation and lifetime homes
- Amenity
- Sustainability
- Transport
- Contamination
- Other

2. The principle of the development

2.1 Policies CS6 and DP2 seek to make full use of Camden's capacity for housing, by maximising the supply of additional housing within the borough. Although housing is considered to be a priority land-use, commentary in paragraph 2.8 in DP2 stipulates that it should be considered with the need to respect the characteristics of the area and the site or property.

2.2 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions to existing buildings are proposed. The following considerations contained within policies CS6, CS13 of the Core Strategy, policies DP2, DP13, DP16, DP18, DP22, DP24, DP6 of the Development Policies Document are relevant to the application.

2.3 The proposed development should consider the principle of the loss of an employment unit and its replacement with a residential home, the impact of the development on the character, setting, context and the form and scale of neighbouring building, the transport impacts of the development.

2.4 Policy DP13 (Employment premises and sites) seeks to protect employment uses irrespective of their location. Camden has a very restricted supply of sites and premises for light industrial. This means that there is a high level of demand for the remaining sites.

2.5 To comply with the policy DP13, it should be demonstrated that; a) it can be demonstrated to the Council's satisfaction that a site or building is no longer suitable for existing business use and there is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time

2.6 The applicant has provided information that they have advertised on the site and in the press, however, there is no detailed information provided regarding how much they advertised this for nor whether such advert generated interest apart from a single statement from a director of an estate agent/surveyor firm to say there has not been any interest in the site. Therefore, the marketing information submitted is not considered to be sufficient.

2.7 The applicant provided details within a letter that the garage is considered inadequate for

continued use, but has not provided detailed calculations for financial viability or research/exploring/interest to refurbishment of garage/offices or to demolish and rebuild as offices.

2.8 With the above taken into consideration, the change of use of the application site is not acceptable in principle and therefore is contrary to policy DP13 and CPG5 in that it has not been sufficiently demonstrated that it could not be suitably retained for a commercial space.

3. Quality of accommodation

3.1 The overall floorspace proposed is 86.5m² for a 2 bedroom dwelling. The development is therefore considered to comply with the requirements of CPG2-residential development standards, the nationally described space standards and the London Plan standards.

3.2 The habitable rooms on the ground and first floor are all single-aspect and north facing, and their provision of light and outlook is therefore questionable.

3.3 The proposed basement rooms would have north-facing pavement lights to serve it, these would be within the front garden area are enclosed by the proposed front boundaries. The bedroom would benefit from an opening into a sunken garden, however, this would be fully enclosed. The proposed provision of light and outlook would be poor leading to a substandard level of living accommodation.

3.4 The floor to ceiling heights are considered to be unacceptable at basement level which would only measure 2.1 metres in height which is contrary to CP2 paragraphs 4.10 and 4.11 which requires a minimum floor to ceiling height of 2.3 metres to allow sufficient headroom, therefore the internal floor to ceiling basement height is unacceptable. This would further contribute to the substandard level of living accommodation within the basement.

3.5 With regards to amenity space the proposed dwelling, which could house up to 4 people, would only provide a sunken garden (less than 4m²) and a small side garden which contains the cycle storage (12sq.m). This provision of amenity space is considered to be inadequate for a new single family dwellinghouse. With regards to overshadowing, of the 2 amenity areas tested, both fall short of the BRE recommended target on the 21st of March. Therefore the spaces are inadequate in terms of size, quality and provision of light. They would be virtually unusable.

3.6 Overall, the dwelling would provide a substandard level of residential accommodation for its prospective occupiers, failing to comply with policies CS5 and DP26 and DP27.

4. Design

4.1 The current garage building on the site is a single storey structure with the front building line projecting to the edge of the property. The terraced properties on Glastonbury Street are all setback from the street behind modest front gardens with low boundary walls.

4.2 The site lies within the setting of the grade II listed Beckford Primary School, located across the road. Given that the school building is orientated towards Dornfell Street and the high wall and its position is considerably setback from Glastonbury Street, the proposed building is unlikely to be significantly visible in its context and is not considered to adversely affect the setting of this designated heritage asset.

4.4 The garage building currently occupying the site sits comfortably into the streetscene, as its front building line, of brick construction, continues the line of the high level brick rear boundary wall of the adjacent properties facing Ravenshaw Street. The application site is triangular in shape, due to the fact that Glastonbury Street leads to a junction with Ravenshaw Street at an acute angle, and occupies a prominent end-of-terrace plot.

4.5 It is considered that the design of the proposed development would not appropriately integrate nor complement the terrace for the following reasons;

- The design of the house is seeking to replicate the adjacent traditional terrace, however, the proportions, composition, detailing and materials are not an accurate reflection of the traditional appearance of the rest of the terrace, which is considered to undermine the overall design quality.
- In particular, the indifferent proportion, alignment and sizes of the window openings would not complement the adjoining terrace, neither would the proposed use of uPVC for window and door units.
- The proposed rear and side elevations (south and west facing) are proposed as blank brick wall elevations with no visual interest or design features, apart from a green wall on a section of the west facing wall, for which no maintenance plan has been submitted.
- With the above taken into consideration, the proposal in terms of design is unacceptable and fails to comply with policies DP22 and DP24 and therefore warrants a refusal reason.

5. Neighbouring amenity

5.1 The proposal would have some impact to the neighbours on Ravenshaw Street with regards to light, however this is considered minimal as their windows are north facing looking towards the new house. The Daylight/Sunlight Assessment, in respect of impact upon the adjoining properties concludes that there would not be a material harm to the neighbours.

5.2 The proposed dwelling would be located on the shared boundary with the adjacent properties on 36-42 Ravenshaw Street at a 2 storey height with a pitched roof. It would have a maximum height of 7.52m. Due to the significant increase in height of the proposal over the existing structure and its location immediately on the boundary, it would materially harm the living conditions of those adjacent occupiers. The resulting blank gable would extend out prominently on the boundary which is not usual in a residential area like this one, where you would expect a greater setback between residential properties and the built form on adjacent properties. The resulting development would be located approximately 6m away from the rear outriggers of the residential properties at 38 and 40 Ravenshaw Street in particular. Overall, the proposal, due to its height and proximity to neighbouring properties, would result in an unneighbourly addition that would have a material overbearing effect, an increased sense of enclosure and cause a significant loss of outlook for those neighbouring occupiers. It would result in undue harm on the enjoyment of those occupiers rear gardens and views from rear facing rooms.

5.3 The proposal is therefore considered to be contrary to policies CS5 and DP26 of Camden's LDF.

6. Basement and the Basement Impact Assessment

6.1 The proposed basement would take up the entire footprint of the site. CPG4 states that larger basement developments, such as those of more than one storey in depth or which extend outside of the footprint of the building, can have a greater impact than smaller schemes. Larger basement developments require more extensive excavation resulting in longer construction periods, and greater numbers of vehicle movements to remove the spoil.

6.2 Due to this unusual and constrained plot, the original building takes up the whole footprint of this site. The extended construction impacts could have a significant impact on all the adjoining neighbours (1 Glastonbury Street and the ones on Ravenshaw Street) through noise, vibration, dust, and traffic and parking issues. It could also have a greater impact on the water environment by reducing the area for water to runoff and soak away as it does appear that none is proposed. The excavation works would impact on 4 neighbouring properties due to its location. Overall, the size and scale of the basement is considered to be out of scale with the host property as it covers the entire plot, which is not suitable in a residential suburban setting like this one.

6.3 A Basement Impact Assessment (BIA) was submitted as per policy DP27 and CPG4. The document submitted identifies whether or not the area is at risk of slope stability, subterranean water or surface water flooding. In this instance an independent assessment of the BIA and accompanying information is required in accordance with CPG4. This is expected for all basement proposals that go beyond the scoping stage of a BIA where the site is located in an area of concern (in this case hydrological constraints- surface water flow, ground water flow and slope stability).

6.4 CPG4(Basements and lightwells) paragraph 2.33 stipulates that in order to provide the Council with greater certainty over the potential impacts of proposed basement development, an independent verification of Basement Impact Assessments will be expected, to be funded by the applicant. The applicants were made fully aware within the pre-application advice that BIAs often require to be independently verified based upon a number of factors including size, positioning and potential impacts. A poorly detailed or inaccurate Basement Impact Assessment can lead to a refusal of an otherwise compliant scheme, hence the need to take due consideration when preparing this part of a submission.

6.5 The basement impact verification exercise is considered to be essential in this instance given current Council guidelines in respect of basements but the applicant could not agree to have the submitted BIA independently verified. Therefore, the credibility and integrity the BIA could not be deemed acceptable to provide evidence that the basement can be sustainably and feasibly constructed. The proposed basement therefore fails to demonstrate compliance with policy DP27 and CPG4.

7. Sustainability

7.1 CS13 (Tackling climate change through promoting higher environmental standards) and DP22 (Promoting sustainable design and construction) requires development to demonstrate that sustainable design standards are integral to the proposal. Any new-build minor residential development (adding 1+ unit) will need to meet the following policy requirements:

- Follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies set out in the London Plan
- CS13 requires all developments to achieve a 20% reduction in CO2 emissions through renewable technologies (the 3rd stage of the energy hierarchy) wherever feasible, and this should be demonstrated through an energy statement.

7.2 New residential development will be required to demonstrate that the development is capable of achieving a maximum internal water use of 105 litres per person/day, with an additional 5 litres person/day for external water use. The applicant has failed to provide any information or details to satisfy this require and therefore would amount to a refusal reason.

7.3 Regarding, the proposed green wall, there was no statement of the design objectives for the green or brown roof or green wall submitted, therefore the details of its construction and the materials used, planting details, including details of the planting technique, plant varieties and planting sizes and densities are required. There is also the no management plan detailing how the structure and planting will be maintained as it would require access from neighbour's land.

7.4 The above information could be addressed through a suitably worded condition if the development were deemed acceptable and does therefore not form a reason for refusal.

7.5 In terms of waste refuse storage is proposed on the front area. The housing unit is considered to be of a sufficient size to allow for the accommodation of storage for domestic waste and recycling.

8. Transport

8.1 Core strategy CS11, along with Development policy DP19, sets out how the Council will address the potential negative impacts of parking associated with new development. CPG7 states that the council will refuse planning permission for a development that proposes to introduce additional on-street parking rights in an area of existing high parking demand. The site is located in the Fortune Green: West controlled parking zone (CA-P(c)) which operates between 1000 and 1200 hours on Monday to Saturday. The Council's records indicate that the controlled parking zone suffers from a high parking stress, with a ratio of parking permits to parking spaces of 0.94 (which means for every 100 spaces, there are 94 parking permits issued).

8.2 The proposal would result in a change of use from a commercial garage (B2) premises to a single dwelling house (C3). A car free development therefore needs to be secured as a Section 106 planning obligation. This would allow the proposal to be in accordance with Core Strategies CS11 and CS19 and Development Policies DP18, DP19 and DP21 and CPG7. The failure to secure a car free agreement would become a reason for refusal due to the application being refused.

8.3 The removal of the crossover would not result in the establishment of a resident's parking bay on-street adjacent to the removed crossover as proposed. The council does not seek to increase the amount of on-street parking in line with Core Strategy CS11.

Cycle parking

8.4 The London Plan (Table 6.3) has the following minimum cycle parking requirements for a single dwelling (C3): Long stay – 2 spaces.

8.5 The application form and supporting information suggests that cycle parking facilities will be provided, in the form of bicycle hanging hooks, however these facilities do not comply with CPG7. The proposal in the absence of adequate cycle parking facilities is contrary to Core Strategies CS11 and CS19 and Development Policy DP18 as it would fail to encourage cycling as a sustainable and efficient mode of transport.

8.6 Officers consider that cycle parking details could be secured through an appropriately worded condition if the development be considered acceptable so will not form a reason for refusal here. It is noted that the garden is very limited in size so the additional space required to provide adequate bike storage would further reduce its size. This compounds the issues relating to amenity space and the quality of the living accommodation proposed.

Construction Management Plan

8.7 Policy DP20 states that Construction Management Plans (CMP) should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). Policy DP21 relates to how a development is connected to the highway network. For some developments this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP).

8.8 The Council's primary concern is public safety but it also needs to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. The proposal is likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. Servicing during construction is therefore likely to be difficult. A CMP would therefore need to be secured as a section 106 planning obligation if planning permission is granted. CMP Implementation Support Contribution of £1,140 would also need to be secured as a Section 106 planning obligation if planning permission is granted. The failure to secure a CMP through legal agreement forms another reason for refusal.

Highways Contribution

8.9 The summary page of DP21 states that 'The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development'. The footway directly adjacent to the site could be damaged as a direct result of the proposed works. In addition, the crossover adjacent to the site would also need to be removed. The Council would therefore need to secure a financial contribution for highway works as a section 106 planning obligation if planning permission was to be granted. This failure to secure through legal agreement adds another reason for refusal.

Approval in Principle

8.10 The proposal would involve basement excavations in close proximity to the footway directly adjacent to the site. The Council would have to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations. A BIA has been submitted in support of the planning application, however, it does not appear to discuss how the stability of the public highway would be protected.

8.11 The applicant would be required to submit an 'Approval In Principle' (AIP) report to the Council's Highways Structures & Bridges Team within Engineering Services as a pre-commencement obligation. This is a requirement of British Standard BD2/12. The AIP would need to include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also need to include an explanation of any mitigation measures which might be required.

9. Contamination

9.1 Contamination issues have been assessed against within the BIA by Ashton Bennett dated March 2016. In addition to made ground that may have been associated with the past residential development on the site and in the surrounding area, the site was used for vehicle servicing and repairs and there is potential for contamination.

9.2 The Council's Environmental Health Officer considers that a condition would be required if permission were being granted to ensure sufficient remediation measures would be submitted and implemented in accordance with an approved scheme and a written report detailing the remediation prior to occupation.

10. Other

10.1 The Designing Out Crime officer has made a few comments regarding specifications of doors, windows, boundary and requiring a secure cycle/refuse storage, such are acceptable subject to conditions in any grant of permission.

10.2 CIL: As the proposal relates to the creation of a new residential unit it will be CIL liable. Based on the floor area of approximately 86.5m², it would be charged at £50 for Mayoral CIL and £500 for Camden CIL. The total CIL payment that will be required is £47, 575. It is noted that this is an estimate and subject to final confirmation from the Council's CIL team.

10.3 The applicant has failed to sign a s106 legal agreement for the following;

- Car free development
- Construction Management Plan
- CMP Implementation Support Contribution of £1,140

- Highways contribution (amount to be confirmed)
- Approval In Principle (AIP) report
- AIP Implementation Support Contribution of £1,800

11. **Conclusion**

Recommendation: Refuse planning permission by reasons of principle of the change of use (from employment space), the quality of the residential accommodation proposed, detailed design, impacts on the amenities of the surrounding occupiers, insufficient demonstration of a sound BIA through independent verification and failure to sign a section 106 agreement for the relevant obligations.