

**8a Belmont Street**

Ref 2016/0896/P

Statement of use and advertising as commercial premises

19<sup>th</sup> May 2016

The existing premises consist of a two storey building of approximately 200 m<sup>2</sup> falling within use class B1(c) Light industrial. The building is in poor condition having not been used for at least 9 years, having no windows or roof lights to allow for natural daylight and having restricted access across land owned by an adjacent land owner. The two floors are not connected internally and the first floor is accessed via a shared fire escape stair on the outside of the building.

Various policies have been addressed in qualifying the suitability of the change of use from B1(c) to C3 Residential.

Camden Adopted Policy CPG 5 clauses 6 and 7

*6.4 There are a number of considerations that we will take into account when assessing applications for a change of use from office to a non-business use, specifically: 44 Camden Planning Guidance 5 | Town Centres, Retail and Employment | Employment Sites*

*the criteria listed in paragraph 13.3 of policy DP13 of the Camden Development Policies;*

- 1. the age of the premises. Some older premises may be more suitable to conversion; • whether the premises include features required by tenants seeking modern office accommodation;*
- 2. the quality of the premises and whether it is purpose built accommodation. Poor quality premises that require significant investment to bring up to modern standards may be suitable for conversion;*
- 3. whether there are existing tenants in the building, and whether these tenants intend to relocate;*
- 4. the location of the premises and evidence of demand for office space in this location; and*
- 5. whether the premises currently provide accommodation for small and medium businesses.*

We can respond to each point within the policy as listed below;

1. The exact age of the property is not known but is assumed to be at least 50 years old. The first floor has been added or renovated more recently possibly in the 1970's. The building is known locally as the 'meat packing factory' and we can ascertain that the building was used for packing meat for some time until the 1990's. As such the building has no windows on any of the elevations and no roof lights on the roof allowing for no natural daylight to enter the premises.
2. The building is indeed totally landlocked with only limited access across the neighbour's property from Belmont Road itself. The recent development at 10a Belmont street included permanently fixed steel railings in front of the property so vehicular access is denied. Indeed, it would appear that the easement over the land only allows pedestrian access to the property anyway. Given that the building has no natural daylight anywhere within the premises, the use of the internal space is severely limited. The ground and first floor are not connected by an internal staircase and the first floor is only accessible via the street escape route on the outside of the building in the south West corner.

The existing building contains no features that are suitable for modern commercial use and any user taking on the lease would need to carry out a full and total renovation and upgrade of the building. By modern standards, the existing building is completely in-appropriate for modern commercial use. Any such development would require substantial financial investment and this would make the premises unviable compared to other local accommodation which is much better suited for commercial use.

3. The building is currently empty and has been for at least 9 years. The last known use was as a general storage facility where nobody was employed. As such there will be no loss of employment as the site does not provide employment use.
4. The location of the premises is perhaps good for commercial or office use being close to public transport and the shopping area of Chalk Farm. However, the premises is difficult to access from a commercial point of view with access through and across land that is owned and controlled by the owner of the adjacent property. The building is also very close to residential properties on all sides and as such, working conditions for any commercial tenant would be controlled and difficult.
5. The existing premises do not provide accommodation for a small or medium business. The property would need to be fully renovated and modernised to comply with modern standards. Compared to other properties advertised and available in the local area these premises are out of date and sub-standard.

Originally, the adjacent building at 10a was also a commercial premises with several floors of manufacturing. This has gradually been changed to residential over the last few years and only the lower ground and ground floors contain an element of commercial floor space. The upper floors have been changed from commercial, full employment space, to part work, part residential space to now fully residential space. This means that the remaining commercial property at 8a is at odds with the land uses of the surrounding buildings and would be better suited as residential use to sit better with the use of the surrounding buildings.

*6.10 Sites in this category provide the highest quality accommodation. Typically, they provide:*

1. *purpose built accommodation;*
2. *predominantly single storey premises;*
3. *clear, high ceiling heights;*
4. *high loading bays and doors (min 5.5m or 18ft high);*
5. *access for large delivery and servicing vehicles both into and around the site;*
6. *24-hour operation with unrestricted loading access; and*
7. *minimal risk that the 24-hour operation will adversely harm the amenity of neighbouring properties.*

In relation to the above points we can confirm the following;

1. The building is not purpose built having been converted from a single storey building with no internal staircase or windows
2. The building is not single storey and the second storey is built within the dormer roof
3. The ceiling heights for each floor are approximately 2.2m and 2.15m for the ground and first floors respectively. Current planning policy requires a minimum of 2.5m or

2.75m for modern commercial ceiling heights. The existing building does not comply with this standard policy

4. The building does have a roller shutter access on the front elevation facing Belmont Street which is set off the ground and is 3.0m high. There is no high loading bay for deliveries and deliveries are restricted due to access restrictions across land not owned by the applicant.
5. There is not access for large or medium delivery vehicles into or out of the site. Indeed, there is not access for any delivery vehicle on to the site as the only access is owned and operated by the adjacent land owner. All deliveries would need to take place on the kerb side of Belmont Street where double yellow lines currently exist. The rest of the street and surrounding streets are all subject to controlled parking which make deliveries difficult or impossible on a regular basis.
6. The site would not be suitable for 24-hour working as the surrounding properties are all residential so working hours would be severely restricted. Loading access would also be restricted due to the rights of ways across the adjacent land to give access to the building.
7. 24 hour working conditions would severely and adversely harm the amenity of the neighbouring properties due to the residential character of the adjacent buildings.

*6.11 The majority of Camden's industrial stock falls into Category 2. They usually have a selection of the following characteristics: 46 Camden Planning Guidance 5 | Town Centres, Retail and Employment | Employment Sites • good access for servicing and delivery;*

- 1. slightly more restricted hours of operation than Category 1 sites;*
- 2. roller shutter doors;*
- 3. clear, high floor to ceiling heights (3-5m);*
- 4. lots of natural light;*
- 5. level access – normally ground floor;*
- 6. flexible neighbouring uses;*
- 7. limited number of upper floors with goods lift access; and*
- 8. some off street parking.*

We can respond to most of these points as set out below;

1. The site will have fully restrictive operating hours due to the close proximity of the surrounding residential properties on all sides
2. The roller doors give limited access to the ground floor of the property only and do not comply with current standards for delivery access. The current height is 3m from ground level whereas current requirements state that delivery doors should be raised off the ground and be at least 5.5m in height
3. The ceiling heights are less than the recommended 3 – 5 m clear height. The existing heights are 2.2m at the ground floor and 2.15m at the first floor.
4. There is no natural light to the building whatsoever
5. While there is level access to the ground floor there is stair only access to the first floor

6. The uses of the neighbouring properties are generally all residential with no flexibility. There is commercial B1(a) office use on the ground and lower ground floors of the adjacent building at 10a Belmont Street which is currently unoccupied
7. There is one additional floor above ground floor with an out of date and undersized goods access lift. This lift would need to be replaced and re-sized for current industrial requirements and safety regulations Access to this floor is via a shared fire escape stair on the outside of the building.
8. There is no off street parking on site or associated to this building.

The property falls within Category 3 industrial use as set out in the criteria below;

*Category 3*

1. *small, isolated premises;*
2. *poor access - narrow streets, small doors, steps;*
3. *no goods lifts;*
4. *little or no space for servicing;*
5. *incompatible neighbouring uses (most often residential); and*
6. *lower ground or basement level.*

Policy 6.12 clearly states that Category 3 sites are heavily compromised and may not be suitable for continued industrial use when they become empty or need significant investment, although they could be suitable for office B1(a) space. Due to the restrictive site and cost of conversion to B1(a) this is not a viable proposition for the use of the site in this case.

CPG5, section 7.18 sets out the criteria for which proof of interest in a commercial premise can justify the change of use.

*7.18 We will require evidence of a marketing exercise for the loss of employment uses, in line with Core Strategy Policy CS8 and policy DP13 of the Camden Development Policies. As a minimum, we will expect marketing exercises to include the following:*

1. *Use of a reputable local or national agent with a track record of letting employment space in the borough;*
2. *A visible letting board on the property (constant throughout the marketing period);*
3. *Marketing material should be published on the internet, including popular online property databases such as Focus;*
4. *Continuous over at least 2 years from when the letting board is erected and the property is advertised online (i.e. not simply from when agents were appointed). We will consider shorter marketing periods for B1(a) office premises;*
5. *Advertised rents should be reasonable, reflecting market rents in the local area and the condition of the property;*
6. *Lease terms should be attractive to the market:*  
  
*at least three years, with longer terms, up to five years or longer, if the occupier needs to undertake some works*  
  
*and/or short term flexible leases for smaller premises which are appropriate for SMEs;*
7. *A commentary on the interest shown in the building, including any details of why the interest was not pursued; and*

8. *Where there is an existing employment use then we will require evidence that the tenant intends to move out.*

We can give response to most of these points as set out below;

1. Two local estate agents have been used by both the current and previous owners to advertise on the premises for sale, lease or rental as commercial use. This has happened on a regular and consistent basis since 2008. The agents are 'Cristo and Co' and 'Dutch and Dutch'. We include a letter from 'Dutch and Dutch' dated 28<sup>th</sup> May 2015 along with advertising literature confirming the marketing that they undertook since 27<sup>th</sup> May 2014. Cristo and Co have marketed the property for rent or sale since 2008 until 2015.
2. Letting boards can be seen on the property advertising it for rental in Google street photographs in 2008. The property has not been occupied since 2007 and additional Google street photographs from 2012, 2014 and 2015 show that the building has not been in use.
3. We attach marketing material from Dutch and Dutch showing the premises being advertised consistently by them since May 2014
4. See note 2 with the attached photographs showing a letting board in place in 2008
5. Rents offered were reasonable and consistent with local market rents for such premises in the area
6. While no lease terms were discussed in marketing material, the lease would be negotiated based on typical market requirements and agreeable terms for such premises
7. There has been no interest in the use of the building as commercial premises since at least 2007. The owner of 10 Belmont Street made several approaches to the previous owner with regards to buying the premises and probably demolishing it to make a clear and open forecourt to the new residential units within number 10 Belmont Street. The purchase price offered was well below market value and was not accepted by the previous owner. The current owners bought the premises in May 2015.
8. There is currently no employment use within the building. The building has not been used since at least 2007 and the previous and current owners have registered the property as being vacant and when application eligible for reduced business rates for unoccupied premises.

As such and due to the fact that the building has been empty for at least 9 years, there is no loss of employment on the site.

We attach a letter from the previous owners Charlie Properties Ltd dated 17<sup>th</sup> June 2015 confirming that the property has remained unoccupied since they purchased the building in 2007 and the fact that they benefited from empty business rates during the time of their ownership between 2007 and 2014.

DP 13 taken from the Adopted Planning Policy dated 2011

This policy states;

*When it can be demonstrated that a site is not suitable for any business use other than BI(a) offices, the Council may allow a change to permanent residential uses or community uses, except in Hatton Garden where we will expect mixed use developments that include light industrial premises suitable for use as jewellery workshops.*

*The Council will support the provision of live/work premises provided they do not: h) result in the loss of any permanent residential units; or i) result in the loss of sites in business or employment use where there is potential for that use to continue.*

*13.3 When assessing proposals that involve the loss of a business use we will consider whether there is potential for that use to continue, taking into account whether the site:*

- 1. is located in or adjacent to the Industry Area, or other locations suitable for large scale general industry and warehousing;*
- 2. is in a location suitable for a mix of uses including light industry and local distribution warehousing;*
- 3. is easily accessible to the Transport for London Road Network and/or London Distributor Roads;*
- 4. is, or will be, accessible by means other than the car and has the potential to be serviced by rail or water;*
- 5. has adequate on-site vehicle space for servicing;*
- 6. is well related to nearby land uses;*
- 7. is in a reasonable condition to allow the use to continue;*
- 8. is near to other industry and warehousing, noise/vibration generating uses, pollution and hazards;*
- 9. provides a range of unit sizes, particularly those suitable for small businesses (under 100sqm).*

1. The building is not in or adjacent to an Industry Area, or other locations suitable for large scale general industry and warehousing. As a matter of fact, the immediate area is predominantly residential with some retail and restaurant use on streets away from the site.

2. The site is too small and inaccessible to be used commercially for light industry or distribution and is not within an area of mixed light industrial or distribution centres. Access also is limited due to the site being land locked. A legal right exists for pedestrian access only across the adjacent land and there is no provision for vehicles to access the building directly.

3. The site is not easily accessible to the Transport for London Road Network and/or London Distributor Roads. The site is also situated on a quiet secondary local road with difficult access due to tight corners and narrow streets.

4. The site is not accessible by means other than the car and does not have the potential to be serviced by rail or water.

5. There is no on site space for vehicle parking, servicing or deliveries due to the site being landlocked.

6. The site as a light industrial use is not well related to nearby land uses. The surrounding land uses are predominantly residential with only small areas of commercial space in the lower ground and ground floor of 10a Belmont Street.

7. The existing building is not in a reasonable condition to allow the existing use to continue and the building would need complete renovation and updating for it to continue as light industrial use.

8. The building is not near to other industry and warehousing, noise/vibration generating uses where pollution and hazards could be controlled easily. Any use of the building that would produce noise, vibration and any pollution of any type would be controlled by environmental health and planning use and due to their location next to residential properties, any light industrial use would be severely restricted.

9. The building does not provide a range of unit sizes, particularly those suitable for small businesses (under 100sqm). The current property is approximately 200 sqm in total and spread over two floors. To separate the building area into two individual units would create additional problems with access, rights of way, staircase, lighting etc. and the building does not convert well into separate premises.

Additional policy has also been addressed;

*13.4 Where it is proposed to redevelop employment land for another business use, including offices, the Council will seek to retain physical features that will enable the flexible use of the premises for a range of business purposes. This will help to maintain the range of employment premises available and is especially important given the limited supply of non-office premises.*

*The typical design features that enable flexible use are:*

- 1. clear and flexible space with few supporting columns;*
- 2. adequate floor to ceiling heights;*
- 3. wide doors/corridors;*
- 4. loading facilities;*
- 5. large amounts of natural light;*
- 6. availability of a range of unit sizes; and*
- 7. space for servicing by/parking of commercial vehicles.*

The building does not easily suit a change of use to commercial based on the above criteria;

1. The space is long and thin with the only access at one end of the site and is not easily flexible for varied use.
2. The existing building has low ceilings below current requirement soft both light industrial and commercial use due to inadequate floor to ceiling heights;
3. The existing door width is inappropriate and inadequate for light industrial and commercial use due to the one single access door being too wide

4. No loading facilities exist directly to the building. Vehicle would have to park on the kerb side and all deliveries would have to be carried by hand across the adjacent owner's land. No rights of way exist for vehicle servicing and deliveries directly to the property.
5. The existing building does not allow for any large amounts of natural light due to the fact that no windows exist at all.
6. There is no availability of a range of unit sizes; and
7. There is no space for servicing by and parking of commercial vehicles on the side.

*13.5 In addition to the considerations above, where a change of use to a non-business use is proposed, the applicant must demonstrate to the Council's satisfaction that there is no realistic prospect of demand to use the site for an employment use.*

*The applicant must submit evidence of a thorough marketing exercise, sustained over at least two years. The property should be marketed at realistic prices, include a consideration of alternative business uses and layouts and marketing strategies, including management of the space by specialist third party providers. More information on our approach to changes of use involving employment sites and premises can be found in Camden Planning Guidance.*

The clients are providing a letter from Stones Ltd. (letting agency), as well as a letter from the previous owner, as evidence. The property has not been occupied for 9 years since 2007.

*13.6 Where premises or sites are suitable for continued business use, the Council will consider redevelopment schemes which maintain the employment floor space and provide other priority uses, such as housing. The re-provision of employment floor space should be able to accommodate a range of business types and sizes (e.g. new businesses, small and medium sized enterprises (SMEs) and creative businesses).*

*Applicants must demonstrate to the Council's satisfaction that the commercial element is appropriate to meet the likely needs of the end user.*

*The provision of inappropriate business space (e.g. inappropriate floor to ceiling height or poor access arrangements) will not be acceptable as this often fails to attract an occupier, which can lead to vacancy.*

*Clear separation of the residential element and effective management of the business space will also be important. This is in line with the approach to flexible and affordable workspace that is taken in the Core Strategy policy CS8 - Promoting a successful and inclusive Camden economy.*

Having applied the tests of relevant policy as set out above the building does not satisfy most of the policy requirements. The main issues are that the building does not have adequate servicing and access, has inappropriate ceiling heights, has no natural daylight, is landlocked and is adjacent to residential properties where a light industrial or commercial premises could cause harm and nuisance to the amenity of those residential properties.