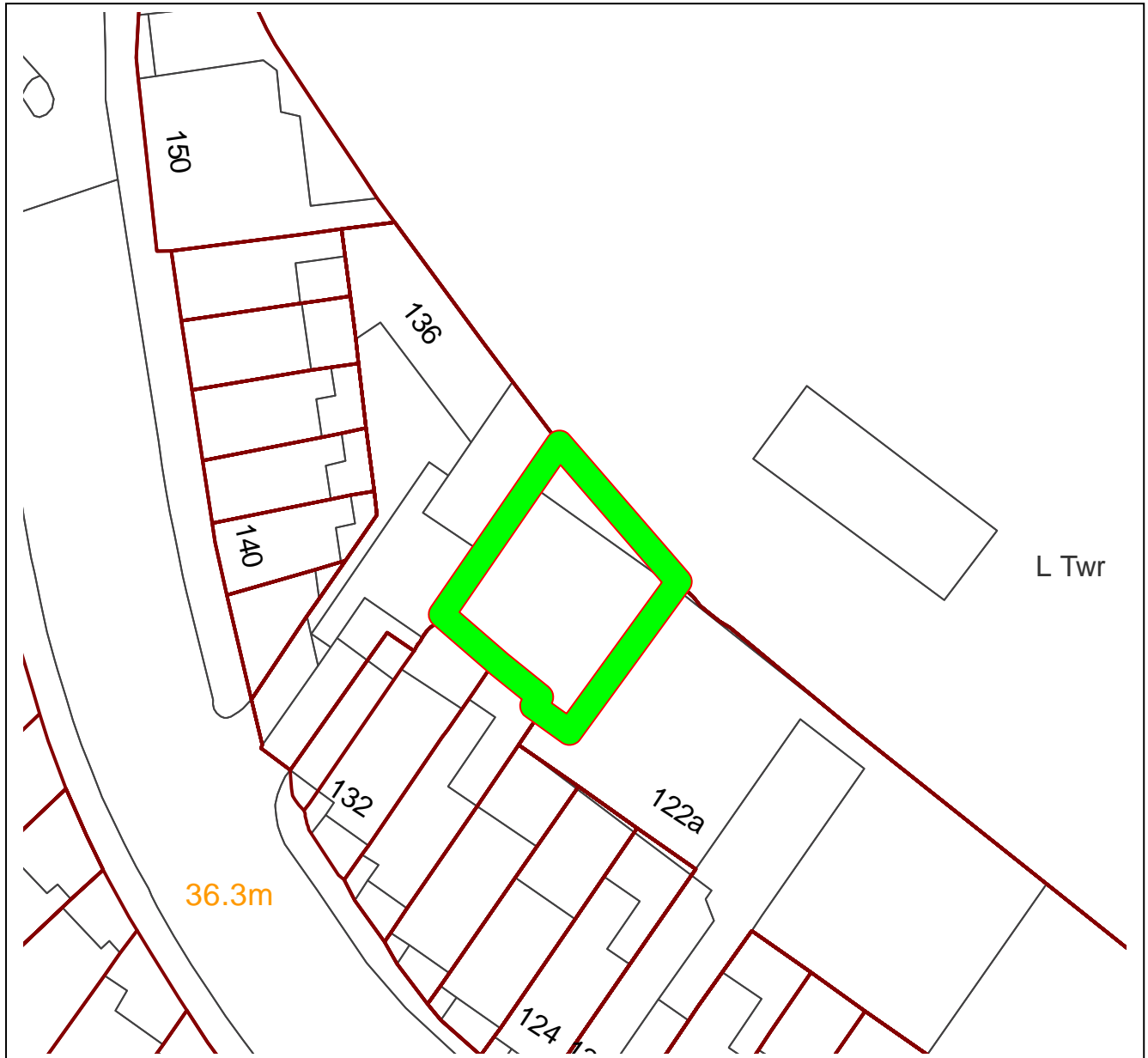


# Flat 5, 136 Gloucester Avenue, NW1 8JA

2016/3556/P

Change of use from a self-contained 3 bed residential unit (C3) to office (B1a) (no external alterations)



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# Flat 5, 136 Gloucester Avenue, NW1 8JA

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## i) Site Photographs:

(1) Aerial photo from the South (prior to the redevelopment of site)



(2) Entrance passage from Gloucester Avenue





*(3) Front elevation of Unit 5*



*(4) Front entrance to Unit 5*



*(5) Rear view of entrance way from Gloucester Av showing context of adjacent dwellings*



*(6) Ground floor area 1*





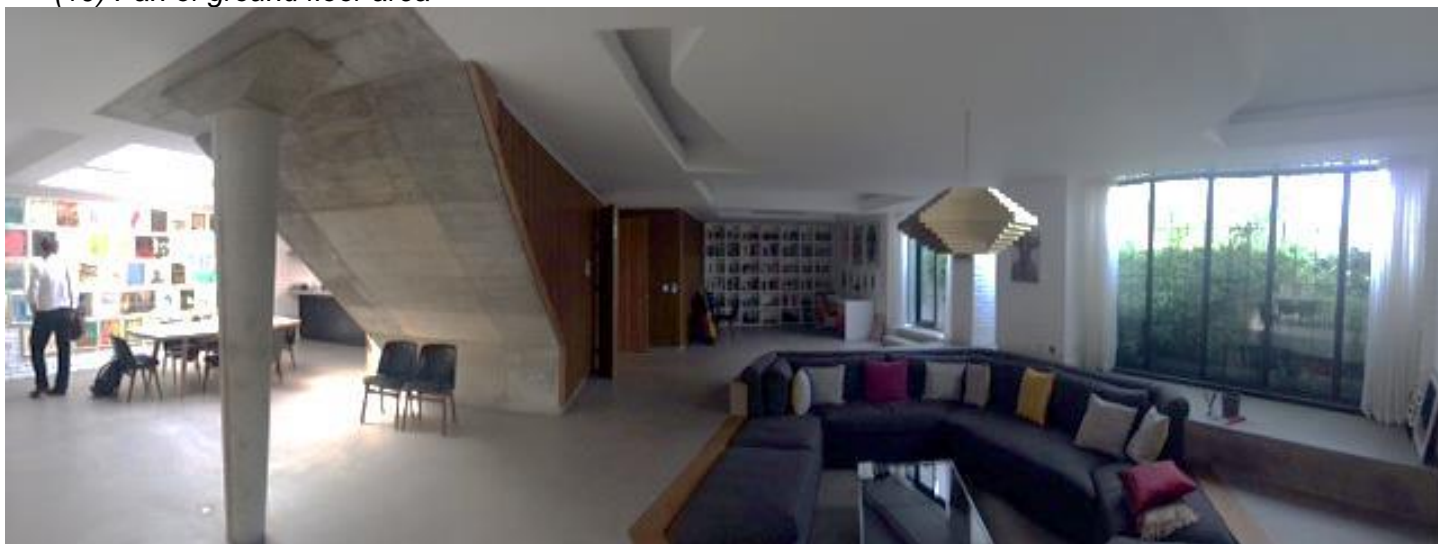
(7) Ground floor area 2



(8) Ground floor area 3



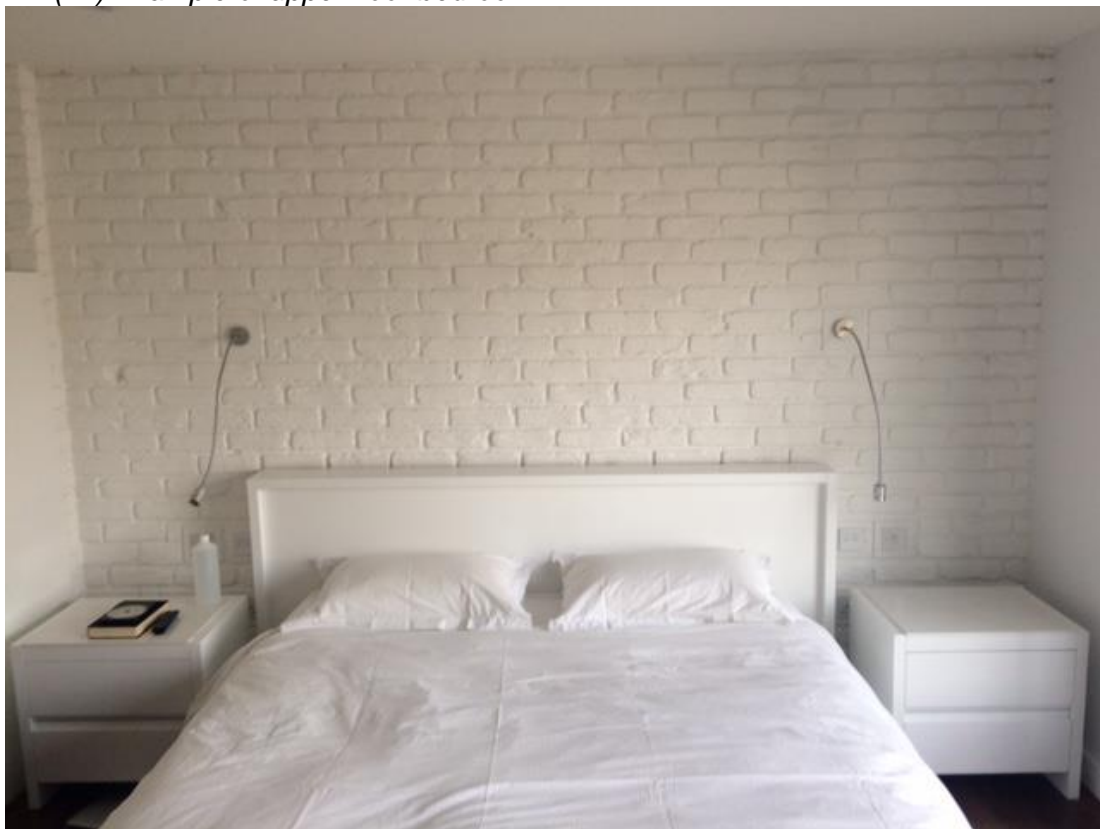
*(10) Pan of ground floor area*



*(11) Outlook from upper floors*

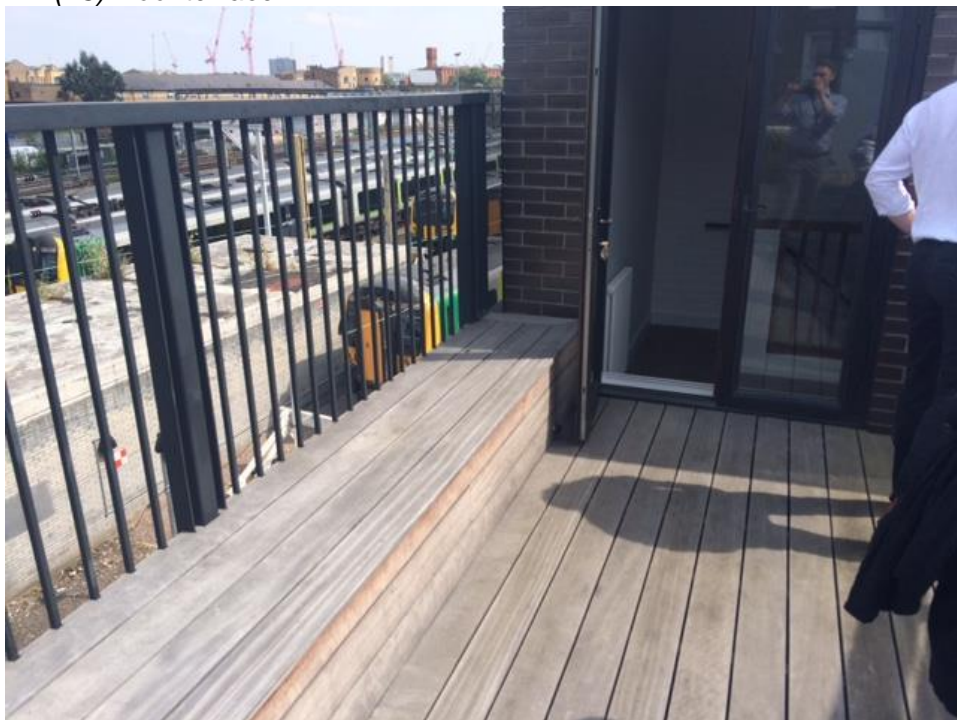


(12) Example of upper floor bedroom





(13) Roof terrace





(14) Entrance way / stair



(15) First floor stair



<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>09/09/2016</b>
<b>(Members Briefing)</b>		N/A / attached	<b>Consultation Expiry Date:</b>	<b>18/08/2016</b>
<b>Officer</b>			<b>Application Number(s)</b>	
John Diver			2016/3556/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Flat 5, 136 Gloucester Avenue, NW1 8JA			See Draft Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Change of use from a self-contained 3 bed residential unit (C3) to office (B1a) (no external alterations)				
<b>Recommendation(s):</b>		Granted Conditional Permission subject to Section 106 Legal Agreement		
<b>Application Type:</b>		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations (i) - Flat 5, 136 Gloucester Avenue, NW1 8JA</b>						
Adjoining Occupiers:	No. notified	<b>41</b>	No. of responses	<b>02</b>	No. of objections	<b>19</b>
Summary of consultation responses:	<p>The application was advertised via site notice on 21/07/2016 and in the local press on 28/07/2016.</p> <p>One letter of comment was received from the owners/occupiers of 148 Gloucester Avenue to state that whilst no objections were raised, it was requested that the roof terrace is sealed off from use to reduce levels of noise and disturbance and loss of privacy.</p> <p><u>Officer's Response:</u></p> <ol style="list-style-type: none"> <li><i>The existing terrace is lawful and the proposed usage as B1a office would likely mean a reduction in its use to office opening hours. A condition to seal off this terrace would therefore be considered unreasonable.</i></li> </ol> <p>A letter of objection was written by Matt Bailey of Planning Sense and signed by 19 occupiers of the commercial/residential units along St George's Mew (NW1 8XE) in relation to this application and the scheme that would be subject to the proposed land use swap under 2016/3559/P for 10-12a St George's Mews. The objections raised in relation to the Gloucester Avenue proposals can be summarised as follows:</p> <p><i>(Officer comment: It should be noted that the following comments were received prior to the submission of additional evidence in the form of two reports completed by two local surveyors/estate agents, the objectors were notified of these submissions but no further objection comments were received)</i></p> <ol style="list-style-type: none"> <li>Principal argument that land swap justifies the loss of office space fundamentally flawed and that the loss of the existing business accommodation in the Mews is detrimental to current and future local employment, whilst no real justification for the change of use at Gloucester Avenue</li> <li>Only 4 years ago, it was argued that the Gloucester Avenue property was unsuitable as commercial premises and therefore residential use would be appropriate, no evidence has been presented which demonstrates that an office use is in fact more appropriate in this location</li> <li>The changes of use would result in extensive and unnecessary disruption to existing businesses and residents in both locations.</li> </ol> <p><u>Officer's Response:</u></p> <ol style="list-style-type: none"> <li><i>Please see paras.2.5 – 2.8 within the main body of the report below.</i></li> <li><i>The change of use from office to residential was approved under prior approval application 2013/6540/P which did not consider land use arguments. Notwithstanding this, it is noted that during the previous applications it was argued that the existing, dilapidated structures were not suitable for continued business use without significant investment. Subsequent to the site be converted to residential it has received substantial investment. The current application must assess</i></li> </ol>					



	<p><i>the site based upon its existing condition which is materially different to what it was previously. Please see para.2.5 (below) for further justification.</i></p> <p>3. <i>The proposed change of use on this site is not expected to cause any disruption to occupiers (the owners and occupiers being the applicant) nor the surrounding residential occupiers as outlined in paras.2.13-2.14 below. The development would be a simple straight forward change of use with little construction works required.</i></p>
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<p><b>CAAC/Local groups comments:</b></p>	<p>The Primrose Hill CAAC submitted comments to state that no objection to the proposed change of use were raised and that the office use would be considered more appropriate in this location where employment space is also welcomed</p>
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### Site Description

This site is located on the eastern side of Gloucester Avenue to the rear of Nos.128-148 and immediately adjacent to the mainland railway sidings that divide the areas of Chalk Farm and Primrose Hill. Following various permissions (see below), the vacant former light industrial/office buildings on the site were converted and redesigned to incorporate a number of residential units. Prior to conversion to residential use the site contained a mix of 1.5-2 storey buildings including office accommodation (redeveloped in the 1980s and 1990s) and an area of hard standing used informally for car parking. Following the granting of numerous planning permissions, the site now comprises three refurbished and re-clad residential buildings (referred to in previous permissions as Buildings A, B and C, with the application site referred to as building A). The site is located in the Primrose Hill Conservation Area the site and is not listed.

### Relevant History

The following planning history is relevant to the assessment of these applications:

#### 136 Gloucester Avenue, NW1 8JA

**9460198:** Conservation Area Consent granted on the 11/05/1995 for the 'Partial demolition of existing two-storey B1 building'

**2013/3234/P:** Certificate of Lawness (Existing) was granted on the 21/08/2013 for the 'Use of ground and first floors as offices (B1a)'

**2013/6540/P:** GPDO Prior Approval Class J (B1 to C3) was granted prior approval on the 06/12/2013 for the 'Change of use from office (Class B1A) to residential (Class C3), providing 2 x self-contained one bedroom flats'

**2014/3036/P:** Planning permission was granted on the 01/08/2014 for the 'Erection of a single storey extension to front elevation within courtyard to enlarge Flat 1, alter the shared entrance and provide bike store, alterations to windows at first floor and raise roof of existing building and install five rooflights'.

#### 134a and 136 Gloucester Avenue London NW1 8JA

**2011/4940/P:** Planning permission granted subject to a Section 106 Legal Agreement on the 28/06/2012 for the 'Erection of extension at roof level and single-storey extension at ground floor level onto courtyard, creation of terrace at roof level, installation and alterations to windows and doors, associated landscaping and provision of servicing bay in connection with conversion of building from office and workshop space (Class B1) to 1 x 4-bedroom dwelling and flexible business space (Class B1)'

**2012/4188/P:** Planning permission granted subject to a Section 106 Legal Agreement on the 11/10/2012 for the 'Erection of extensions at ground floor level in front and rear courtyards, alterations to fenestration, installation of rooflights creation of roof terraces and change of use from offices and workshops (Class B1) to 2 x 3 bedroom dwellings (Class C3) and flexible B1 accommodation as well as ancillary landscaping and the provision of one servicing bay'

**2013/1869/P:** Planning permission was granted subject to conditions and a Section 106 Legal Agreement on the 17/10/2013 for the 'Erection of extensions at ground floor level, alterations to fenestration, installation of rooflights, creation of roof terraces and change of use from offices and workshops (Class B1) to 2 x 1 bedroom and 1 x 3 bedroom dwellings (Class C3) and flexible B1 accommodation and the provision of a servicing bay'.

Various conditions (5,6,10,11,12,13 and 16) attached to this permission were discharged/approved on the 13/01/2015 under approval of details application **2014/5358/P**

## Relevant policies

### National and Regional Policy

National Planning Policy Framework 2012  
London Plan 2016

### LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)  
CS6 (Providing quality homes)  
CS8 (Promoting Camden's economy)  
CS9 (Achieving a successful Central London)  
CS11 (Promoting sustainable and efficient travel)  
CS14 (Promoting high quality places and conserving our heritage)  
CS18 (Dealing with our waste and encouraging recycling)

DP13 (Employment sites and premises)  
DP24 (Securing high quality design)  
DP25 (Conserving Camden's heritage)  
DP26 (Managing the impact of development on occupiers and neighbours)  
DP28 (Noise & vibration)  
DP29 (Improving access)

### Supplementary Planning Policies

CPG 1 Design 2015  
CPG 5 Town Centres, Retail and Employment 2013  
CPG 6 Amenity 2011

### Primrose Hill Conservation Area Statement (2000)

## Assessment

### 1. Introduction / Proposal

1.1. Flat 5 of 136 Gloucester Avenue comprises of a self-contained 3 bedroom, 6 person residential unit (C3). Planning permission is sought for conversion of the property into offices (B1a). It is noted that the applicant has submitted the proposal in combination with a planning application for the opposite change of use (i.e. from office to residential) at another property in the local area under 2016/3559/P at 10-12A St George's Mews, NW1 8XE. These applications are being considered simultaneously and both submissions would be the subject of a land swap agreement secured via a bilateral Section 106 Legal Agreement to ensure that there would not be the loss of a residential or office unit.

1.2. The proposed change from residential (C3) to office (B1a) would not necessitate any external alterations.

## **2. Assessment**

2.1. The principal considerations material to the determination of the application are as follows:

- The principle of the proposed land use (Land Use)
- The visual impact upon the character and appearance of the host property, local area and conservation area (Design and Heritage)
- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)
- Highways / transport

### **Land Use**

2.2. The application site had previously been host to a number of light industrial workshops/offices which had fallen into disrepair and had been vacant for a number of years. As outlined in the planning history section, a number of permissions were subsequently issued for the redevelopment of the site to provide 5 residential units, meaning the loss of the B1 use and its replacement with a residential one (C3). Evidence has been submitted in the form of Council tax records as well as images of the property in use to demonstrate that the C3 use had been implemented on the site.

2.3. Policy DP2 of the Development Plan refers to the need for Camden to make full use of housing capacity. Part d) states that the Council will seek to minimise the loss of housing by protecting residential uses from development that would involve a net loss of residential floor space and part f) states that developments will be resisted involving the net loss of two or more homes. It is noted that if the proposal was submitted independently (i.e. not as part of a land use swap with another property) that the development would lead to the loss of a residential dwelling, meaning that the proposal would not be contrary to part f). Notwithstanding this, the development includes a land use swap with 10-12A St George's Mews which will subsequently be converted into a residential unit. The subject buildings have a difference of floor area that is less than 5m<sup>2</sup> (GIA) so it is considered that the changes to residential floor space would be de minimis. Officers are therefore satisfied that the proposed land use swap would comply with part d) due to the minor change in floor space.

2.4. Further to the above, the site is not located in a particularly desirable location for a residential unit given that it is located immediately adjacent to a railway line with many of the habitable windows and an external terrace facing it. Officers consider that the site at 10-12A St George's Mews, which is the subject of the land use swap, would provide better living conditions for residential occupiers. Commercial premises are not as sensitive to noise and vibration as residential ones so the proposal to reinstate 136 Gloucester Avenue as an office appears to be a more compatible use.

2.5. Policy CS1 (Distribution of growth) of the Council's Core Strategy states that the Council will focus Camden's growth in the most suitable locations, and manage it to make sure that we deliver its opportunities and benefits and achieve sustainable development, while continuing to preserve and enhance the features that make Camden such an attractive place to live, work and visit. It also states that the Council will promote the most efficient use of land and buildings in Camden seeking development that makes full use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site.

2.6. Following discussions with the Council's Economic Development team, the further justification for the proposed change in term of the suitability of the unit for the proposed office use was requested. Subsequently, the applicant commissioned two reports, undertaken by two different



local surveyors/property agent to provide this assessment. The reports support the proposed use of the site for office purposes for the following reasons:

- The site is highly accessible via public transport (PTAL 4) and therefore is an area where additional commercial activity should be encouraged;
- The office use would be compatible with the existing uses surrounding the property (a mix of residential and offices);
- The refurbished building has been developed to a very high standard meaning that it would appeal to small and medium enterprises (SMEs), and technology and creative industries in particular;
- As the refurbishment was completed in accordance with the latest Building Regulations standards, with new mechanical and electrical systems (heating, lighting and cooling), the property would provide highly energy efficient office space now demanded by most office occupiers
- The ground floor of the site could easily be adapted to be wheelchair accessible;
- The property layout would allow for flexibility in subdivision; allowing for either a single tenant or up to 6 individual tenants to be accommodated;
- It is estimated that the property could accommodate up to 30 employees based upon standard densities;
- The offices would be let at market rents so by definition would be affordable for SME's, which would be the type of firms occupying offices of this size;
- The change back to office accommodation accords with the original intent of the site when it was built (i.e. it would be reverting back to its previous use).

2.7. Having reviewed the report with members of the Council's Economic Development team, the points outlined above are not contended and there are no objections to the proposed office use in this location. On this basis, the loss of a residential unit and its replacement with additional office accommodation is supported, and would comply with policies DP2 and DP13 of the LDF.

2.8. In order to ensure that wider public benefit is derived from the proposed conversion in terms of an increase to the amount of wheel chair accessible employment space within the local area, a condition is recommended that the ground floor of the property shall be designed to be compliant with Building Regulations Part M4 (2) (wheel chair accessibility standards).

### **Design and Heritage**

2.9. The proposal would not include any external alterations to the property. Notwithstanding this, the character of a local area can be comprised of the uses of buildings, not just their external appearance.

2.10. The area around 136 Gloucester Avenue contains a mix of office and residential units. As the proposed use would complement the existing uses within the vicinity of the site and reflect its original character as a back land employment site, it is not considered that the proposed change of use would lead to a detrimental impact upon the character of the local area. The proposal therefore complies with policies DP24 and DP25.

2.11. The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013

### **Residential Amenity**

2.12. The proposed change from residential to office use would mean that the level of activity within the site would be greater during the day, but would be very limited outside of office working hours (when the majority of residents of adjoining properties would be at home). As the existing dwelling

was designed to avoid any direct overlooking into neighbouring properties (via the installation of privacy screens between adjacent units for instance), it is not considered that the use of this property for office purposes would lead to any harmful impact upon the residential amenities of any adjoining occupiers. The works would not include any external alterations and therefore would not lead to any reduction in outlook or levels of light. In order to ensure that the servicing of the unit does not disrupt the residential amenities of any neighbouring occupier, a condition is recommended to restrict the hours in which this may take place. Subject to this condition, the proposal is considered to accord with policy DP26.

## **Highways / Transport**

- 2.13. The application does not propose any car parking in connection with the proposed office accommodation. This would accord with the Council's maximum residential parking standards and policy DP18 which seeks to deter unnecessary car use in highly accessible locations and promote the use of more sustainable modes of transport. Due to the small size of the office proposed and the negligible impacts in this particular case, a car free obligation is not necessary in this instance. On this basis, the proposal would comply with policies DP18, DP19 and DP21.
- 2.14. In terms of cycle storage; development is usually expected to provide storage in line with the minimum requirements set out in Chapter 6 of the London Plan 2016; this requires 1 short stay and one long stay parking space for a unit of this size. No cycle storage has been shown on proposed plans, however as the ground floor level would have a number of utility/storage spaces, as well as access to an external storage shed, it is expected that adequate storage could be provided in this location. A condition requiring the submission of details of cycle storage facilities is therefore recommended

## **3. Recommendation**

- 3.1. Grant conditional permission subject to section 106 legal agreement
- 3.2. Recommended principal clauses:
- Land Swap - The use of no.10-12a St Georges Mews shall not commence until the unit at 136 Gloucester Avenue has been fully refurbished and available for rent. This agreement would apply to both this application and the one under 2016/3559/P. The legal agreement would ensure that the level of employment space within the local area is protected.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Wednesday 28th December 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'***

Rolfe Judd Planning  
Old Church Court  
Claylands Road  
London  
SW8 1NZ  
United Kingdom

Application Ref: **2016/3556/P**

21 December 2016

Dear Sir/Madam

**DRAFT**  
**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:

**Flat 5  
136 Gloucester Avenue  
London  
NW1 8JA**

Proposal: Change of use from a self-contained 3 bed residential unit (C3) to office (B1a)  
(no external alterations)

Drawing Nos: 0500, 0501, 0502, 0503, 1000, 1001, 1002, 2000, 2001, 2002; Planning  
Statement ref P6354, Design and Access Statement dated June 2016.

Supporting documents: Covering Letter dated 24 June 2016, Letter from Rolfe Judd dated  
07 November 2016, Appraisal of Site Suitability report #1 (BDG Sparkes Porter dated 2  
Nov 2016), Appraisal of Site Suitability report #2 (Dutch & Dutch dated 17 Oct 2016), Email  
confirmation of areas dated 19 Aug 2016.

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 The development hereby permitted shall be carried out in accordance with the following approved plans: 0500, 0501, 0502, 0503, 1000, 1001, 1002, 2000, 2001, 2002; Planning Statement ref P6354, Design and Access Statement dated June 2016.

Supporting documents: Covering Letter dated 24 June 2016, Letter from Rolfe Judd dated 07 November 2016, Appraisal of Site Suitability report #1 (BDG Sparkes Porter dated 2 Nov 2016), Appraisal of Site Suitability report #2 (Dutch & Dutch dated 17 Oct 2016), Email confirmation of areas dated 19 Aug 2016.

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

- 3 Before the development commences, details of secure and covered cycle storage area for 2 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of the new office and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Servicing (including the removal of refuse and recycling) shall only take place between the hours of 08:00 hrs to 19:00hrs Mondays to Saturdays only and at no other time, including anytime on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 5 The ground floor of the office, as indicated on plan number 2000 hereby approved shall be designed and constructed in accordance with Building Regulations Part M4 (2), evidence demonstrating compliance should be submitted to and approved by the Local Planning Authority prior to occupation.

Reason: To ensure that the internal layout of the building provides flexibility for the

accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 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.
- 3 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to be paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 4 You are reminded of the need to provide adequate space for internal and external storage for waste and recyclables. For further information contact Council's Environment Services (Waste) on 020 7974 6914/5 or see the website <http://www.camden.gov.uk/ccm/content/environment/waste-and-recycling/twocolumn/new-recycling-rubbish-and-reuse-guide.en>.

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

**DRAFT**

Supporting Communities Directorate

**DECISION**