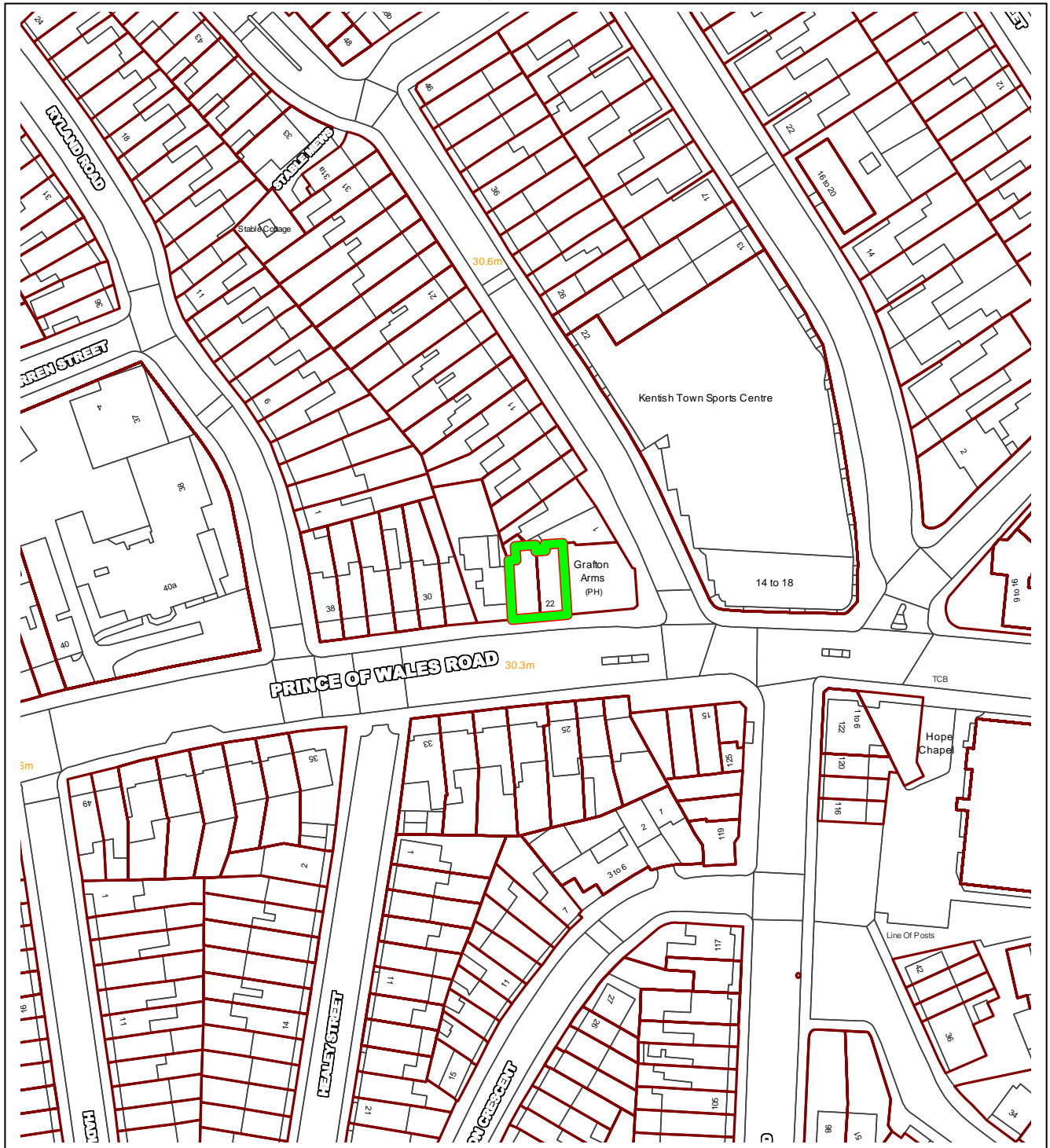


# 2016/6298/P – 22 Prince of Wales Road, London, NW5 3LG



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Front elevation 1



Front elevation 2



Front elevation 3



<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>11/01/2017</b>
<b>(Members Briefing)</b>		N/A / attached	<b>Consultation Expiry Date:</b>	<b>15/12/2016</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Ian Gracie			2016/6298/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
22-24 Prince of Wales Road London NW5 3LG			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 of ground floor from retail (Use Class A1) to provide 2 x 1-bed flats (Use Class C3); alteration and repositioning of front elevation; construction of new front boundary fence and gate.				
<b>Recommendation(s):</b>		<b>Granted Conditional Permission Subject to Section 106 Legal Agreement</b>		
<b>Application Type:</b>		<b>Full Planning Permission</b>		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	00	No. of responses	08	No. of objections	06
			No. Electronic	00		
Summary of consultation responses:	<p>Objections have been received from the owner/occupiers of 19 Bassett Street, 9 Healy Street, 3 Ryland Road, 7 Alma Street, 55 Willes Road, 36 Dartmouth Park Road. A summary of the responses are set out below:</p> <p><u>Land Use</u></p> <ul style="list-style-type: none"> <li>Affordable workspace, the advertised rent of £30,000 is high and is much more than £17,500 which the previous tenant paid, The site has been successfully let between £15-£20k – <b>(Officer response: see paragraphs 2.1 – 2.6);</b></li> <li>Protection of retail space is extremely important – <b>(Officer response: see paragraphs 2.1 – 2.6);</b></li> <li>The space has been used as a gallery and is highly suitable for that purpose – <b>(Officer response: see paragraphs 2.1 – 2.6);</b></li> <li>Loss of commercial space (retail) – <b>(Officer response: see paragraphs 2.1 – 2.6);</b></li> <li>Keeping shopping alive is key to the character of the area – <b>(Officer response: see paragraphs 5.1 – 5.4);</b></li> </ul> <p><u>Design</u></p> <ul style="list-style-type: none"> <li>The building deserves conservation protection; – <b>(Officer response: see paragraphs 3.1 – 3.6);</b></li> <li>Loss of shopfront – <b>(Officer response: see paragraphs 3.1 – 3.6);</b></li> </ul> <p><u>Residential Amenity</u></p> <ul style="list-style-type: none"> <li>Residential adjacent to a pub is not considered appropriate – <b>(Officer response: see paragraphs 2.1 – 2.6);</b></li> <li>The plans show very narrow living quarters with limited daylight access – <b>(Officer response: see paragraphs 4.1-4.3).</b></li> </ul>					
CAAC/Local groups comments:	<p><b>Inkerman Residents Association</b> have raised objection on the following grounds:</p> <ul style="list-style-type: none"> <li>The proposal to demolish the front of the building that contains the retail premises would be to the detriment of the conservation area.</li> <li>The advertised retail rates are at unreasonable levels and find it hard to accept that no tenant can be found to take the premises at a reasonable rent.</li> <li>There is no local shortage of small, private flats. The owner is not offering social housing or anything that would contribute to the neighbourhood.</li> </ul> <p><b>Officer response: see paragraphs 3.1 – 3.6, 2.1-2.6, 2.7-2.8.</b></p>					

	<p><b>Dartmouth Park Conservation Area Advisory Committee</b></p>
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No objection.

## Site Description

The application site is located on Prince of Wales Road adjacent to the Grafton Arms Public House on the corner of Prince of Wales Road and Grafton Road on the northern side of the road. The surrounding uses comprise a mixture of A1, D1, A4 and C3.

The proposal relates to the ground floor of 22-24 Prince of Wales Road which has an existing A1 retail use. The ground floor is set forward from the building line of the upper floors of the building to match the building line of the adjacent Grafton Arms Public House. The application site comprises a four storey building with residential use (Class C3) on the upper floors. The application site is noted within the Inkerman Conservation Area Statement as making a positive contribution to the conservation area which includes nos.22-38 (even) Prince of Wales Road consecutively.

## Relevant History

### Application site

**22271** – Change of use, including alterations and works of conversion, to provide a self-contained flat and maisonette. – **Granted 23<sup>rd</sup> July 1976.**

**36834** – Change of use of the ground floor to offices and conversion of two self contained residential units on the first, second and third floors and the installation of a new frontage. – **Granted 24<sup>th</sup> October 1983.**

**2015/6330/P** – Change of use of ground floor from A1 to C3 for 2no. 1-bed flats; alteration and repositioning of front elevation; construction of new front boundary fence and gate. – **Withdrawn 3<sup>rd</sup> February 2016.** – Application withdrawn due to the lack of justification with regards to the loss of retail space in accordance with policy DP10.

## Relevant policies

### **National Planning Policy Framework (2012)**

National Planning Practice Guidance

### **The London Plan 2016**

### **LDF Core Strategy and Development Policies (2010)**

CS5 – Managing the impact of growth and development

CS6 – Providing quality homes

CS11 – Promoting sustainable and efficient travel

CS13 – Tackling climate change through promoting high environmental standards

CS14 – Promoting high quality places and conserving our heritage

DP2 – Making full use of Camden's capacity for housing

DP5 – Homes of different sizes

DP16 – The transport implications of development

DP17 – Walking, cycling and public transport

DP18 – Parking standards and limiting the availability of car parking

DP19 – Managing the impact of parking

DP22 – Sustainable design and construction

DP23 – Water

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

## **Supplementary Planning Guidance (updated July 2015)**

### ***Camden Planning Guidance***

- 1 – Design (2015)
- 6 – Amenity (2011)
- 7 – Transport (2011)

### **Inkerman Conservation Area Statement (March 2003)**

#### **Draft Camden Local Plan**

Last summer, the Camden Local Plan was formally submitted to the government for public examination. Following the public hearings, the Council is consulting on Main Modifications to the Local Plan. Following the Inspector's report into the examination, which is expected in early-mid April 2017, policies in the Local Plan should be given substantial weight. Adoption of the Local Plan by the Council is anticipated in June or July. At that point the Local Plan will become a formal part of Camden's development plan, fully superseding the Core Strategy and Development Policies, and having full weight in planning decisions.

The following policies are considered to be relevant:

- H1 – Maximising housing supply;
- H6 – Housing choice and mix;
- H7 – Large and small homes;

- A1 – Managing the impact of development;
- A3 – Protection, enhancement and management of biodiversity;

- D1 – Design;
- D2 – Heritage;

- CC1 – Climate change mitigation;

- T1 – Prioritising walking, cycling and public transport;
- T2 – Car-free development and limiting the availability of parking.



### 1. Description of proposed development

1.1 The applicant seeks planning permission for the change of use of ground floor from retail (Use Class A1) to provide 2 x 1-bed flats (Use Class C3); alteration and repositioning of front elevation; construction of new front boundary fence and gate.

1.2 The proposal comprises the following elements:

- Creation of 2 x 1-bed 2 person flats measuring 55sqm and 53sqm respectively;
- Alteration to the front elevation including stepping the existing building line back by 1m;
- Alterations to the fenestration to the front elevation to reference the proposed residential use;
- Installation of new front boundary treatment to allow for a refuse area to be placed to the front of the building.

#### Revisions

1.3 A number of revisions have been negotiated into this scheme to improve the appearance of the front elevation. The fenestration arrangement has been altered to give the front elevation a more residential appearance in accordance with the proposed use. It is considered that the alterations improve the relation with the upper floors of the host building.

### 2. Principle of development

#### Loss of retail

2.1 Policy DP10 states that the Council will seek to protect shops outside centres by only granting planning permission for development that involves a net loss of shop floorspace outside designated centres provided that:

- Alternative provision is available within 5-10 minutes walking distance;
- There is clear evidence that the current use is not viable.

2.2 As noted in the site description, the application site is located approximately 180m to the west of the Kentish Town town centre. As such, the application is well within the 5 minutes walking distance to pass the first policy test.

2.3 With regards to the ongoing viability of the existing A1 use, the applicant has submitted a statement on the loss of the retail use on site. From the statement it is clear that the property has been marketed since March 2016 for potential tenants at a rate of £30,000 per annum (equating to £50 per sqft). During that period, the unit was marketed in the following ways:

- Advertised on Christco & Co's website for 6 months as well as [www.shopproperty.co.uk](http://www.shopproperty.co.uk);
- A "to let" sign was placed outside the property for a period of 6 months;
- Details were distributed to the Estate Agents Clearing House;
- Details circulated via Christco & Co's property list.

2.4 During this time, the marketing exercise yielded 6 viewings. One of which yielded an offer that

would have required a change of use by the tenant.

2.5 Officers have reviewed the applicant's report and consider the following points:

- Officers agree that the site is an isolated retail pitch – it is the only unit located between a pub and residential units and it is some 180m west of the nearest town centre;
- The rents along Kentish Town Road tend to achieve a rate of £60+ per sqft;
- Whilst the £30,000 per annum figure is a little high, it is not unreasonable to propose a rent of this level for interested parties to propose a rent they consider they can meet.

2.6 It is considered that the submitted marketing exercise is sufficient for the purposes of the tests as set out within policy DP10. Therefore the proposed loss of retail use, in this instance, is satisfactory both due to the proposed marketing exercise and that the replacement use is a priority for the borough.

### Creation of housing

2.7 Housing is regarded as the priority land-use of the Local Development Framework, and the Council will make housing its top priority when considering the future of unused and underused land and buildings. The proposal would provide a total of two new units (2 x 1-bedroom units). As such the provision of new residential accommodation is compliant with policies CS6 and DP2 as long as it meets the Council's residential development standards and does not harm the amenity of existing and future occupiers.

2.8 Policy DP5 (Homes of different sizes) seeks to provide a range of unit sizes to meet demand across the borough. Policy DP5 includes a Dwelling Size Priority Table and the expectation is that any housing scheme will meet the priorities outlined in the table. The proposals include the creation of 2 x 1-bedroom units. The provision of 1-bedroom units, which are considered a 'lower' priority in accordance with policy DP5, is considered acceptable in this instance as it is considered the provision of 2 x 1 bed units would be more appropriate over the creation of a single 3-bed unit across the whole site. The creation of a 3-bedroom unit would require the

## **3. Design and conservation**

3.1 Policy DP24 (Securing high quality design) requires that all developments, including alterations and extensions to existing buildings will be expected to consider:

- a) the character, setting, context and the form and scale of neighbouring buildings;*
- b) the character and proportions of the existing building, where alterations and extensions are proposed.*

3.2 With particular respect to conservation areas, policy DP25 states that the council will only permit development that preserves and enhances the character and appearance of the area. As noted above, the site is located within the Inkerman Conservation Area.

3.3 The site is situated immediately adjacent to the Grafton Arms Public House which, as well as the application site, is considered a positive contributor to the conservation area.

3.4 The ground floor elevation currently provides a neutral contribution to the conservation area. The upper floors of the terrace (nos. 22-38 (even)) are considered to be the features which provide the positive contribution to the conservation area. The upper floors feature a degree of symmetry through fenestration pattern and use of materials whereas the ground floor, with the contrasting style of shopfronts, unbalances the elevation as a whole. The proposed ground floor alterations reinstate some of that symmetry, albeit of a different design, to the upper floor of the building. The details of the proposed windows are considered to be more in keeping with the original terrace and therefore more sympathetic in character when considered in relation to the

adjacent Grafton Arms Public House. The proposed fenestration appropriately references the residential use of the ground floor. An appropriately worded condition has been recommended to ensure the details of the windows are of a high quality and commensurate with the surrounding high quality of the conservation area. It is therefore considered that the alterations to the front elevation are considered appropriate given the surrounding sensitive context.

- 3.5 The front boundary treatments are considered appropriate as it seeks to mimic the design of the surrounding front boundary treatments of the surrounding streetscape. A condition has however been recommended to ensure the quality of this element.
- 3.6 Officers have negotiated revisions to the scheme to ensure that the appropriate alterations referenced above were provided. The proposed alterations are now considered acceptable officers. The alterations, combined with the set back of the front elevation contribute to enhancing the appearance of the adjacent public house. As such, it is considered that the proposal is in accordance with policies CS14, DP24 and DP25 of Camden's Local Development Framework.

#### **4. Standard of residential accommodation**

- 4.1 Paragraph 26.11 of policy DP26 states that the size of a dwelling and its rooms, as well as its layout, will have an impact on the amenity of its occupiers. As such, new residential units must comply with the technical housing standards.
- 4.2 The table below compares the proposed floorspace for each respective unit against the required space standards.

<b>Proposed Unit</b>	<b>Proposed floorspace (sqm)</b>	<b>Required floorspace (sqm)</b>
1b2p	55	50
1b2p	53	50

- 4.3 The proposed units surpass the floorspace requirements for such units and are therefore considered acceptable. The units are dual aspect and will receive adequate levels of daylight. The proposed units will have sufficient levels of privacy which is considered acceptable. As such, the proposed units are considered to comply with the requirements of policies CS5 and DP26.

#### **5. Amenity**

- 5.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, outlook and implications on daylight and sunlight.
- 5.2 It is not considered that the proposal will impact on the levels of daylight and sunlight to adjacent occupiers as there is a reduction in the built form of the existing site. Conversely, it is considered that the proposed units will receive sufficient levels of daylight by virtue, in part, by the fact that the units are dual aspect.
- 5.3 With regards to noise and the proposal's proximity to the Grafton Arms public house adjacent to the site, it is noted that a corridor separates the unit from the public house. It is considered that this buffer, combined with the prevailing character of residential development adjacent to the site, it is not considered that noise will significantly impact the amenities of future occupiers.
- 5.4 It is not considered that the proposal will have any impact with regards to the privacy of both the surrounding residential occupiers and future occupiers of the proposed residential units. It is also considered that the units will benefit from good levels of outlook. As such, it is considered

that the proposal is in accordance with policies CS5 and DP26 of Camden's Local Development Framework.

## **6. Transport**

- 6.1 Policy DP18 (Paragraphs 18.12 and 18.13) requires development to provide cycle parking facilities in accordance with the minimum requirements as set out within Appendix 2 of the Camden Development Policies document and the London Plan. A requirement of one cycle parking space per unit is required for this development.
- 6.2 The proposed floor plans indicate space for cycle parking to the rear of the units. Whilst this is indicative it is noted that should the cycle parking be provided to the front of the site, it would hinder access to the refuse area and vice versa. As such, the proposed plans are considered acceptable.
- 6.3 The application site is located in an area with a Public Transport Accessibility Level (PTAL) of 6a. Given the transport accessibility level of the site a car-free development is required. The applicant has agreed to enter into a legal agreement for a car-free development which is considered acceptable.
- 6.4 The adjacent public highway could be damaged as part of the construction process. Such works would require a financial contribution secured via a Section 106 which would be refundable provided the public highway is left in the same state of repair as a result of the works. The figure for the associated works would be £5,000. The applicant has agreed to enter into a legal agreement to secure a contribution towards highway works which is considered appropriate.
- 6.5 It is therefore considered that the proposal is in accordance with policies CS11, DP18, DP19, DP20 and DP21 of Camden's Local Development Framework.

## **7. Conclusion**

- 7.1 The applicant has provided suitable evidence to justify the loss of the existing A1 retail space in this out of centre location. Further to this, the provision of two new residential units on site is considered acceptable as it is considered a priority use within Camden's Local Development Framework. Officers have sought revisions to the scheme to ensure a level of design commensurate with the surrounding sensitivities of the site's context. As such the proposal is considered to comply with policies CS14, DP24 and DP25 of Camden's Local Development Framework.
- 7.2 The proposal is also considered to have an acceptable impact on the amenities of adjacent residential occupiers, which is minimal, in accordance with policies CS5 and DP26 of Camden's Local Development Framework.
- 7.3 The applicant has agreed to enter into a Section 106 legal agreement to secure a car-free legal agreement and a highways contribution in accordance with policies CS11, CS19 and DP18 of Camden's Local Development Framework.

## **8. Recommendation**

- 8.1 Grant conditional permission subject to a Section 106 legal agreement.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 27<sup>th</sup> February 2017, 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'.***

BB Partnership  
Studios 33-34  
10 Hornsey Street  
London  
N7 8EL

Application Ref: **2016/6298/P**

08 March 2017

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:

**22-24 Prince of Wales Road**  
**London**  
**NW5 3LG**

Proposal:

**DECISION**  
Change of use of ground floor from retail (Use Class A1) to provide 2 x 1-bed flats (Use Class C3); alteration and repositioning of front elevation; construction of new front boundary fence and gate.

Drawing Nos: (Prefix: FJS\_) 101 Rev A; 110 Rev A; 111 Rev A; 120; 201; 210 Rev D; 211 Rev A; 215 Rev B.

Reports: Planning Statement prepared by BB Partnership Ltd dated November 2016; Design & Access Statement prepared by BB Partnership dated November 2016; Statement on the loss of retail use prepared by Christco & Co dated 18 October 2016; Photographs prepared by BB Partnership dated November 2015.

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 (Prefix: FJS\_) 101 Rev A; 110 Rev A; 111 Rev A; 120; 201; 210 Rev D; 211 Rev A; 215 Rev B.

Reason:

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

- 4 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), external doors, gates and balustrades;

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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.

- 5 The approved Sheffield Stand cycle parking facility shall be provided in its entirety prior to the first occupation of any of the new units, 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.

- 6 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CS13 of the London Borough of Camden Local Development Framework Core Strategy and DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies.

- 7 Prior to construction the development hereby approved shall submit an energy statement demonstrating how a 20% reduction in carbon dioxide emissions beyond Part L 2013 Building Regulations in line with the energy hierarchy has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation, evidence demonstrating that the approved measures have been implemented shall be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter.

Reason: Reason: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with policies CS13 of the London Borough of Camden Local Development Framework Core Strategy and DP22 (Promoting sustainable design and construction) 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 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)

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

Supporting Communities Directorate