

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	24/12/2015
(Member's Briefing)		N/A	<b>Consultation Expiry Date:</b>	29/09/2015
<b>Officer</b>			<b>Application Number</b>	
Obote Hope			2016/3719/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
50 Rochester Place London NW1 9JX			Refer to Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal</b>				
Excavation beneath the footprint of the property for a basement extension and erection single storey glazed roof extension associated with the use as Garage/Workshop (Class B2).				
<b>Recommendation:</b>	Grant Conditional Planning Permission subject to a Section 106 legal agreement			
<b>Application Type:</b>	Full Planning Application			

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>07</b>	No. of response	<b>09</b>	No. of objections	<b>09</b>
<b>Summary of consultation responses:</b>	<p>7 letters were sent out to adjoining residents on 22/07/2016. A press notice was also published on 10/08/2016 expiring on 31/08/2016.</p> <p>2 objections were received from 48 Rochester Place as follows:</p> <ul style="list-style-type: none"> <li>• The risk to the neighbouring building as a result of the basement extension: and</li> <li>• The significance of the building within the conservation area.</li> </ul> <p>2 objections were received from 12 Rochester Terrace as follows:</p> <ul style="list-style-type: none"> <li>• The basement extension would impact on the water course;</li> <li>• Subsidence due to the soft boulder clay; and</li> <li>• Article 4 Direction on Basement.</li> </ul> <p>2 objections were received from 48A Rochester Place as follows:</p> <ul style="list-style-type: none"> <li>• structural damage to my building;</li> <li>• loss of important architectural feature such as the roof lantern; and</li> <li>• The impact with traffic movement with vans, lorries and people blocking the road.</li> </ul> <p>2 joint objections were received from 18 Rochester Terrace and 62 Rochester Place as follows:</p> <ul style="list-style-type: none"> <li>• Extension would be of a poor design;</li> <li>• Unresolved rainwater drainage between 52/54; and</li> <li>• Drawings are incorrect and would impact on the foundations with no.48.</li> </ul> <p>Objection received from 14 Chichester Court as follows:</p> <ul style="list-style-type: none"> <li>• The proposal would block the view from my window;</li> <li>• Impact on "Right to light";</li> <li>• The roof extension would contribute to the loss of privacy; and</li> <li>• The development would create a "canyon" impact.</li> </ul> <p>Objections received from 31 Hill Street as follows on behalf of 52-54 Rochester Place:</p> <ul style="list-style-type: none"> <li>• The location of the host building provide cohesive identity;</li> <li>• The loss of the characteristic Roof;</li> <li>• The application lacks assessment of the basement in the conservation area;</li> <li>• The roof extension would contribute to loss of sunlight, daylight and artificial light levels;</li> <li>• Risk of movement on the neighbouring properties;</li> <li>• Impact of the proposal on drainage and water environment;</li> <li>• Lack of detailing in the Construction Management Plan; and</li> <li>• Storage of waste and recycle materials.</li> </ul>					

Rochester Conservation Area (CAAC) raised the following objections:

- The building makes a notable contribution from the streetscape;
- The glass roof lantern occupies 36.5 of the roof area and has not been replaced for 108 years;
- The basement would impact on the water course;
- The removal of the triangular glass lantern and replace the structure with a glass box is unacceptable, which would erode the industrial character;
- The drawings are inaccurate in its relationship between 48 and 50 Rochester Place;
- The basement wall extends beyond the Part Wall, and;
- There have been 12 applications over the last 12 years and none have been allowed, and;
- Noise impact of the basement excavation.

**Officer comments to the objections raised above are as follows:**

- *The proposed basement extension has been scrutinised by Campbell Reith, the proposal has been revised twice since the original submission and information such as, underpinning sequence, sketches to illustrate construction sequence including appropriate structural calculations have all been re-submitted. Additionally, the conceptual model detailing strata level, geotechnical soil parameters and groundwater levels to be used in design were all submitted as evidence that concludes that the proposal is acceptable and would be in accordance with policy DP27 and CPG 4;*
- *In light of the above, and details provided in paragraph 1.4 below there is no significant risk identified that would have an impact with host building, neighbouring properties or the wider conservation area;*
- *The assessment carried out by Campbell Reith accepts the Engineers findings that as the proposed basement would not impact on the wider hydrogeology of the area. The area is not subject to flooding, slope stability, subsidence due to basement being founded on London Clay with Head deposits and Made Ground overlying nor would the basement impact on water courses this is due to the River Fleet located 200m west of the site;*
- *The removal of permitted development rights for basement extension is not relevant to this application due to the application was accompanied by a full BIA assessment;*
- *The BIA was accompanied by a construction method statement, programme and sequencing have been included, it's noted that the road to the front of the property is considered as low risk of flooding from surface water and there would be no increase in impermeable area. As such, the surface water flow regime and volume will remain unchanged by the proposed development. The revised submission shows the ground movement assessment (GMA) would be slight, Category 1, Campbell Reith suggest this is "predicted in accordance with the Burland Scale and the proposed temporary works methodology is accepted as providing appropriately stiff propping to limit ground movements. The proposed structural monitoring should*

**CAAC/Local groups comments:**

*adopt trigger values based on the GMA and be agreed under the Party Wall Act”.*

- The roof lantern is largely hidden behind the parapet wall and, whilst it is duly noted from a design standpoint that the rooflight is a characteristic feature. The previous refusal in 2008 (2008/1635/P) was dismissed on appeal, the planning inspector did not object to the loss of the triangle rooflight. The Council’s conservation officer provided observation on the design of the proposal and the preservation of the triangular rooflight was not regarded as being of high importance. Therefore, it would be unreasonable to refuse the extension purely based on the rooflight loss in this instance. Furthermore, the extension would be of a similar footprint to the existing rooflight with limited views at street level;*
- If planning permission is approved, a Construction Management Plan (CMP) would be secured as part of the S106 legal agreement, which would be monitored due to the size, scale of the proposed works and the impact this would have in regards to movement of goods and material and the impact the proposed works would have with pedestrian movement and traffic flow.*
- It is unlikely that the proposed extension would be visible from the public domain due to the composition of the building which varies in height and due to the host building abutting a narrow pavement, further limits its visual impact. Nevertheless, the extension would be designed to be lightweight; this would reflect the material used in the construction of the rooflight which projects approximately 0.7m higher. The extension is considered to be appropriate in its design and appearance and would not have a detrimental impact on the host building or any adverse visual impact on the wider conservation area.*
- The drainage issue raised would come under Building Control jurisdiction and cannot be addressed in this report. An informative would be attached to the decision notice as a reminder to consult with Building Control.*
- The drawings in relation to the shared Party Wall with no.48 would require further clarification if the presence of piles is to be erected under the flank walls then further confirmation as to whether there is a party wall between No. 48 and No. 50 would be required. These issues would come under a Party Wall Agreement between both parties and would be investigated under the Party Wall Act 1990.*
- With regards to “right to light” the planning system gives protection but not rights. As such, the right to light is a civil matter outside the scope of planning consideration. It’s very unlikely that the glass extension would contribute to the loss of daylight/sunlight, loss of privacy or contribute to a “canyon impact” due to the property being on the opposite side of the street. The property is in commercial occupancy and the noise generated would be restricted between office hours.*
- The cohesiveness of the properties would not be impacted upon and the basement extension would not include any lightwells and the extension would be set back with views limited from the public*

domain.

- *The proposed first floor extension would not exacerbate light pollution. The roof would be zinc clad and the windows would be designed with internal blinds and it would be unreasonable to refuse the application due to potential light pollution considering the property would still retain its commercial use.*
- *The drainage proposed would be assessed under Building Control Legislation and an Informative would be attached to the decision notice.*
- *A condition would be attached with regards to the waste and recycle storage to ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18.*
- *The National Planning Policy Framework ensures that a local planning authority work proactively and creatively with developers to ensure that planning is in favour of development unless material considerations dictate otherwise as highlighted below in paragraphs 1.5 and 1.7. The overall design is considered acceptable and addresses the inspectors concerns in 2008.*
- *Applications are determined on a case by case basis and whilst the history and characteristics of the area these 12 applications over the last 12 years are materially different to this current proposal.*
- *The proposed drawings have been revised and now include a scale ruler which is considered a true reflection of the scale of the proposal.*

## Site Description

Rochester Place is a narrow mews style street characterised by a mix of 19th century and more modern developments of a residential and industrial nature. The application site is located on the northern side of Rochester Place within the Rochester Conservation Area. The site is the end building within a group of three single storey light industrial buildings which were built in the later 19th Century. The building is identified as making a positive contribution to the character and appearance of the conservation area in the Rochester Conservation Area Statement.

The site is currently in use as a motor garage (class B2) and the ground floor unit to the west is in use as an artist's studio. To the east the property adjoins a two storey residential property.

## Relevant History

Planning permission (**Refused**) on 28/07/2008 Ref: **2008/1635/P** for: Erection of two-storey extension above existing garage/workshop to provide two 2-bed flats at first and second floor levels. Appealed on the 19/02/2009 ref: **APP/X5210/A/09/2096525**

### Reasons for refusal:

1. ***“The proposed erection of two additional storeys above the existing ground floor commercial unit by reason of its siting, scale and detailed design would unbalance the appearance of the single storey building and would be out of keeping with its industrial character and neighbouring buildings, failing to preserve the character and appearance of the Rochester Conservation Area, contrary to policies B1 (General design principles), B3 (Alterations and extensions) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unitary Development Plan 2006”.***
2. ***“The proposed development, in the absence of a suitable area for the storage of bicycles, would fail to provide an adequate level of storage for future occupiers of the residential units, contrary to policy T3 (Pedestrians and cycling) of the London Borough of Camden Replacement Unitary Development Plan 2006 and supporting advice contained within the Camden Planning Guidance 2006”.***
3. ***“The proposed development, in the absence of a legal agreement for car-free housing, would be likely to result in increased parking stress and congestion in the surrounding area, to the detriment of highway and pedestrian safety, contrary to policies T1 (Sustainable transport), T7 (Off street parking), T8 (Car free housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006”.***

### Appeal Dismissal:

The planning Inspector considered that the character of the commercial units would be impacted upon if the proposed roof extension is constructed given the characteristic of the area and the impact the residential extension would have on the two smaller units adjacent to the host building which are simple in their design. The units were identified as unspoilt remnants of the commercial history of this part of the conservation area, which adds to the area's character.

The loss of the triangular roof lantern was not material to the appeal dismissal, the planning inspector commenting *“Whilst the set-back position of the proposed upper storeys would ensure that the commercial and residential uses would remain well defined, the development would detract from the simple architecture of the garage, and more importantly, would unbalance the cohesive group of commercial units”.* As such, would detract from the simple architecture of the garage, and more importantly, would unbalance the cohesive group of commercial units. This would not be the case in this instance, as discussed below and the commercial identity would remain intact.

The inspector also stated that the appearance of the flats would not relate well to the immediate neighbours at 48A and 48 Rochester Place and the eaves height of the proposed flats would be noticeably higher than that of the adjoining property.

Planning permission **2014/1537/P (Refused)** on the **11/02/2014** for: Erection of a single storey extension above existing garage/workshop to provide one 2-bed flat at first floor level.

### Reasons for refusal:

1. ***“The erection of an additional storey above the existing ground floor commercial unit by reason of its siting, scale and detailed design would unbalance the appearance of the***

*single storey building and would be out of keeping with its industrial character and neighbouring buildings, failing to preserve and enhance the character and appearance of the Rochester Conservation Area, contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and to policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies”.*

- 2. “The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and would promote the use of non-sustainable modes of transport, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies”.*

Pre-application advice was sought on **27/04/2015 ref: 2015/1734/PRE** for the erection of a single storey glazed roof extension, excavation to create a basement and change of use from car garage (B2) to offices/workshop (B1/B2).

## **Relevant policies**

### **NPPF 2012**

### **The London Plan 2016**

### **LDF Core Strategy and Development Policies**

#### **Core Strategy**

CS1 (Distribution of growth)

CS5 (Managing the impact of growth and development)

CS14 (Promoting high quality places and conserving our heritage)

CS18 (Dealing with our waste and encouraging recycling)

#### **Development Policies**

DP20 (Movement of goods and material)

DP21 (Development connecting to the highway network)

DP22 (Promoting 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)

DP27 (Basement and Lightwells)

DP28 (Noise and vibration)

DP30 (shopfront)

#### **Camden Planning Guidance 2013/2015**

CPG1 (Design)

CPG3 (Sustainability)

CPG4 (Basement and lightwells)

CPG6 (Amenity)

CPG7 (Transport)

CPG8 (Planning Obligations)

## Assessment

### 1. Proposal

1.1 Planning permission is sought for the erection of a single storey roof glazed extension and excavation at lower-ground floor level for a basement extension beneath the footprint of the building for additional ancillary commercial floorspace.

1.2 The key considerations for assessment are:

- Land use
- Basement
- Design of the roof extension
- Amenity of neighbours
- Transport
- Community Infrastructure Levy (CIL)

### 2. Land use

2.1 The applicant proposes to use the premises as a workshop/office for a lighting business which would fall under Class B1 use. The site is currently in use as a motor vehicle garage which falls under class B2. It is possible to change from class B2 to B1 under permitted development and no formal application is required for such a change. The use does not form part of the planning assessment and is acceptable.

### 3. Basement extension

3.1 The revised submission from Soils LTD concludes that the nearest water feature is the River Fleet much of which has now been culverted which lies approximately 200m to the west of the site. A single window sample borehole has been undertaken for the scheme and the BIA reports that ground conditions comprise 'Made Ground over Head Deposits' and 'London Clay' and Campbell Reith assessment supports the findings of the BIA.

3.2 Groundwater was not encountered during the site investigation, but the subsequent monitoring visit recorded groundwater at 1.05m below ground level (bgl). The BIA assessment comprises two reports - one report by Croft Structural Engineers which includes structural calculations, construction programme and methodology and a second report by Soils Limited which includes the screening and scoping. In the revised submission, the authors' qualifications are acceptable and the Soils Limited report has been authored and checked by individuals with appropriate qualifications. The basement is to be formed using reinforced concrete cantilevered walls and constructed using underpinning techniques. A construction method statement, programme and sequencing have been included in the BIA appendices and these have been analysed.

3.3 A single window sample borehole has been undertaken for the scheme and the BIA reports that ground conditions comprise made Ground over Head Deposits and London Clay. It does not appear that any other borehole was recorded in the production of the BIA. However, no ground water movement was encountered during the site investigation and the subsequent monitoring visit recorded groundwater at 1.05m below ground level (bgl). The assessment also includes:

- A summary of the scheme, ground movement assessment and impact assessment and a screening, scoping and partial impact assessment. In the original submission, there was no evidence of the geological experience of the author of the GMA as required by CPG4. In the



revised submission the authors' qualifications are acceptable.

- In the revised submissions, the ground movement assessment (GMA) and damage impact assessment have been updated and are accepted, and a Damage Category 1 (Very Slight) is predicted in accordance with the Burland Scale. The proposed temporary works methodology is accepted as providing appropriately stiff propping to limit ground movements. The proposed structural monitoring should adopt trigger values based on the GMA and be agreed under the Party Wall Act.
- In the original BIA audit, it was requested that the relevant map extracts from the Arup GSD be included to support the answers in the screening process. These have been presented in the revised submissions.
- It is accepted that the development will not impact on the wider hydrogeology of the area and is not in an area subject to flooding, and;
- Queries and matters requiring further information or clarification and based on the revised submissions, the criteria contained in CPG4 and policy DP27 have been met. This assumes that recommendations in relation to confirming soil parameters and structural monitoring trigger values are adopted and is not in an area subject to flooding.

3.4 The basement extension measure approximately 3.4m in depth and 8.0m in width and would be constructed using reinforced concrete slab. The basement extension would not include a lightwell which would have a visual impact with the appearance of the host building and wider conservation area. The material considerations in this instance are the impact on land stability with the neighbouring properties, local ground and surface water conditions that may arise from basement development. The proposal satisfies the requirements of CPG 4 in all these elements and all been independently assessed and verified by Campbell Reith as listed above.

#### **4. Design and appearance of the roof extension**

4.1 It is proposed to remove the existing glazed lantern and erect a single storey glazed roof extension. The proposed extension would measure approximately 1.5m (height) x 6.3m (width) x 6.6m (depth). It would include a series of rooflights which would project 0.3m above the proposed extension. The extension is set back approximately 2.4m from the roof edge of no. 52 and would be comparatively smaller than the extensions refused in 2009 (2008/1635/P) and 2014 (2014/1537/P). The roof would be approximately 0.8m higher than the existing rooflight.

4.2 Due to its set back position and height, the extension is unlikely to be visible from Rochester Place, particularly as the street is narrow. The reduced scale and increased set back is considered to address the concerns raised in the previous application refused in 2008 and again in 2014. Whilst the extension would result in the loss of the historic rooflight, it appears that the rooflights at nos. 52-54 Rochester Place have been replaced in the past and it is also noted that the Planning Inspector did not make reference to preserving the existing rooflight in the appeal decision in 2009.

4.3 The extension would appear as a subordinate addition to the main building. The glazed walls of the extension reflect the original rooflight, the industrial style and give the extension a lightweight feel. The roof extension would be designed with a translucent window to the rear elevation and central valley gutter. The roof would be zinc clad and the natural grey glass to the front elevation would ensure that the extension be kept as simple as possible with a contemporary appearance. The proposed extension is considered to preserve and enhance the character and appearance of the conservation area and is considered to be acceptable.

## **5. Alterations to the elevation/entrance**

- 5.1 It is proposed to replace the existing roller shutter entrance with a new entrance door which would be similar in design and appearance with no. 52. The proposed door would be constructed using timber hardwood, the granite corner protection would be reinstated, the upper part of the door would consist of Steel window frame, and the upper part of the door would be clear glass that matches the appearance and proportion of the existing door. These proposed alterations are considered to be acceptable in design and appearance.

## **6. Amenity of neighbours**

- 6.1 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, overlooking, outlook, noise and disturbance and implications on daylight and sunlight.
- 6.2 It is not considered that the proposed extension would impact on daylight/sunlight to no. 52. The extension would be lower than the previous proposal and set back by approximately 1.3m from the party wall, resulting in a minimal impact. Furthermore, the impact on amenity was not a reason for refusal in the previous application due to the orientation of the buildings. The extension would partially reduce a small amount of sunlight to the rooflights during the morning; however, this would not be significant to warrant a reason for refusal.
- 6.3 There would be limited opportunities for overlooking from the front elevation due to the setback, and any overlooking which may occur would be common in a mews style street. The extension is set back from the rear elevation and so any overlooking which may occur would be limited. In addition, the use of the building as Class B1 use would be less intense than residential and any opportunities for overlooking would only be in the daytime.
- 6.4 The glass extension would not result in any undue loss of daylight/sunlight, loss of privacy or contribute to a "canyon impact" to 14 Chichester Court due to the property being on the opposite side of the street. The size, scale and orientation of the proposed first floor extension would sit comfortably with this property and the impact of the proposal on its occupiers would be minimal. The application would retain its commercial occupancy and the noise generated would be restricted between office hours.

## **7. Transport**

- 7.1 The Council has a CMP pro-forma which must be used once a Principal Contractor is appointed prior to construction works commencing. The CMP, in the form of the pro-forma, would need to be approved by the Council prior to any works commencing on site. This would be secured by S106 legal agreement.
- 7.2 Some highway licenses would also be required to facilitate the proposed works. The applicant would need to obtain such highway licences from the Council prior to commencing work on site. Any such licence requirements should be discussed in the CMP.
- 7.3 The summary page of policy 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 and vehicular crossover directly adjacent to the site could be damaged as a direct result of the proposed works. The Council would therefore need to secure a financial contribution for highway works as part of the S106 legal agreement if planning permission is granted. This

would allow the proposal to comply with policy DP21.

**8. CIL**

- 8.1 At this point in time an estimation of the amount to be secured is £50.00 (LB Camden amount per square metre) multiplied by the additional gross internal floorspace (137sqm). The CIL will be collected by Camden and an informative will be attached advising the applicant of the CIL requirement.

**9. Recommendation:**

- 9.1 Grant planning permission subject to s106 to secure the CMP and Highways Contributions

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 6<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'.***