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| Delegated Report (Refusal) | | Analysis sheet N/A | | Expiry Date: 07/03/2018 | |
| | | | | Consultation Expiry Date: 02/02/2018 | |
| Officer | | | Application Number(s) | | |
| Patrick Marfleet | | | 2017/4293/P | | |
| Application Address | | | Drawing Numbers | | |
| 128-130 Grafton Road Kentish Town London NW5 4BA | | | See decision notice | | |
| PO 3/4 | Area Team Signature | C&UD | Authorised Officer Signature | | |
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| Proposal(s) | | | | | |
| Demolition of existing industrial building (Class B8) and erection of a 5-storey plus basement, residential building comprising 6 x 2-bed and 3 x 3-bed flats (Class C3). | | | | | |
| Recommendation(s): | | Refuse planning permission | | | |
| Application Type: | | Full Planning Permission | | | |
| Conditions or Reasons for Refusal: | | Refer to Decision Notice | | | |
| Informatives: | | | | | |
| Consultations | | | | | |
| Adjoining Occupiers: | | No. of responses | 03 | No. of objections | 02 |
| | | No. electronic | 03 | | |
| Summary of consultation responses: | | Site notice: 12/01/2018 - 02/02/2018 The following comments and objections were received in response to the application: <ol style="list-style-type: none"> 1. Camden should ensure the allocated percentage of affordable housing set out by the mayor is enforced on this build. 2. The scaffolding business has successfully operated at the site for year. The existing B8 use at the site is therefore viable and should not be lost. 3. There is a demand for this type of employment space in the area and the proposal does not included re-provision of employment floor-space within a mixed scheme, which it should. 4. The height of the proposal should not be taller than 124 Grafton Road and the proposed penthouse terrace should not overlooking neighbouring properties. | | | |

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| | <p><u>Officer comments</u></p> <ol style="list-style-type: none"> 1. <i>The proposed scheme is not large enough to secure an on-site contribution to affordable housing. See paragraph 3.7 of this report for further discussion on this.</i> 2. <i>The proposed loss of the existing employment space is discussed in paragraph 3 of this report.</i> 3. <i>The proposed loss of the existing employment space is discussed in paragraph 3 of this report.</i> 4. <i>The impact of the proposal on neighbouring amenity is discussed in paragraph 6 of this report.</i> |
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| <p>CAAC/Local groups comments:</p> | <p>Kentish Town Neighbourhood Forum:</p> <p>The application site sits just outside, but adjacent to buildings and land in, the KTNF area. The forum have no comments to make in relation to this particular application.</p> |
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Site Description

The application site is located on the eastern side of Grafton Road and relates to a single storey business premises (Class B8) which is currently occupied by a scaffolding company. This side of Grafton Road is predominantly characterised by residential properties which are interspersed with larger industrial and commercial buildings as you move south towards the junction with Warden Road.

The site is not located in a conservation area and does not contain any listed buildings within its curtilage.

Relevant History

Application Site

PEX0200219 - The demolition of the existing building Class B8 (storage) with ancillary B1 (office) building and the construction of new five storey building to provide seven residential units and 5 car parking spaces. **Refused 18/06/2002 due to unacceptable loss of employment space, provision of unsatisfactory residential accommodation and inappropriate size and design of proposed building.**

APP/X5210/A/02/1095059 - The refusal of the application was subsequently appealed by the applicant and allowed by the inspector on 04/03/2003. However, the approved development was not implemented and the relevant permission has long since expired.

Relevant policies

National Planning Policy Framework 2012

The London Plan 2016

Camden Local Plan 2017

A1 Managing the impact of development

A3 Biodiversity

A4 Noise and vibration

A5 Basements

CC1 Climate change mitigation

CC2 Adapting to climate change
CC3 Water and flooding
E1 Economic development
E2 Employment premises and sites
D1 Design
T1 Prioritising walking, cycling and public transport
T2 Parking and car-free development

Camden Planning Guidance

CPG1 – Design (updated 2018)
CPG - Basements (2018)
CPG - Amenity (2018)
CPG7 – Transport (2011)

Assessment

1.0 Proposal

1.1 Planning permission is sought for the demolition of the existing business premises at the site (Class B8) and erection of a 5 storey plus basement residential development (Class C3) to provide 9 new flats.

1.2 The proposal comprises 6 x 2-bed and 3 x 3-bed flats. The proposed 3 bed flats would be located at ground lower/lower ground floor level (duplex units) and at fourth level, whilst the remaining 2 bed flats would be located at first, second and third floor level.

1.3 The proposed development would have a predominantly brick clad façade with a white rendered roof extension at fourth floor level and wrought iron balcony balustrades to the front at all levels.

1.4 The proposed basement would occupy the entire footprint of the site (approx. 234m²) with two large lightwells located to the front which would provide amenity space for the ground/lower ground floor flats.

2.0 Assessment

The material considerations for this application are summarised as follows:

- Land use;
- Design;
- Mix and quality of residential units;
- Amenity of neighbouring residential occupants;
- Transport;
- Basement;
- Energy and sustainability;

3.0 Land use

Loss of employment space

3.1 Policy E2 of the Camden Local Plan seeks to protect employment premises or sites that are suitable for continued business use, in particular premises for small businesses, businesses and services that provide employment for Camden residents and those that support the functioning of the local economy.

3.2 Policy E2 also states that the Council will resist development of business premises and sites for

non-business use unless it is demonstrated to the Council's satisfaction:

- The site or building is no longer suitable for its existing business use; and
- That the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.

3.3 The existing business premises is currently occupied by a scaffolding company that has been in continuous operation at the site since at least 2002, which is when the last application to change the use of the site was refused (see site history above). Therefore, in line with the requirements of Policy E2, any proposal that would result in the loss of the existing employment use would need to be supported by thorough and robust evidence to justify why the site is no longer suitable for continued business use.

3.4 The applicant has not included any information or evidence within their supporting submissions to justify the proposed loss of employment space at the site. With any proposed loss of business/employment space the Council would require the applicant to submit evidence of a thorough marketing exercise, sustained over at least two years to prove that the site is no longer viable as a business unit. However, this evidence would be difficult to produce in this instance as the existing unit is occupied by a scaffolding business, and has been for a significant number of years.

3.5 Officers note that within the applicants supporting submissions, reference has been made to the previous appeal (APP/X5210/A/02/1095059 dated 04/03/2003) at the site that approved the demolition of the existing business premises and the erection of a new residential development. However, as mentioned in the site history section of this report, the approved permission was not implemented and has long since expired and the appeal decision significantly precedes the current employment policies of the Local Plan (adopted in July 2017), which attach significant importance to the protection of employment premises such as the application site. Therefore, the previous appeal decision is not considered sufficient justification for the loss of the existing employment use.

3.6 Given the above, the demolition of the existing business premises and replacement residential building would result in the unacceptable loss of an employment premises in the borough and would be harmful to the local economy, contrary to Policy E2 of the Camden Local Plan 2017.

Affordable Housing

3.7 Policy H4 seeks to maximise the provision of affordable housing. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes starting at 2% for one home and increasing by 2% of for each home added to capacity. Capacity for one additional home is defined within the Local Plan as the creation of 100m² of additional residential floorspace (GIA). In assessing capacity, additional residential floorspace is rounded to the nearest 100m² (GIA). Where developments have capacity for fewer than 10 additional dwellings (or 1000sqm), the Council will accept a payment-in-lieu of affordable housing.

3.9 The current application proposes the creation of 913sqm (GIA) of residential floorspace, which would trigger an affordable housing contribution in line with Policy H4. The sliding target in this instance would require a provision equal to 20% of the total C3 floorspace (expressed in GEA). Policy H4 accepts that a payment-in-lieu is often to most appropriate means to secure this provision in schemes of under 10 units and no longer requires off-site provision to be explored for schemes of this scale.

3.10 The Council's current adopted multiplier for calculating a payment-in-lieu within market residential schemes is £2,650 per sqm. This provides an overall requirement of **£546,960** based upon the creation

of 1,032sqm (GEA) of C3 floorspace (20% of 1032sqm = 206.4sqm x £2650 = £546,960).

4.0 Design

4.1 Policy D1 of the Camden Local Plan requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area and comprises details and materials that are of a high quality and complement the local character.

4.2 It is noted that comments have been received from neighbouring residents with regard to the height of the proposal. In terms of its overall size, scale and height, the Council would not necessarily object to the erection of a 5 storey building at the site, given the prevalence of similar sized buildings to the south along Grafton Road and to the east on Spring Place, subject to detailed and appropriate design. However, the proposal in its current form is unacceptable on a number of grounds which are discussed throughout this report. Therefore, the acceptability of a scheme of this size and scale would be subject to all other aspects of any future proposal being considered acceptable by the Council.

4.3 Paragraph 2.13 of CPG - Basements, states that where basements and visible lightwells are not part of the prevailing character of a street, new lightwells should be discreet and not harm the architectural character of the host building, or the character and appearance of the surrounding area, or the relationship between the building and the street. In situations where lightwells are not part of the established street character, the characteristics of the front garden or forecourt will help to determine the suitability of lightwells.

4.4 The proposed development includes two large front lightwells that would each have a width of 4.8m and a depth of 3m and would provide light and amenity space to the ground/lower ground floor units. With regard to Policy D1 and CPG – Basements, the prevailing pattern of development along the eastern side of Grafton Road is characterised by terraced residential properties with shallow front garden areas and low level, predominantly brick, boundary treatments. As you move southwards along the street, the aforementioned terraced properties are replaced by a mix of larger commercial (application site) and residential (126-116 Grafton Road) properties that share the same set back from the highway as the older terrace properties with small forecourt areas covered in hard standing.

4.5 There is very little evidence of any front lightwells to properties along the eastern side of Grafton Road and they do not form part of the prevailing character of the street. Therefore, the front lightwells currently proposed are considered to represent over-dominant and incongruous additions that would introduce an alien feature to this part of Grafton Road. Their overall size and design would detract from the character of the front boundaries of the street and would create an unattractive and contrived relationship between the proposed building and the street. The proposed lightwells are therefore considered contrary to Policy D1 of the Local Plan and the requirements of the Council's supplementary planning guidance document *Basements*.

5.0 Mix and quality of residential accommodation

5.1 Policy H7 of the Local Plan seeks to ensure that all housing development contributes to meeting the priorities set out in the Dwelling Size Priorities Table (below) and includes a mix of large and small homes.

Table 1: Dwelling Size Priorities

| | 1-bedroom (or studio) | 2-bedroom | 3-bedroom | 4-bedroom (or more) |
|--------------------------|----------------------------------|------------------|------------------|--------------------------------|
| Social-affordable rented | lower | high | high | medium |
| Intermediate affordable | high | medium | lower | lower |
| Market | lower | high | high | lower |

5.2 The proposal would comprise 3 x 3 bed units and 6 x 2 bed units which are all identified as high priority dwelling sizes in the above table. Therefore, no objection is raised to the proposed mix of housing, which would fulfil the requirements of Policy H7.

5.3 The proposed 2 and 3 bed units would either meet or exceed the space standards as set out in the London Plan space standards table, and as such are considered acceptable in respect of unit size.

5.4 Policy D1 of the Local Plan requires all new housing development to provide a high standard of living accommodation whilst Policy A1 seeks all new development to protect the amenity of existing and future occupiers.

5.5 With regard to the amenity of the proposed units, the proposed plans demonstrate that all flats would be dual aspect, which is welcomed. The submitted floorplans also indicate that the main living room areas for all of the flats (apart from the fourth floor unit) would be located to the rear of the building and would receive natural light from the light well/atrium that is proposed to the rear of the development. However, the proposed living room and kitchen areas at ground, first, second and third floor level would only have two small windows located in the elevations of the aforementioned lightwell and would create what appear to be quite dark and oppressive living spaces as a result.

5.6 Therefore, in the absence of a Daylight and Sunlight report and more detailed plans showing the size and height of the proposed living room windows the applicant has not sufficiently demonstrated whether the proposed units would gain an adequate provision of daylight and sunlight.

5.7 Furthermore, the proposed floor plans indicate that all of the living room windows of the proposed flats (apart from the fourth floor unit) would directly face each other with a separation distance of approximately 4.6m between neighbouring windows at ground, first, second and third floor level. This short distance between windows would allow future occupiers to look directly into each others properties and would cause unacceptable levels of overlooking between the proposed units as a result. Similarly, if the proposed living room windows to the rear of the building looked out onto a blank wall, rather than directly into a neighbouring habitable room window, this would still be considered to provide a poor level of outlook and sub-standard accommodation for the proposed units.

5.8 Therefore, the amenity of the proposed units would be poor in terms of light, outlook and privacy and would be unacceptable in a number of areas of the proposed development, contributing to a poor quality of living accommodation for the proposed units, contrary to Policy A1 and D1 of the Camden Local Plan 2017.

6.0 Amenity of neighbouring residential occupants

6.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of

occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG6 (Amenity) provides specific guidance with regards to privacy, overlooking and outlook.

6.2 The size, scale, height and plot coverage of the proposed development would largely match that of the adjoining property at No.126 Grafton Road and would not have an unacceptable impact on the amenity of any neighbouring occupiers in terms of loss of light or outlook. The proposal would also adjoin the existing two storey property at 132-134 Grafton Road, and whilst it would be approximately two storeys higher than the neighbouring property, it is not considered to have an unacceptable impact on the amenity of the building, particularly given its commercial use.

6.3 In terms of privacy and overlooking, the front windows of the proposed development would share the same outlook as the existing residential developments at No.126 and No.116-124 Grafton Road and would not exacerbate current levels of overlooking between properties along Grafton Road. Similarly, the proposed fourth floor front roof terrace would be similar in size and location to the neighbouring terrace areas at 116-124 and would not cause unacceptable levels of overlooking as a result of its installation. It is unclear from the submitted documents what level of overlooking would occur from the proposed fourth floor rear roof terraces. However, given the largely commercial nature of the properties to the rear of the site the proposed rear roof terrace and rear facing windows are not considered to cause harm to the amenity of any nearby residential occupants.

7.0 Transport

Car parking

7.1 Policy T2 of the Camden Local Plan states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The council will not issue on-street parking permits in connection with new development and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.

7.2 No on-site parking is proposed as part of the current proposal and none of the proposed units would be eligible for on street permits. The car-free requirements would be secured by a legal agreement if the scheme was considered acceptable. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

Cycle parking

7.3 With regard to cycle parking, Policy T1 of the Camden Local Plan requires development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and the design requirements outlined in CPG7 - Transport. The London Plan states that new residential developments (Class C3) need to provide two cycle parking spaces for each unit of two bedrooms or more. The proposed development would therefore need to provide 18 CPG7 compliant cycle parking spaces in order for the proposal to be in accordance with CPG7 and the London Plan.

7.4 The supporting information and plans show 14 cycle parking spaces will be provided in a cycle store in the basement, in the form of vertical cycle racks. The number of spaces proposed does not meet the minimum requirements of the London Plan. The proposed vertical racks are not CPG7 compliant and are considered unacceptable as they would require someone to lift a cycle into place, which can discourage residents from owning and using bicycles.

7.5 The only proposed step free access to the basement cycle store from the ground floor is via a lift. The proposed plans show the lift dimensions as 1.6m x 1.5m, with a door opening of 0.65m. Transport for London's cycle guidance, the London Cycling Design Standards, states that in order for a lift to

accommodate all types of bicycle, lifts should have minimum dimensions of 1.2 by 2.3 metres, with a minimum door opening of 1m.

7.6 Due to the type of, and location of the cycle parking provided and the issues outlined above, the proposed residential provision is considered to be unacceptable and not created in an effective way that would encourage residents to use bicycles. The proposal is therefore contrary to Policy T1 of the Local Plan, CPG7 – Transport and the London Plan.

Management of construction impacts on the public highway in the local area

7.7 Policies A1 and T4 of the Local Plan state that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process. The policies also relate to how development is connected to the highway network. For some developments, this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP).

7.8 Whilst the development is not considered to be a large scale major development, due to the location of the site, a CMP would need to be secured as a Section 106 planning obligation if planning permission was to be granted. However, as the scheme is considered to be unacceptable in other aspects, the failure to secure this through a legal agreement constitutes a further reason for refusal of the application.

Summary of required transport s.106 obligations

- Car Free development for all residential units
- Construction Management Plan
- CMP Implementation Support Contribution of £3,136
- Highways Contribution
- AIP and associated assessment fee of £1,800

8.0 Basement

8.1 Policy A5 (Basements) of the Local Plan states that the Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to neighbouring properties and the structural, ground, or water conditions of the area, the character and amenity of the area, the architectural character of the building and the significance of heritage assets. In determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment.

8.2 Furthermore, paragraph 4.36 of Camden's supplementary planning document *Basements*, states that the Council will expect an independent verification of Basement Impact Assessments (funded by the applicant) in order to provide the Council with greater certainty over the potential impacts of proposed basement development. Independent verification will be required when a scheme requires applicants to go beyond the screening stage of the Basement Impact Assessment (i.e where a matter of concern has been identified which requires the preparation of a full BIA).

8.2 The groundwater and slope stability screening and scoping assessments submitted by the applicant identify a number of matters of concern with the proposed basement at the site. The Land Stability Screening and Scoping report produced by Ground and Project Consultants Ltd (September 2017) concluded that the screening assessment revealed a number of issues which required further investigation through the submission of a full BIA, which included:

- *London Clay is the shallowest (mapped) strata, will likely form the basements formation and the*

retained soil.

- *Trees are locally present, will need to be assessed and protected from damage as necessary.*
- *Shrink and Swell aspects can be investigated as they can be strongly associated with the London Clay.*
- *The potential presence of Worked Ground will likely be established from the ground investigation.*
- *The site is within 5m of the footway and health and safety considerations will need to be developed during design and construction.*
- *The neighbouring properties are not known to have basements so that there may be a significant increase of the differential depth of foundations. This potential impact can be better assessed once ground conditions are better understood and basement construction processes are developed.*

8.3 Given the above, the proposed basement would therefore require a full BIA to be submitted, in accordance with the requirements of Policy A5 and CPG – Basements, however; a full BIA has not been provided by the applicant in this instance. Officers did confirm with the applicant whether or not they wanted to have the submitted screening and scoping reports independently audited to ascertain what additional information would be required to address the issues raised. However, the applicant chose not to proceed with the audit in this instance given that the application was already being refused on a number of different grounds.

8.4 Therefore, in the absence of a comprehensive and audited BIA the developer has failed to demonstrate that the proposed basement development would maintain the structural stability of the proposed building and neighbouring properties and avoid adversely affecting drainage and run-off or cause other damage to the surrounding water environment, contrary to policy A5 of the Local Plan and CPG - Basements.

9.0 Energy and Sustainability

9.1 Policy CC1 (Climate change mitigation) of the Local Plan states that the Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. All new residential development is required to demonstrate a 19% CO2 reduction below Part L 2013 Building Regulations demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction.

9.2 Policy CC1 states that the Council will expect all developments, whether for refurbishment or redevelopment, to optimise resource efficiency by: reducing waste; reducing energy and water use during construction; minimising materials required; using materials with low embodied carbon content; and enabling low energy and water demands once the building is in use.

9.3 Policy CC2 (Adapting to climate change) states that all development should adopt appropriate climate change adaptation measures such as the protection of existing green spaces; not increasing, and wherever possible reducing, surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems; and incorporating green and green walls where appropriate.

9.4 Policy CC3 (Water and flooding) states that the Council will seek to ensure that development does not increase flood risk and reduces the risk of flooding where possible. We will require development to incorporate water efficiency measures; avoid harm to the water environment and improve water quality and utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible.

9.5 No Energy or BREEAM statements have been submitted with the application, and in the absence of these documents, officers are not able to assess the development's contribution to minimising the effects of carbon dioxide emissions and climate change in the borough. The proposal is therefore

contrary to policies CC1, CC2 and CC3 of the Camden Local Plan.

10.0 Recommendation

10.1 Refuse Planning Permission