

<b>Delegated Report (Refusal)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		15/02/18			
		N/A / attached		<b>Consultation Expiry Date:</b>					
<b>Officer</b>				<b>Application Number(s)</b>					
Jaspreet Chana				2018/5190/P					
<b>Application Address</b>				<b>Drawing Numbers</b>					
4 Lambolle Place London NW3 4PD				<i>See decision notice</i>					
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>			
<b>Proposal</b>									
Change of use of ground floor from B2 general industrial use to sui- generis live, work use with associated external alterations including construction of front boundary timber gates and brick pillars									
<b>Recommendation:</b>		Refuse							
<b>Application Type:</b>		Full planning permission							
<b>Conditions or Reasons for Refusal:</b>		Refer to Decision Notice							
<b>Informatives:</b>									
<b>Consultations</b>									
<b>Summary of consultation:</b>		One site notice was displayed to the front of 4 Lambolle Place on the 07/12/2018 (consultation end date 31/12/2018).  The development was also advertised in the local press on the 13/12/2018 (consultation end date 06/01/2019).							
<b>Adjoining Occupiers:</b>				No. of responses		01	No. of objections		00
<b>Summary of adjoining occupiers' consultation responses:</b>		One comment was received regarding an administrative issue, which was resolved by officers.							
<b>Belsize CAAC objected on 04/12/2019</b>		<ul style="list-style-type: none"> <li>Object to change of use from B2 to sui-generis and subsequent loss of workshop space in the Conservation Area.</li> </ul> <p><i>Officer response: Please see section 3 and 4 in main body of the report below.</i></p>							

## Site Description

The application site contains a two storey building with accommodation within the roof and is located to the western side of Lambolle Place. The ground floor of the site is used for B2 (General industrial) car repair purposes, with the upper floors in residential use as an independent self-contained unit. The site includes a forecourt area which is used as two repair bays. The subject site is currently occupied by a motor repair business which has recently re-located its main operational base to a larger premises in St Johns Wood

The surrounding area contains a mixture of industrial and residential uses. The site is located within the Belsize Conservation Area, which is recognised for its provision of commercial uses, and is not noted as a positive contributor.

## Relevant History

**2017/6377/P** - Prior Approval for change of use from light industrial (Class B1c) to residential (Class C3) to create 1 self-contained flat at ground floor level – Withdrawn – 30/01/18.

**2018/0656/P** - Prior Approval for change of use from light industrial (Class B1c) to residential (Class C3) to create 1 self-contained flat at ground floor level – Withdrawn – 26/04/18.

## Relevant policies

### National Planning Policy Framework (2019)

### The London Plan (2016)

### Camden Local Plan (2017)

- A1 Managing the impact of development
- A4 Noise and vibration
- D1 Design
- D2 Heritage
- D3 Shopfronts
- E1 Economic development
- E2 Employment premises and sites
- H1 Maximising housing supply
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car-free development
- T3 Transport infrastructure
- T4 Sustainable movement of goods and materials
- G1 Delivery and location of growth
- CC1 Climate change mitigation
- DM1 Delivering and monitoring

### Camden Planning Guidance:

- CPG – Design (2019) – Section 2 Design Excellence
- CPG – Amenity (2018) – Section 2 Overlooking, privacy and outlook, Section 6 Noise vibration
- CPG – Transport (2019) – Section 5 Parking and car-free development, 6 Car parking management and reduction, 7 Vehicular access and crossovers, 9 Cycling facilities
- CPG – Employment sites and business premises (2018) – Section Relocation of business uses

### Belsize Conservation Area Statement

## Assessment

### 1. Proposal

1.1. Planning permission is sought for change of use of ground floor from B2 general industrial use to sui- generis live, work use with associated external alterations including construction of front boundary timber gates and brick pillars.

### 2. Assessment

2.1. The material planning considerations for this application are as follows:

- Land use;
- Standard of accommodation: internal space standards
- Design;
- Quality of residential unit;
- Impact upon neighbouring amenity;
- Transport

### 3. Land Use

#### Loss of employment space

3.1. Policy E1 of Camden Local Plan supports Camden's industries by safeguarding existing employment sites and premises in the borough that meet the needs of industry and other employers (part g. i.)

3.2. Within the wording of Policy E1, under section *Industrial and warehousing use* it states the following:

- Camden has a limited industrial and warehousing stock throughout the borough. A study was conducted on employment within Camden in 2014 which found that the cost of industrial locations in Camden is high, indicating that supply does not meet demand and so reducing the current supply of industrial uses would be detrimental to employment purposes. Premises suitable for industrial, manufacturing and warehousing businesses provide jobs for people who would otherwise be at relatively high risk of being unemployed.
- The Camden Employment Study 2008 found that the skills required for these sectors are fundamentally different from other sectors with similar qualification level requirements, such as retail, leisure and hospitality. Therefore, it is unlikely that the retail or hospitality sectors will provide a straight forward alternative job opportunity for people losing industrial/warehousing jobs in the borough.
- In response to the factors above, the Council protects industrial and warehousing sites and premises that are suitable and viable for continued use.

3.3. 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.

3.4. Policy E2 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:

- a. The site or building is no longer suitable for its existing business use; and
- b. 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.

- 3.5. The existing business premises at ground floor has been in B2 (General Industrial) car repair garage use for over 11 years (i.e. under its most recent use). 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. Officers consider that the site is suitable for its existing business use.
- 3.6. The Camden Local Plan aims to protect industrial and warehouse uses; particularly those that are suitable for small businesses (such as the application site). Contrary to the applicant's interpretation, a live work unit is not specifically identified as a business/employment use for the purpose of policies E1 and E2. They are only deemed acceptable in circumstances where an existing site is no longer suitable for continued business use, as stated in para 5.53. *'The council will allow live/work development where they do not result in the loss of sites that are suitable for continued business use'*.
- 3.7. The principle of the the loss of the existing business use has not been justified. The application has been submitted without the necessary evidence exploring the retention of the existing business use, nor the reusing of the premises for similar or alternative type of business *'over an appropriate period of time'*. No marketing evidence has been provided as part of the development proposal. The Camden Local Plan does not see the live-work unit as a substitute for industrial uses unless both E2a and E2b are satisfied, which has not been achieved in this case. Furthermore, a change of use of the car repair shop would put further pressure on the remaining car repair businesses to cease trading or to relocate which would be detrimental to the area.
- 3.8. The proposed live work unit has an awkward layout, which appears as a residential unit with a small, windowless office. Given the layout and single aspect nature of the new office it is not considered it would offer any employment benefit to those who would reside there. The proposal is not considered to make a contribution to the Council's employment stock and would be a poor replacement for the current employment unit, which is considered suitable for continued use (and no evidence has been offered on the contrary).
- 3.9. Additionally, in recognition of the existing industrial contribution of the area Camden Council introduced an Article 4 Direction limiting the permitted development rights for B1c to C3 for some of the properties and 4 Lambolle Place is within that Article 4 area. This demonstrates that the application site contains an employment use that is worthy of protection, which has been supported through the Secretary of State allowing the Article 4 Direction that includes the site.
- 3.10. Given the above, the change of use of the existing business premises would result in the unacceptable loss of an employment premises in the borough and would be harmful to the local economy, contrary to Policies E1 and E2 of the Camden Local Plan 2017.

#### **4. Standard of accommodation: Internal space standards**

- 4.1. The proposed live work unit would include a one bedroom unit with a small office. The floor space would be 66sqm (including office space) and involve a double bedroom, living room, dining and kitchen area. The office would be 8.5sqm (requirement for a single bedroom) with access to the rest of the unit. Although the new unit exceeds the space standards (50 sqm) for a one bed unit, the arrangement of the office with the residential unit is awkward as it is laid out like it is an additional study/home office, which is accessed via the same front entrance as the residential unit; and is big enough to be used as a small single bedroom.
- 4.2. There would be no control over the use of the room indicated as an office on the plan, and in reality it would most likely be used as an additional bedroom or habitable room. This room contains no windows or openings and therefore no provision of light or outlook. The single

bedroom sized room would therefore offer a substandard quality of living conditions, whether used as an office or as a habitable space such as a bedroom. It is therefore considered that this proposal would be treated as a two bedroom proposed unit rather than a live work unit, as it could readily be occupied in this capacity. Overall, the proposed residential unit is considered to be poor as it is single aspect, with a deep floor plan for the habitable rooms, resulting in sub-standard accommodation for the prospective occupiers. It is also noted that the unit would have provision of external amenity space in the form of a terrace and lawn area to the front of the unit.

4.3. Given the above, it is considered that the unit would be poor in terms of outlook and layout and would be unacceptable, contributing to a poor quality of living accommodation for future occupiers, contrary to Policy A1 and D1 of the Camden Local Plan 2017.

## **5. Design**

5.1. 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.

5.2. The proposed new unit has been designed back to front so the garden area is to the front of the property and kitchen, office and bathroom is to the back of the property. The living room and bedroom are to the front and would have fully glazed windows and doors. The front lawn and parking space would be concealed by brick pillars and timber gates. The ground floor openings do not follow the design of the first floor bay windows and do look out of keeping with the existing dwelling. However it is noted that there are other properties No's 1, 6, 7 and 8 who have been designed in a similar way back to front with gardens to the front, large glazed openings to the front and brick pillars and gates. If the development were to be otherwise acceptable, a notwithstanding planning condition would be added to require details of the boundary treatment, fenestration, terrace, landscaping and refuse storage to ensure that acceptable details would be secured.

5.3. Therefore the design of the unit would not be out of keeping with the surrounding properties and on balance the design would be considered acceptable.

## **6. Impact upon neighbouring amenities**

6.1. The subject unit would be allocated on the ground floor. To the left hand side of the host property is a residential dwelling No.5 Lambolle Place and to the right hand side is another car repair garage at No.3 Lambolle Place.

6.2. No extensions are being added to the front of the ground floor proposed unit as a result of the change of use. Therefore it is considered that minimal impact would be likely to the neighbouring properties in terms of loss of light, overbearing or overshadowing impacts.

6.3. In regards to privacy and overlooking, the front of the property would be enclosed by the new timber gates and brick pillars and the existing walls to the side of the front garden would remain. The new glazed openings would overlook the new private garden area. Therefore it is not considered any significant impacts would be had to the amenities of any neighbouring properties.

## **7. 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. The existing site benefits from 3 off site street car parking spaces. One on-site parking space is proposed as part of the current proposal which is not considered acceptable as it is contrary to the above policy and the proposed unit would not be eligible for on-street permits. To have an acceptable development the scheme would need to remove the parking space proposed and remove the redundant crossover. This would require amendments to the proposed plans. The removal of the crossover would normally be secured by a s106, but as it is not part of the proposal it will not form a reason for refusal; however, the inclusion of an on-site car parking space would form a reason for refusal as it is contrary to the Council's requirement for all new developments to be car-free.

7.3. The car-free requirement 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 further reason for refusal.

7.4. In the event of an approval a condition would be required to ensure the boundary gates do not open outwards, to prevent obstruction of the highway.

#### Cycle Parking

7.5. 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 CPG – Transport (March 2019). The London plan states that new residential developments (C3) need to provide one cycle parking space for a one bedroom unit. The proposed development would therefore need to provide 1 cycle parking space in order for the proposal to be in accordance with CPG Transport and the London Plan. The proposed plans indicate that cycle parking facilities would not be provided for the new residential unit. 1 covered, secure and fully enclosed cycle parking space per residential dwelling is encouraged to promote cycling as a healthy and sustainable mode of travel for residents and their visitors. As this matter could be covered by a planning condition, if the development were otherwise acceptable, the lack of on-site cycle parking does not form a reason for refusal here.

#### Access/sustainability

7.6. Policy C6 of the Local Plan seeks to promote the highest practicable standards of accessible design; policy H6(c) goes further to require 90% of new build self-contained homes in each development to be accessible and adaptable in accordance with building regulation M4(2). If the application was to be approved then this would be secured by condition.

7.7. Policy CC1 requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy CC2 requires development to be resilient to climate change by adopting climate change adaptation measures.

7.8. Policy 5.2 of the London Plan requires that development proposals make the fullest contribution to minimising carbon dioxide emissions in accordance with the energy hierarchy: be lean (use less energy), be clean (supply energy efficiently), be green (use renewable energy). The application has not been supplemented with a Sustainability Statement or similar information, demonstrating any measures taken to minimise the effects of, and adapt to, climate change through sustainable design and construction measures, contrary to the aforementioned policies. Details could be secured via planning condition to overcome the lack of details submitted as part of the planning application.

### **8. Other matters**

8.1. In the event of planning permission being granted the following matters would be secured by condition:

- Water retention – where the development would need a maximum internal water use of 110 litres/person/day
- Sustainability – sustainability statement
- Access – the new unit would need to comply with building regulation M4(2)

## **9. Recommendation**

### 9.1. Refuse planning permission