

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>07/05/2021</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	<b>09/05/2021</b>
<b>Officer</b>			<b>Application Number(s)</b>	
Kristina Smith			(i) 2021/1164/P (ii) 2021/1743/L	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Belsize Fire Station 36 Lancaster Grove London NW3 4PB			<i>Refer to Draft 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(s)</b>				
(i) Conversion of former fire station tower (Sui Generis) to a 1 bedroom residential unit (Class C3) on 2nd to 5th floors plus creation of roof terrace including installation of balustrade and removal of chimneys (ii) Alterations associated with conversion of former fire station tower to a residential unit, including removal of chimneys and installation of balustrade at roof level and infill of internal central void with glazed floor panels at 2nd to 5th floors				
<b>Recommendation(s):</b>		(i) Refuse planning permission (ii) Refuse listed building consent		
<b>Application Type:</b>		(i) Full Planning Permission (ii) Listed Building Consent		

Conditions or Reasons for Refusal:	<b>Refer to Draft Decision Notice</b>			
Informatives:				
<b>Consultations</b>				
Adjoining Occupiers:	No. of responses	<b>00</b>	No. of objections	<b>05</b>
Summary of consultation responses:	<p>Press adverts published 03/10/2019 to 27/10/2019 Site notices displayed 02/10/2019 to 26/10/2019</p> <p><u>7 objections from neighbours-</u></p> <ul style="list-style-type: none"> <li>• Internal alterations changes would diminish the character, functional and architectural value and integrity of this building – a unique industrial monument and landmark London fire station.</li> <li>• External features are an essential part of the design and their removal would not be in keeping with Arts and Crafts design</li> <li>• No reason to reverse previous decisions</li> <li>• Strongly object to any proposed work that interferes with the architectural integrity of the building</li> <li>• The changes to the exterior of the tower proposed in the application will significantly degrade its appearance and detract from the visual amenity of this important heritage asset.</li> <li>• It is not correct to assert these chimney pots cannot be seen from ground level.</li> <li>• Roof chimneys form an essential part of the industrial purpose of the fire station; one of the standout features of this unique building and is a vital part of the harmony achieved by the building’s design; intentionally designed to stay within the scale and reflect the rhythms of the chimney stacks elsewhere.</li> <li>• External alterations including provision of balustrade have been dismissed on appeal yet still form part of appeal.</li> <li>• Little justification for the proposal to include development of the roof space at all – tower is viable as a dwelling without changes proposed to the terrace and any perceived benefit of including them in the development does not outweigh the importance of maintaining the roof terrace in its original form.</li> </ul> <p>Historic England provided the following comments on the application for Listed Building Consent:</p> <ul style="list-style-type: none"> <li>• The current proposals still include the subdivision of tower, the loss of significant chimney stacks and brickwork, and infill of the vertical hose shaft. As such, we do not consider this current scheme to address the concerns raised in our previous letters. As such, Historic England continues to have serious concerns regarding this application on heritage grounds.</li> <li>• We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 195 and 196 of the NPPF.</li> </ul>			

**CAAC/Local Groups  
response:**

Belsize Society object-

- Despite the lessons of previous applications and appeals, Belsize Society feels that the revised proposals still do not address the fundamental concerns raised by officers and Inspectors in the previous applications and appeals. The proposal would diminish the historic plan form of the tower, and its illustrative value and would harm the special interest in this important building.
- This remains an unsatisfactory proposal and the Applicant should accept that the tower cannot be used in this way.

Belsize CAAC object-

Objection to the loss of the chimney. There have been too many changes to this historic building.

## Site Description

1. This triangular site has a vacant Grade II\* listed former fire station which is L-shaped with 2-3 floors and a central tower, designed in an Arts and Crafts style.
2. The site is in Belsize conservation area and the surrounding area is of a predominantly residential character with mainly 3 storey detached and semi-detached properties.
3. Works have already started to implement the previous planning permissions for change of use, alterations and extensions (see history below).
4. The tower was designed to perform the twin roles of drying hoses, which were dangled through a series of apertures in the centre of each level, and of training firemen in moving through dark, confined spaces, to which end it was designed to present a series of tight, winding staircases and claustrophobic spaces.
5. Of the tower, the Historic England list description reads, '...Also impressive is the monumental tower, which does not disrupt the domestic character despite its height and breadth; the segmental arched and lattice work recessed panels in the brickwork soften its bulk.'

## Relevant History

### History relating to the Tower

**26/11/2018**- ref 2018/4394/P- Planning permission refused for 'Conversion of former fire station tower (Sui Generis) to 1-bed residential unit (C3) including installation of balustrade at roof level and removal of chimneys'. Reasons-

1. The proposed development, by reason of poor quality internal amenity, would fail to provide high quality residential accommodation, contrary to policies H6 and A1 of the Camden Local Plan 2017.
2. The proposed development, in the absence of a legal agreement to secure car-free housing, would fail to promote healthy or sustainable transport choices, contrary to policy T2 of the Camden Local Plan 2017.
3. The proposed development, in the absence of a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 of the Camden Local Plan 2017.

**26/11/2018**- ref 2018/4910/L- Listed building consent refused for 'External and internal alterations associated with conversion of former fire station tower to residential unit including removal of chimneys, infill of central void and replacement of staircase'. Reason-

1. The proposed demolitions and alterations, by reason of loss of historic fabric and plan-form, would cause harm to the special architectural and historic interest of the Grade-II\* listed building, contrary to policy D2 Heritage of the Camden Local Plan 2017.

**01/08/2019**- Appeals against these decisions dismissed

**29/01/2020**- ref 2019/4604/P – Planning permission refused for – 'Conversion of former fire station tower (Sui Generis) to a 1 bedroom residential unit (Class C3) on 2nd to 5th floors plus creation of roof terrace including installation of balustrade and removal of chimneys'. Reasons-

1. The proposed conversion of the tower to a residential unit would result in 'less than substantial' harm to the listed building as a designated heritage asset which is not outweighed by any planning benefits, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.
2. The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more healthy or sustainable transport choices, contrary to policy T2 of the Camden Local Plan 2017.
3. The proposed development, in the absence of a legal agreement to secure a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 of the Camden Local Plan 2017.

**29/01/2020** – ref. 2019/4965/L – Listed building consent refused for – ‘Alterations associated with conversion of former fire station tower to a residential unit, including removal of chimneys and infill of central void at 2nd to 5th floors and installation of balustrade at roof level’. Reason-

1. The proposed demolitions and alterations, by reason of loss of historic fabric and plan-form, would cause harm to the special architectural and historic interest of the Grade II\* listed building, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.

**03/08/2020** – Appeals against these decisions dismissed

### **History relating to the wider site**

**28/06/2017**- refs 2016/0745/P, 2016/1128/L- Planning permission granted subject to S106 for- Part change of use of former fire station (Sui Generis) to provide 11 self-contained residential units (Class C3) including replacement single storey side extension to east elevation and erection of two single storey side extensions to west elevation and insertion of roof dormers, with associated external alterations, landscaping and parking. LB consent for Associated internal alterations.

**28/06/2017**- refs 2016/5813/P, 2016/6119/L- Planning permission granted subject to S106 for- Change of use of part of former fire station (Sui Generis) to provide 5 self-contained residential units (Class C3) and installation of cycle parking enclosure. LB consent for Associated internal alterations.

**23/09/2019**- ref 2019/0106/P- Planning permission granted subject to S106 for- Variation of condition 3 (development in accordance with approved plans) of planning permission dated 28/06/2017 ref 2016/0745/P (for Part change of use of former fire station to provide 11 self-contained residential units including replacement single storey side extension to east elevation and erection of two single storey side extensions to west elevation and insertion of roof dormers, with associated external alterations, landscaping and parking), namely to redesign approved eastern side extension and incorporate a new lightwell and lowered floor level.

**23/09/2019**- ref 2019/0109/L – LB consent granted for- Erection of replacement single storey side extension to east elevation, to incorporate a new lightwell and lowered floor level...

### **Relevant policies**

#### **National Planning Policy Framework 2019**

#### **London Plan 2021**

#### **Camden Local Plan 2017**

A1 Managing the impact of development

H1 Maximising housing supply

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

D1 Design

D2 Heritage

CC1 Climate change mitigation

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

#### **Camden Planning Guidance**

CPG Design 2021

CPG Amenity 2021

CPG Housing 2021

CPG Transport 2019

#### **Belsize Conservation Area Statement (2002)**

## Assessment

### 1 Proposal and background

- 1.1 The application seeks planning permission for internal and external alterations in association with the conversion of the fire tower (Sui Generis) to a 1-bed residential unit (Use Class C3).
- 1.2 The application follows on from two previous similar schemes for conversion which were both refused on both planning and listed building grounds (see history above for reasons for refusal) and later dismissed on appeal. In the latest appeal, the Inspector remained concerned at loss of historic fabric, plan form and subsequently its illustrative value. Thus the applicants have now put forward a third iteration of the scheme with, in their words, 'the lightest possible touch' in terms of internal alterations. The main change from the earlier scheme is that it now infills the central open well with walk-on opaque glazed panels as opposed to solid infills and retains upstands, albeit in a boxed-in form. The key issue in listed building terms is whether these changes have addressed the concerns expressed by the appeal Inspector on the previous scheme.

### 2 Assessment

2.1 The main considerations in the determination of the application are:

- Land use
- Standard of residential accommodation
- Affordable Housing
- Design and Heritage
- Amenity of neighbouring occupiers
- Transport considerations
- Sustainability
- Biodiversity

2.2 As the application site is situated within the Belsize Conservation Area and the building is Grade II\* listed, the statutory provisions relevant to the determination of these applications are Section 16, 72 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

2.3 Section 16 requires that in considering whether to grant listed building consent for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.

2.4 Section 66 of the Act requires that in considering whether to grant planning permission for development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the listed building, its setting and its features of special architectural or historic interest.

2.5 Section 72 of the Act requires that in considering whether to grant planning permission for development in a Conservation Area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

2.6 The NPPF defines listed buildings as designated heritage assets. Section 12 of the NPPF provides guidance on managing change to designated heritage assets through the planning system, including avoiding or justifying harm to the special architectural or historic interest of listed buildings. Paragraph 134 states that "less-than-substantial harm" to a designated heritage asset must be outweighed by the public benefits secured by the proposals, including heritage benefits to the assets.

### 3 Land use

- 3.1 Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings. The proposal would provide an additional 1-bed residential unit (Class C3) and is therefore compliant with policy H1 in terms of land use.
- 3.2 Policy H7 seeks to provide a range of unit sizes to meet demand across the borough and regards 2 and 3 bed units as high priority whilst 1-bed are identified as lower priority. Given the heritage constraints of the building; however, there is no scope for enlarging the size of the unit and therefore the proposed unit size is considered acceptable.
- 3.3 The fire station tower is now redundant for its original purpose. The loss of the Sui Generis floorspace has been established under planning refs. 2016/0745/P and 2016/5813/P, which involved the conversion of the fire station to 16 residential units in total.

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

- 4.1 CPG Housing requires development to provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms.
- 4.2 The London Plan introduced new Nationally Described Space Standards in March 2015, setting out minimum gross internal floor areas (GIA) and accommodation standards for new/converted residential units. The GIA standards for a 1-bed unit as proposed, are as follows:  
1 bedroom 1 person flat – 39 sqm; 1 bedroom 2 person flat – 50 sqm
- 4.3 The proposed unit would provide 57.8 sqm of living accommodation. On balance, whilst slightly short of what may be sought for a unit over three floors, heritage constraints prevent it from being extended and so in this instance the proposed floorspace is considered acceptable. The appeal Inspector also agreed that this size was acceptable.
- 4.4 The headroom at less than 2.3m on 2 floors was previously considered substandard by the Council. The Council was also concerned that, as each room would only be lit by one small window, there would be inadequate daylight and outlook. In the absence of a daylight assessment to demonstrate how much internal daylight would be received, it was not clear whether the rooms would meet the Average Daylight Factor standards.
- 4.5 More information was provided at the appeal (not submitted as part of the current application) to demonstrate that the 2 living and dining rooms failed the relevant ADF minima but the bedroom exceeded it. However the appeal Inspector considered that the scheme on balance provided an overall adequate standard of accommodation. He concluded that '*Overall therefore, I disagree with the Council that the opened out living space would be awkward or claustrophobic. Consequently, I conclude that the proposed flat would provide acceptable living conditions for future occupiers, with particular regard to internal living space, access to light and outlook. Indeed, it would provide a unique and novel living space within a remarkable building*'. Therefore the previous reason for refusal for application ref. 2018/4394/P regarding poor quality of accommodation is no longer being pursued for the current application.

#### **5 Affordable Housing**

- 5.1 Policy H4 expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to the residential floorspace of 100sqm GIA or more. Taken on its own, the proposal would not trigger an affordable housing contribution as the uplift of residential floorspace is only 57.6 sqm. Policy H4 however includes a provision for split or related sites and states that the Council will use planning obligations to ensure that all parts and/or phases of a site make an appropriate contribution to the affordable housing supply.
- 5.2 Taken together, the two previous permissions provided an affordable housing contribution in the

form of 2 intermediate units provided on site (with an additional 0.5 units dismissed as an acceptable marginal shortfall). Were the consented development and the application for the tower to come in as one application, the affordable housing contribution would have been greater, based on the total uplift of residential floorspace. To support this argument, the previous Committee report for planning application ref. 2016/0745/P recognised that the application sought to convert only part of the building and as such, agreed with the applicant that any further change of use of the remainder of the floorspace would trigger a requirement for additional affordable housing based on the whole scheme.

- 5.3 Under policy H4, for developments with a capacity of less than 25 units, the affordable housing contribution is based on a sliding scale with the target starting at 2% for an additional home (at 100sqm) and is increased by 2% for each home added to the capacity. Based on the floorspace uplift (rounded to the nearest 100sqm), for the development excluding the tower, the affordable housing contribution would be 28% (based on a GIA of 1406 sqm), and for a development including the tower, the affordable housing contribution would be 30% (based on a GIA of 1464 sqm). The difference between the two scenarios results in an affordable housing contribution of an additional 2%. This 2% is then applied to the total floorspace of the scheme including the tower, resulting in 29.3 sqm. This value is then multiplied by £5,000 (the multiplier factor to calculate payment-in-lieu for a market residential scheme) to get the required additional affordable housing contribution of £146,500.
- 5.4 Were the scheme to be supported, the additional affordable housing contribution would be secured via a S106 legal agreement upon approval of the proposal. In the absence of a legal agreement to secure the affordable housing contribution, the proposal cannot be supported as this would not assist the Council meet housing needs for households in the borough that are unable to access market housing. The applicant has indicated that they would be willing to enter into a legal agreement to provide an affordable housing contribution. However, in the absence of a legal agreement being in place at the time of determination, the lack of such agreement shall constitute a reason for refusal.
- 5.5 It is noted that the applicant had signed a S106 legal agreement for the purposes of the previous appeal. The appeal Inspector was satisfied that an affordable housing payment was necessary to maximise the contribution of the site towards the supply of affordable housing in the area, in accordance with policy H4. However this S106 only specifically related to the previous application ref 2019/4604/P. A new S106 would be needed for the current application.

## **6 Design and Heritage**

- 6.1 The significance of the Grade II\* listed tower is twofold. It has aesthetic value deriving from its height and form as well as its decorative use of materials which together allow the tower to reflect and complement the surrounding houses. Within a highly considered and well executed exterior that appears at ease with its domestic context, the tower integrates the functional requirements of a London fire station in three ways – it comprises a hose drop, multiple chimney stacks and also provided for a training tower, a result of how the chimney stacks emerged in different places on the floor plan to create obstacles. The building is intact and so the tower retains illustrative historical value of its purpose.
- 6.2 The proposal would largely retain the external appearance of the fire station with the external alterations being confined to the removal of three chimney stacks and the installation of a balustrade behind the existing parapet to ensure the proposed terrace is compliant with Building Regulations. The balustrade would measure 25cm and would be installed behind the parapet, with only 8cm exceeding the parapet height. The external alterations would not be perceptible from ground level and therefore the character and appearance of the Belsize conservation area would be preserved. Both Inspectors considered that the demolition of the chimney stacks and consequent loss of historic fabric was acceptable in heritage terms and 'would not materially compromise the external appearance or character of the tower' or 'harm the historic significance of the listed building'.

6.3 The proposed internal alterations are more invasive and would involve the removal of substantial historic fabric as well as changes to plan form. The tower has been designed to provide deliberately cramped access conditions and confined spaces at each level to aid firemen training. At present, this unique plan form survives entirely intact, and its purpose-built historic use is therefore wholly legible. The listing description, updated in 2009, specifically refers to the survival of original features as notable, and includes in the reasons for its designation that the building was one of the most intact, retaining its original plan form and numerous other features. It is only logical then that the removal of plan form and features would harm the significance of the tower.

6.4 Historic England (HE) had previously expressed serious concerns about the two similar previously applications. It stated that the works would cause 'a high degree of harm to the significance of the listed building' by reason of the loss of significant historic fabric which includes the circular staircase, chimney breasts and the loss of the plan form of the building, including the vertical hose shaft. HE also emphasised the importance of those elements in serving to tell the story of the former uses of the tower, with the narrow staircase and partitions creating confined spaces for firemen to train within. Regarding the current revised scheme, HE continues to have serious concerns on heritage grounds- see consultation section above for their comments in full.

6.5 It is acknowledged that the new application is a revised scheme with a 'lighter touch' in terms of scope of internal alterations; however, the Council still identify an unacceptable level of harm owing to loss of plan form and historic fabric. Overall the principle of converting the tower to habitable accommodation is still unacceptable due to its resulting impact on the special interest of the listed interior.

6.6 The central void, which under the previous application was to be infilled with highlighted panels with openable hatches, would now be infilled by opaque glazed panels. Nevertheless, the central void would be infilled, albeit with a reversible construction, and its metal railing surrounds removed. Both Inspectors have taken issue with the infilling of the central open well which the previous Inspector described as '*a distinctive historical feature of its design and use*', the infilling of which would '*obscure its continuity*'. Moreover, whilst the infill may be theoretically reversible, it is difficult to envisage circumstances in which it would be likely to be reversed, once the tower had been converted to a residential flat.' The glazed panels are described as being openable, but opening them in the centre of such small rooms would be so dangerous (bearing in mind the surrounding railings are removed) as to be an extremely rare event. There would be no way of preventing the occupants carpeting the rooms, so the existing arrangement would be lost.

6.7 Several chimney breasts and several nibs at third, fourth and fifth floor levels would be demolished to provide the desired internal space which accounts for the bulk of interior features and eradicates the legibility of the plan form. It is acknowledged that the extent of demolition of chimney features has been reduced since the first application but it remains the same as the previous application.

The first Inspector noted that these features, and the tight spaces they created, were important- '*The design of the interior partition walls, including low openings to other small rooms, create the confined spaces with difficult restricted accesses that were integral to the training of firemen in the tower. Therefore, that intentional layout, pertinent to the original function and history of the tower, would also be lost to the detriment of the special interest of the listed building.*' The second Inspector, writing with regards to the second application with lesser demolition, concluded that the '*removal of these obstructions would undermine the historic function of the spaces in the tower*'. Importantly, the second Inspector recognised that not all obstructive elements would be removed but that the '*removal of this degree of the historic fabric, which was such an important part of the function of the tower, would diminish the illustrative value of its layout, and a substantial part of the historic significance of the listed building.*' The degree of historic fabric removal remains the same in the current application and so the conclusions about harm remain unchanged.

6.8 As with the last proposal, the current application retains the iron spiral staircase throughout the tower and steel-and-glass fire lobbies would be inserted around the retained staircase on each

floor as before. Whilst the Council was of the opinion this would harm the plan form, the previous Inspector considered they were acceptable subject to a condition to ensure their detailed design maintained the legibility of the stair at each floor level and did not conflict with the architectural character of the original interiors.

6.9 To enable the installation of kitchen and bathroom servicing, it is proposed to dryline the north-eastern wall. This could alter the character of the space, transforming what is currently utilitarian brick to a domestic environment, which is at odds with the building's intended function. While the Council expressed concern at the servicing element, the Inspector for the last appeal considered that *'domestic scale services could be accommodated without disturbing the architectural character of the spaces'*.

6.10 Finally in conclusion, the appeal Inspector in his para 25 considered that the *'protection of listed buildings is not dependent on the extent of public access to them and, currently, the nature of the use of the tower and its history is physically evident in its design and existing features. The proposed changes would result in the significant loss and alteration of much of that internal fabric and the plan form of the tower.'* It is considered that despite the changes introduced, such as retaining more interior features, this conclusion should remain the same.

## **7 Planning balance**

7.1 The National Planning Policy Framework (NPPF) sets out the Government's policies for decision making on development proposals. At the heart of the framework is a presumption in favour of 'sustainable development'. The protection and enhancement of the historic environment forms one of three core objectives that defines sustainable development.

7.2 Paragraphs 195 and 196 refer to proposed development leading to harm to the significance of heritage assets and the need to weigh this harm in the balance when coming to a decision, including any public benefits of the proposals.

7.3 The revised proposal would still result in the loss of a large volume of historic fabric and would erode the legibility of the intact plan form. In doing so, the building would no longer be understood for its original intended purposes of drying hoses and providing a purpose-designed training facility.

7.4 It is recognised that the proposal would bring about harm to the special interest of the Grade II\* listed building. The two appeal Inspectors have both concluded that the previous schemes would cause "less than substantial harm" to a designated heritage asset. It is considered that this conclusion remains the same with the current scheme. In order to support heritage harm, the Council has to identify tangible public benefits arising from the scheme that would outweigh the harm. In this instance, the public benefit would be the provision of one small additional residential unit to the Borough's housing stock. This is not considered a sufficient public benefit to outweigh the heritage harm. The appeal Inspectors agreed that the 'harm would not be outweighed by the relatively limited public benefits'.

7.5 In terms of securing an optimum viable use of the listed building, it is correct that the proposal would secure a viable alternative use but owing to the harm involved, the use is far from optimum. The previous Inspector has highlighted there is no substantive evidence that without the proposal the tower would fall into disrepair, or that its conservation would be jeopardised. In response, the current application now includes an argument from the applicant that suggests the way in which the management of the building has been organised may mean the unused parts of the building fall into disrepair. However, included as part of the legal agreement for the original applications for the conversion of the wider fire station into residential use, is secured a 'Conservation Management Plan'. Amongst general measures designed to secure the status of the heritage asset in perpetuity, Part c of the clause specifically requires details of how the fire station tower is to be maintained and how its structural upkeep will be monitored for the lifetime of the development. As such, the applicant cannot choose to let it fall into ruin. This assertion also brings

into play paragraph 191 of the NPPF, namely, that “where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision”. Self-evidently, this applies to threats of future neglect.

7.6 It is thus considered that planning permission should be refused on the basis of harm to the listed building as a heritage asset without any outweighing public benefit and that listed building consent should be refused on the basis of harm to the special interest of the listed building in terms of loss of historic fabric and plan form.

7.7 Special regard has been attached to the desirability of preserving a listed building, its setting and its features of special architectural or historic interest, under s.16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

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

## **8 Impact on the amenity of surrounding occupiers**

8.1 There are no external changes proposed to the building’s envelope that could result in an adverse impact on daylight/ sunlight or outlook of surrounding residential occupants. The terrace would be five storeys high above ground and is over 20m away from neighbouring properties to the north and south in Lancaster Grove and Eton Avenue and too high to provide direct views into the closer properties at nos.22 and 43. Thus it is considered that the long distance angled views would not result in any material increase in overlooking of nearby gardens and windows of residential occupants nor the school playground opposite.

## **9 Transport Considerations**

9.1 In line with Policy T1 of the Local Plan, the Council expect cycle parking at new developments to be provided in accordance with the standards set out within the London Plan. The planning permissions for converting and extending the adjacent fire station (ref: 2016/0745/P and 2016/5813/P), which are nearing completion if not now complete, have overprovided in terms of cycle parking and therefore it is accepted that sufficient accessible, covered and secured cycle parking would exist for the proposed unit.

9.2 Policy T2 requires all redevelopment schemes to be car-free in order to reduce air pollution and congestion and improve the attractiveness of an area for local walking and cycling. The applicant has indicated that they would be willing to enter into a legal agreement for a car-free development; however, in the absence of a legal agreement being in place at the time of determination, the lack of such agreement shall constitute a reason for refusal.

9.3 It is noted that the applicant had signed a S106 legal agreement for the purposes of the previous appeal. The appeal Inspector was satisfied that it was necessary and reasonable to secure the development as car-free, in accordance with policies T1 and T2. However this S106 only specifically related to the previous application and a new S106 would be needed for the current application.

## **10 Sustainability**

10.1 The submitted planning statement discusses the sustainability merits of the wider development; however, there is a lack of information regarding the sustainable development principles and achievements of the tower alone. Should permission be granted at appeal, the Council would ask that information is provided regarding how the tower would be integrated into the overall sustainability strategy as presented within the planning application documentation. Given that the floorspace uplift is only 57.8 sqm, the current application would not trigger the need for a specific

BREEAM assessment or target and therefore the lack of information on the sustainability credentials of the proposed development shall not constitute a reason for refusal.

## **11 Biodiversity**

11.1 In accordance with Appendix 3b of CPG Biodiversity, a Preliminary Roost Assessment (PRA) is not triggered as the structure is not pre-1914 and doesn't seem to have other features that would trigger a survey, nor is it within 200m of woodland or water. A PRA has been submitted; however, this is in relation to the wider site and accompanied the original application for the conversion of the fire station to residential. As such, it is not relevant to the proposal.

## **12 Recommendations**

12.1 Refuse Planning Permission for following reasons-

1. The proposed conversion of the tower to a residential unit would result in 'less than substantial' harm to the listed building as a designated heritage asset which is not outweighed by any planning benefits, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.
2. The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more healthy or sustainable transport choices, contrary to policy T2 (Parking and car-free development) of the Camden Local Plan 2017.
3. The proposed development, in the absence of a legal agreement to secure a contribution to affordable housing, would fail to maximise the contribution of the site to the supply of affordable housing in the borough, contrary to policy H4 (Maximising the supply of affordable housing) of the Camden Local Plan 2017.

12.2 Refuse Listed Building Consent for following reason-

1. The proposed demolitions and alterations, by reason of loss of historic fabric and plan-form, would cause harm to the special architectural and historic interest of the Grade II\* listed building, contrary to policy D2 (Heritage) of the Camden Local Plan 2017.