

36 LANCASTER GROVE, LONDON NW3 4PB

APPEAL STATEMENT OF CASE

LONDON BOROUGH OF CAMDEN
LPA REF: 2021/1164/P & 2021/1743/L

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1.0 INTRODUCTION

- 1.1 This statement accompanies an appeal against the decision by the London Borough of Camden (*"the Council"* hereafter) to refuse planning permission and listed building consent for works to 36 Lancaster Grove, London NW3 4PB (formerly Belsize Park Fire Station).
- 1.2 The proposed development seeks conversion of the former fire station tower to provide a self-contained, 1-bed residential unit (LPA Refs: 2021/1164/P & 2021/1743/L).
- 1.3 Belsize Park Fire Station closed on 9th January 2014, as part of the strategic planned closures by the London Fire and Emergency Planning Authority (LFEPA).
- 1.4 Belsize Park Fire Station is a Grade II* listed building. Such buildings are important assets. Vulcan Properties (*"the Appellants"*) recognise that they are an irreplaceable resource and that they should be conserved in a manner appropriate to their significance.
- 1.5 In that regard, in 2017, Vulcan Properties secured planning and listed building consents 2016/0745/P, 2016/1128/L, 2016/5813/P, and 2016/6119/L, allowing the *alteration and change of use of the former fire station to provide 18 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.*
- 1.6 The works were approved as they were deemed to retain the intrinsic character of the former fire station whilst securing the listed building's long-term future and condition.
- 1.7 The Appellants have now completed the conversion of the property and it is entirely within self-contained residential occupation (Use Class C3).
- 1.8 The building is now known as Belsize Park Firehouse. Each of the flats at Belsize Park Firehouse have been designed to the highest specification to deliver the ultimate in contemporary living, safe, secure, and highly energy efficient, whilst attention to detail, using lasting materials throughout, and taking a fabric first approach has preserved the essence of the building's remarkable heritage.
- 1.9 The Appellants conversion works have been highly praised and were most recently shortlisted for the Architects Journal Retrofit Awards in 2021, in the Listed Building award Category.
- 1.10 The tower was unaffected by the above, however it has always been considered that a high quality, sensitive conversion of the space could enhance the heritage asset, whilst creating an additional and unique dwelling within this incredible building.
- 1.11 Accordingly, the Appellants applied for planning and listed building consent for the conversion of the tower to a 1 bed flat in 2018 (application refs 2018/4394/P & 2018/4910/L). However, those initial applications were refused. The decisions were subsequently appealed but dismissed (APP/X5210/Y/19/3222128 & APP/X5210/W/19/3222123). Many of the Council's reasons for refusal were found to be acceptable by the appointed Inspector; however ultimately the appeals were dismissed for one reason, that the works resulted in too great a loss of heritage fabric and plan form.
- 1.12 The Appellants submitted a revised application which took on board the concerns of the Inspector and proposed a much lighter-touch conversion of the tower, retaining a greater amount of historic fabric. Despite the positive changes made to the proposals, Camden Council

officers remained opposed to the works and refused the revised planning and listed building consent applications. The decisions were appealed (APP/X5210/W20/3246051 & APP/X5210/Y/20/3246053). Whilst the appeals were also dismissed, again due to the amount of loss to the historic fabric and plan form, the Inspector provided very detailed commentary on what he had considered to be the offending parts of the proposals.

- 1.13 The level of harm was confirmed to be less than substantial, but not outweighed by the public benefits of the additional housing unit.
- 1.14 Accordingly, taking on board the comments of the latest Inspector's decision, the Appellants prepared further revised applications (2021/1164/P & 2021/1743/L), which are the subject of this appeal. The proposals presented the lightest touch to the conversion of the former fire station tower and looked to preserve more of the original plan form, the historic fabric, and the illustrative value of its layout. In summary, having regard to the previous Inspectors comments;

The open well

- 1.15 The previous Inspector's decision noted that "*... the open well which was continuous through the floors of the tower is a distinctive historical feature of its design and use.*"
- 1.16 The architectural layout sought to benefit actively from the open well by employing trafficable, clear glazed floor panels to affect a working floor, while ensuring the spatial continuum afforded by the wells remains visually accessible. The glazed panels allowed light to penetrate down the tower. All the rooms were laid out such that the removable glazing in the wells was unobstructed by furniture in any way, thus safeguarding the visual continuity. The works were fully reversible without harm to the fabric of the listed building.

Floor upstands

- 1.17 The appeal Inspector alluded to the importance of the floor upstands on the third and fourth floors as being central to the "*historic function of the spaces in the tower*". Accordingly, the scheme retained these important upstands, protected by removable raised floors.

Circular stair

- 1.18 The circular stair that rises from the second floor to the fifth was retained and enclosed by clear Crittall glazed screens. These were maintained "*...the legibility of the stair at each floor level and not conflict with its architectural character of lattice-work treads and rope-twist balusters*".
- 1.19 The stair enclosure was maintained and is similar to the structure of the crittall screen at second floor (approved and implemented under 2020/5858/L) and was also fully reversible without harm to the fabric of the building.

Non-original fabric

- 1.20 Non-original fabric, be it stand alone cupboards, free standing kitchen cabinetry, sofa, bed and shower room pod would be removable. The previous Inspector had noted that these elements would not cause issue and could, "*... be detailed to differentiate it from original fabric. The new stair to the roof and fitted furniture could be conditioned to secure their sensitivity to the utilitarian character and finishes of the tower*".
- 1.21 All these associated works were fully reversible without detriment to the fabric of the building.

The tower and its illustrative value

- 1.22 Having distilled the lessons of previous applications and appeals, it was felt that the revised architectural solution imposed the lightest touch to the conversion of the tower. The proposal would diminish neither the historic plan form of the tower, nor its illustrative value. Detailing cues ensured the visual journey through the tower would be undiminished. Indeed, the tower would be re-invigorated by new life and in line with the works that have been implemented to the remainder of the building.
- 1.23 Despite the positive moves made to the proposed conversion, Camden officers have refused the latest applications.
- 1.24 The planning application (2021/1164/P) was refused for the following 3 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.*
- 1.25 It is noted that informative 1 on the decision notice states that “without prejudice to any future application or appeal, the applicant is advised that reasons for refusal numbered 2 and 3 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable”.
- 1.26 The associated listed building consent (2021/1743/L) was refused for 1 reason.
1. *The proposed demolition 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.*
- 1.27 This appeal statement outlines the Appellants case for why the Council were incorrect to refuse planning permission and listed building consent. In summary, the Appellants are seeking planning and listed building consent for minimal and unobtrusive demolition works and use of the defunct tower for residential use, consistent with the remainder of the building.

2.0 GROUND OF APPEAL

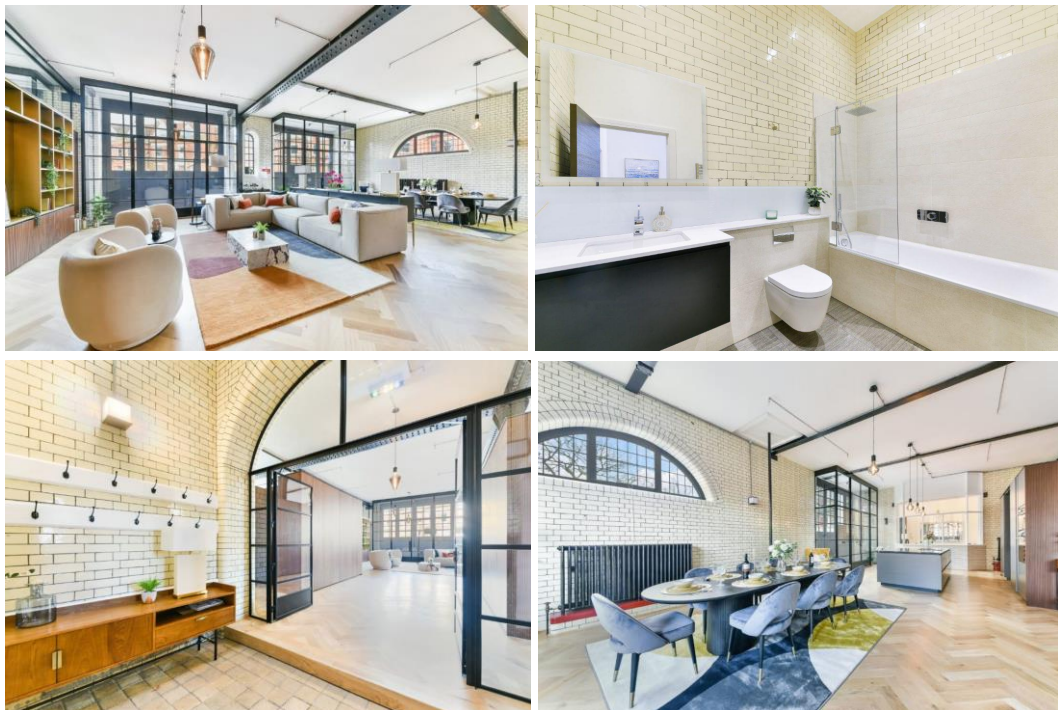
PLANNING APPLICATION (LPA Ref: 2021/1164/P)

2.1 Reason for Refusal One states:

"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)."

2.2 The former fire station tower is now redundant for its original purpose. The loss of the associated Sui Generis floorspace has been established under planning refs. 2016/0745/P and 2016/5813/P, which involved the conversion of the entirety of the former fire station to a residential development comprising multiple self-contained units.

2.3 Those works of conversion have now been completed and the building is entirely in self-contained residential occupation. The works have been implemented to the highest standard, taking a fabric first approach, culminating in the development being shortlisted for the Architects Journal Retrofit Awards 2021 in the Listed Building category. The conversion works undertaken to date are exemplary.



IMAGES OF CONVERTED APPLIANCE HALL

2.4 The proposed works now seek to physically convert the remaining part of the building, the tower, for which there is currently no use or access.

2.5 Given the wider change in the use of the building, the tower space is defunct as it would be too dangerous, unmonitored and cannot be insured for ancillary residential access. Dampness, vermin, general lack of continuous upkeep and by the space having no heating, and the tower having no function, it will inevitably lead to some deterioration. Leaving it unused, obsolete, and

- falling into inevitable disrepair, despite the Appellants best endeavours to maintain it, is not a viable or desirable option.
- 2.6 The proposals seek to create a new dwelling, in keeping with the remainder of the building, taking a fabric first approach, and celebrating the remarkable history and character of the property. The proposed conversion works acknowledge the unique character and opportunity that the host building provides, and the works are sought to embrace this fully.
- 2.7 Change has been a natural consequence of the use of the building. Whilst in use as a fire station, partitions for the single men's dormitory had gone, the watch room had changed its wall overlooking the appliance room, the original sets and ironstone floors had also given way to light, non-slip tiles and the coal stores in the basement had been converted to general storage.
- 2.8 As part of the main consents for conversion, the building has now been wholly converted to residential use, including changes to plan form and materials. Nonetheless, its character survives
- 2.9 Regarding the tower, it once accommodated a large water tank at its upper level, but this was replaced and then subsequently removed entirely from the tower.
- 2.10 Paragraph 189 of the NPPF (2021) states that heritage assets *“should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”*.

External

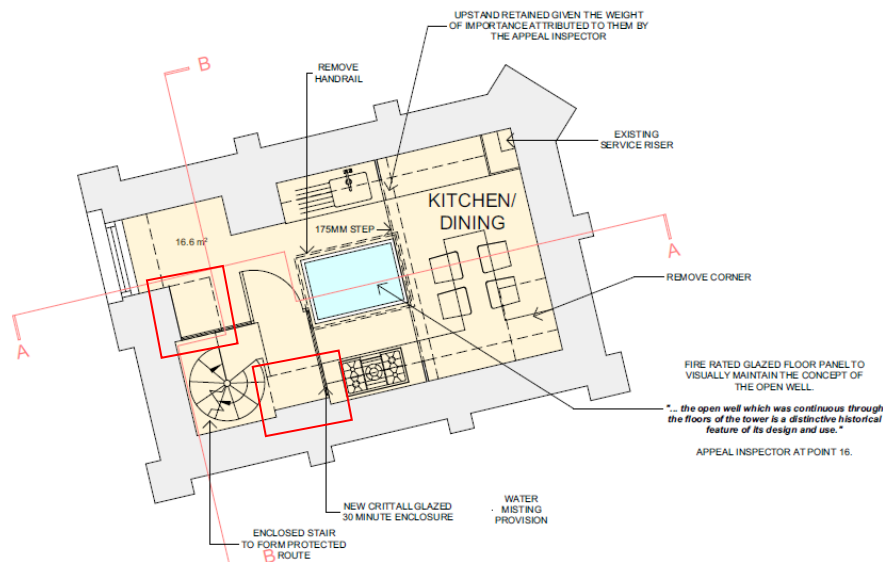
- 2.11 The Appellants note the external aesthetic value of the tower deriving from its height and form as well as its decorative use of materials, all of which are proposed to be maintained to allow the tower to continue to reflect and complement the surrounding houses. The highly considered and well executed exterior is unaffected by the works.
- 2.12 The works are limited to the removal of three chimney stacks and the installation of a balustrade behind the existing parapet, ensuring the proposed terrace is compliant with Building Regulations. The balustrade 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.
- 2.13 Both previous Inspectors and the Council have considered that the demolition of the chimney stacks and loss of historic fabric externally is acceptable in heritage terms, and again would be imperceptible from normal public vantages.

Internal

- 2.14 The proposed conversion works have further acknowledged the towers integrated functional past, which is reflected in the open central void and the heavy use of brickwork within the space.
- 2.15 Leading up to the tower, the main staircase rises in the centre of the building initially with treads supported on masonry and then from the first floor with precast concrete supported on steel strings. A rapid access pole is located at the western end of the stairwell with a door access from the first-floor landing. The remainder of the stairwell is now occupied by a passenger lift which has been installed because of the main consent for conversion of the building to residential use.

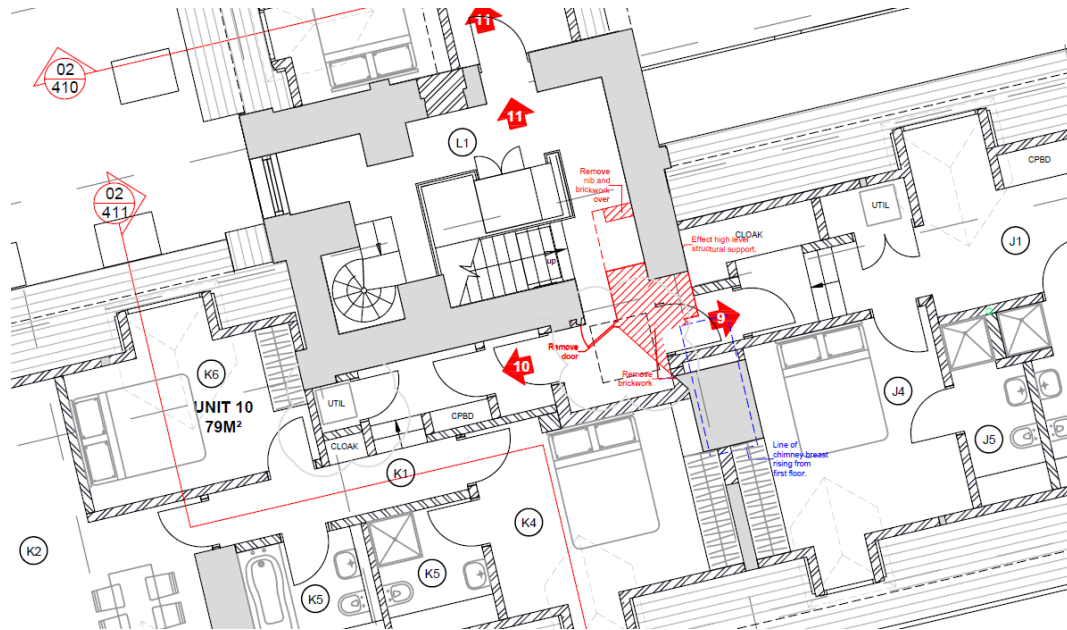
- 2.16 The balustrade is a simple metal handrail on square section balusters with intermediate supporting u section channels spanning between floors. A gate with two leaves gives access to the flight leading to the second floor.
- 2.17 From the second floor upwards, which forms the tower, there is a small spiral staircase which is wholly retained. At the base of the stair, due to the access and safety implications mentioned earlier, the Appellants have installed, with listed building consent, a secure crittal screen door, which restricts access into the tower.
- 2.18 Within the tower, the central opening is significantly reduced in size when compared to the lower levels, as it does not accommodate the principal stair flights found at the lower levels. Accordingly, the view between the tower floors and the lower floors do not line up and therefore they have never read as a single void going throughout the building.
- 2.19 Furthermore, with the provision of the consented lift, which accommodates much of the void in the lower levels, any residual link is further diminished.
- 2.20 It is material to note that the voids within the tower are currently filled in through provision of non-structural boards, to further diminish the risk of any potential incident from anyone accessing the tower, whether authorised or unauthorised. Accordingly, there is currently no view through the floors of the tower, and these will be maintained in situ until a suitable alternative can be secured.
- 2.21 The proposed development seeks to infill these voids within the tower with a glass panel, thus returning the original character but in a way which would be fully reversible and safe to access.
- 2.22 The panels are double skinned and are proposed to incorporate discreet lighting. This will comprise a key feature of the development and the sole light source for the room at each level. The ceilings are not sought to accommodate any additional lighting, thereby minimising intervention.
- 2.23 The plan form survives however its inaccessibility renders it of limited benefit. Its current form does not enable it to be enjoyed by anyone. It is the Appellants view that conserving the internal parts of the tower in their current form is not appropriate to its significance, and without the ability to provide reasonable alterations, it would render the space effectively defunct.
- 2.24 Paragraph 190 of the NPPF states that *“plans should set out a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:*
- a. the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;*
 - b. the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;*
 - c. the desirability of new development making a positive contribution to local character and distinctiveness; and*
 - d. opportunities to draw on the contribution made by the historic environment to the character of a place”.*
- 2.25 The NPPF continues at para 202, to state that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.*

- 2.26 The previous planning Inspectors, and the local planning authority, have confirmed that that the proposed works amount to less than substantial harm.
- 2.27 The proposed development seeks to make minor internal alterations to the fabric of the tower, including unobtrusive works to existing brick nibs and the central void balustrade, to put it to the optimum viable use, and to allow the currently defunct space to become safely accessible and enjoyed.
- 2.28 The Appellants are proposing minimal internal alterations which would remove only those parts of the historic fabric that are absolutely critical to the proposed conversion, to allow proper access. It is considered that any future use of the tower would need to implement the same amount of work, as a minimum, to allow safe access and use.
- 2.29 The proposed works would cause a low degree of harm to the significance of the listed building by reason of the minimal loss of significant historic fabric. The circular staircase, majority of chimney breasts and the general plan form and character would remain entirely legible.
- 2.30 The proposal 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. Accordingly, it is considered that these elements are acceptable in facilitating the conversion of the tower and the Appellants welcome an appropriately worded condition to secure these measures.
- 2.31 Only minor works of demolition to existing chimney breasts and nibs at third, fourth and fifth floor levels are proposed, ensuring that the legibility of the plan form is retained. The extent of demolition of chimney features has been significantly reduced since the first applications. Where nibs are affected, they are reduced rather than removed entirely. By taking this approach, the proposals would not diminish the illustrative value of its layout, e.g., see proposed third floor plan extract below.



**PROPOSED THIRD FLOOR PLAN
AREA OF DEMOLITION EDGED RED WITH RETAINED NIBS**

- 2.32 It should be further noted that the extent of works to the nibs and defunct chimneys are entirely consistent with similar works approved and implemented elsewhere in the building, to facilitate the appropriate conversion. For example, at the base of the tower, at second floor, permission has been granted for the removal of areas of brickwork chimney, nibs, and the widening of doors, to allow improve access and functionality to activate access to the roof spaces. In this example, the works involving intervention to the historic layout were deemed entirely acceptable.



APPROVED SECOND FLOOR PLAN EXTRACT (LPA Ref: 2019/0106/P)
APPROVED DEMOLITION WORKS HATCHED RED

- 2.33 Regarding the vertical void, this is also retained in its essence, facilitated through the provision of glazed walk-on floor lights. The officer report incorrectly reports on the proposed works to the central void, stating that it *“would now be infilled by opaque glazed panels”*. The Appellants do not propose opaque glazing, it is sought to provide clear glazing with a fully reversible construction. The use of clear glazing and appropriate lighting will ensure that the existing views from the lower floors of the tower void will allow the full extent of the tower’s height and proportions, to be enjoyed.
- 2.34 The officer’s assessment further asserts that *“There would be no way of preventing the occupants carpeting the rooms, so the existing arrangement would be lost”*. This is incorrect.
- 2.35 It should first be noted that the proposed tower flat has been laid out in such a way that it would avoid the need for any additional fixtures or furnishings over the glazed areas. Furthermore. The glazed elements are double skinned with lights in the floor/ ceiling, and this will be a key feature and sole light source for the room. Accordingly, to cover these spaces would compromise the lighting to the spaces.
- 2.36 Notwithstanding the above, the proposed residential unit forms part of a flatted development which is subject to active management facilitated through service charges. The management of the Site ensures that the building operates properly regarding aspects such as refuse storage, collection etc, as well as ensuring that the building, including communally accessible corridors and private areas, adhere to relevant stipulations. The future occupants would purchase the residential unit on a leasehold basis and the wider freehold is retained by the management. The Appellants do have the ability to ensure, through the terms of a leaseholder agreement, to

- prohibit the covering of the glazed floor lights. This would be entirely enforceable by the management company, and it would be made clear to any potential future purchasers of the unit.
- 2.37 Regarding the installation of the kitchen and bathroom servicing, the officer report states that *“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”*. This is incorrect. The provision of the kitchen does not seek, nor does it require, the installation of any dryline. Regarding the bathroom, this will require some alteration to the facing walls to facilitate its provision at 4th floor level, however the facing material can be conditioned to ensure that its impacts are appropriately mitigated. In this regard, and as acknowledged by the Council’s officer report, the Inspector for the previous appeal considered that *‘domestic scale services could be accommodated without disturbing the architectural character of the spaces’*.
- 2.38 Indeed, the remainder of the building has installed bathrooms and kitchens in high heritage value areas, however it has been done so in a way that preserves the character and appearance of the building, e.g., below.



BATHROOM INSTALLATION

Planning Balance

- 2.39 The Appellants seek for the tower to be reversibly converted to residential use, in line with the remainder of the building, and to allow it to be reasonably maintained and put to a viable use. The proposed apartment is entirely constructed from removable fittings and fixtures and floor inserts, in continuance of the theme applied throughout the building. No walls are chased, and fixtures and fittings are surface mounted in a utilitarian style befitting the host’s tower space.

- 2.40 The National Planning Policy Framework (NPPF, 2021) 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.
- 2.41 Paragraph 202 refers 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.
- 2.42 Internally, the form of the tower is retained. An enclosure is formed around the existing spiral staircase echoing the tight corner into which it is tucked at present.
- 2.43 The opening in the floors will be infilled with a clear glass panel, preserving views through the opening, which have currently been lost.
- 2.44 Access to the proposed flat is by a new lobby on the second floor which has already been permitted, for associated safety reasons. The nature of this area has been changed with the closure of the fire station and the upper landing leading to roof storage which has become the access to three approved flats, but its character is preserved appropriately.
- 2.45 The form of the tower, the access and the central daylight will be discrete and retain much of its significance. Changes will only be evident to those gaining access to the space and for whom the history of its use can be made available in other forms.
- 2.46 The revised proposal would result in minor loss of historic fabric but would not erode the legibility of the intact plan form. In line with the remainder of the building, the tower would continue to be clearly understood for its original intended purposes, through retention of the open void, and the character, through retention of much of the significant brickwork, chimney breasts and nibs.
- 2.47 The amount of intervention is principally limited to the reduction, as distinct from complete removal, of elements of chimneys and nibs within the tower space. Those works are consistent with associated works approved as part of the wider development and conversion of the former fire station. Through the proposed retention of brickwork nibs, the loss of historic fabric/brickwork will be minimal and unobtrusive. The removal of the railings around the central void will be retained and redeployed within the unit.
- 2.48 The scheme would cause "less than substantial harm" to a designated heritage asset. To support heritage harm, the NPPF requires appellants to evidence public benefits that would outweigh the harm. In this instance, the public benefit would be the provision of one additional residential unit to the Borough's housing stock. It would also allow access to and enjoyment of the tower, which is currently rendered impossible due to its cramped form, raising health and safety implications.
- 2.49 Considering the minimal intervention now proposed as part of the scheme, it is considered the provision of the additional unit and access benefits would provide sufficient public benefit to outweigh the less than substantial harm caused by the minimal works of intervention.
- 2.50 In terms of securing an optimum viable use of the listed building, the inaccessibility of the tower renders it unusable in its current form. The minimal intervention now proposed would allow the tower to be brought in residential use, allowing its optimum viable use to be realised. Moreover, the use would be the most appropriate having regard to the wholly residential use of the remainder of the building.

- 2.51 It is considered that planning permission should be granted based on the limited harm to the listed building, with outweighing public benefit.

- 2.52 The second Reason for Refusal states:

"The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking street 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."

- 2.53 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 now complete, have overprovided in terms of cycle parking and therefore sufficient accessible, covered and secured cycle parking exists for the proposed unit.

- 2.54 Policy T2 requires all new residential schemes to be car-free to reduce air pollution and congestion and improve the attractiveness of an area for local walking and cycling. The Appellant confirms that they will enter into a legal agreement for a car-free development.

- 2.55 The third Reason for Refusal states:

"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."

- 2.56 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.

- 2.57 The Officer's delegated report confirms that taken on its own, the proposal would **not** trigger an affordable housing contribution as the uplift of residential floorspace is only 57.6 sqm.

- 2.58 However, Officer's assert that Policy H4 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.

- 2.59 However, having regard to the events preceding this appeal, which include the conversion and occupation of the wider development of the Site, a new planning chapter has commenced and that the one unit now sought cannot be reasonably be included as part of the original consents granting conversion of the host building into 18 flats. The Appellants had previously sought permission to convert the tower, but these have been rejected by the LPA.

- 2.60 The above permission has now been completed in full and the building has been occupied for over a year. The former fire station is now a residential building; a new planning chapter has clearly commenced.

- 2.61 The works now propose to simply form an extension to the existing residential use of the building. The above sequence of events confirm that the Appellants have not deliberately sought to circumvent the need to provide affordable housing, however given the current circumstances,

- the proposals must be considered as adding a single unit of less than 100sqm. There is no requirement for the proposed development to make any contribution in this regard.
- 2.62 The above approach has been applied in numerous cases where similar circumstances arise. NT+A have been directly involved in such a case which we present as a material planning precedent.
- 2.63 In 2020, NT+A submitted proposals for the loft conversion at 8 Tunnel Road, Royal Tunbridge Wells, seeking the creation of 2 self-contained flats. The Site comprised a former warehouse that had been converted into 12 flats (1 x 1 bed and 11 x 2 bed) under application reference 17/00987/FULL. The works were completed in 2019 and the flats occupied. In a subsequent application, the applicants only sought conversion of the roof space. The lower floors of the building were unaffected by the application.
- 2.64 The application Site had been subject to two refused applications for similar proposals (Planning Refs: 19/00047/FULL and 20/01513/FULL). The application submitted by NT+A had been designed to address the previous reasons for refusal to create a scheme that would be acceptable in planning terms. The first reason for refusal for application 20/01513/FULL related to design issues, however reasons two and three for refusal related to affordable housing and adequate financial provision towards local community services.
- 2.65 NT+A advised that given the development proposed only two units, this did not meet the threshold for affordable housing contributions under the relevant policy (Core Policy 6). Accordingly, no affordable housing would be required.
- 2.66 In approving the application (LPA Ref: 20/03392/FULL) Officer's concluded that *"It is considered that there has been a change in circumstance, that the conversion to residential has now been completed. The 2017 application has been implemented. The development does not appear to have been artificially split from the main conversion works and has come forward to make best use of the space. It is considered justified in view of the change of circumstances, to consider the case on its merits- as a scheme for two dwellings it would not attract an affordable housing contribution and is therefore considered to have addressed the second and third reasons for refusal"*.
- 2.67 We attach a copy of the LPA's delegated report at Appendix 1.

LISTED BUILDING CONSENT (LPA Ref: 2021/1743/L)

- 2.68 The listed building application was refused for one reason which states:

"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."*

- 2.69 Please refer to paragraphs 2.2 to 2.51 above which set out the Appellants case regarding the proposed works to the listed building.

3.0 SUMMARY AND CONCLUSIONS

- 3.1 This statement has been prepared on behalf of Vulcan Properties, against the decision by the London Borough of Camden to refuse planning permission and listed building consent for works to 36 Lancaster Grove, London NW3 4PB. The proposed development seeks conversion of the former fire station tower to provide a self-contained, 1-bed residential unit.
- 3.2 Belsize Park Fire Station is a Grade II* listed building. Planning and listed building consents have already been granted allowing the alteration and change of use of the former fire station to provide 18 self-contained residential units.
- 3.3 The Appellants have completed the conversion of the property and it has been residential for approximately a year. The building is now known as Belsize Park Firehouse. The conversion works have taken a fabric first approach, are of the highest design quality and have resulted in the conversion being shortlisted for the Architects Journal Retrofit Awards 2021. The remarkable standard of the conversion works befits the remarkable host building.
- 3.4 The tower was unaffected by original consents and remains an unused and inaccessible part of the building. Rather than leave it in this way, the Appellants consider that it would be rational to sensitively convert the space to comprise a self-contained unit, bringing it in line with the remainder of the building, securing its optimum viable use, and ultimately enhancing the heritage asset, whilst creating an additional and unique dwelling within this extraordinary building.
- 3.5 The Appellants have sought to convert the tower on previous occasions, however the degree of works to the heritage fabric and plan form have been considered too great. Whilst the harm caused by the works have only amounted to less than substantial harm, it has been deemed that the harm would not be outweighed by the benefits of the scheme.
- 3.6 The latest proposals that are the subject of the appeal present the lightest touch to the conversion of the former fire station tower, and look to preserve the original plan form, the historic fabric, and the illustrative value of its layout.
- 3.7 The proposals that form the appeal would diminish neither the historic plan form of the tower, nor its illustrative value. Detailing cues ensure the visual journey through the tower would be undiminished. The tower would be re-invigorated by new life in line with the works implemented to the remainder of the building.
- 3.8 Brickwork nibs and alterations to chimneys will only reduce their extent, not remove them entirely, retaining the legible historic plan form. Moreover, the nature and extent of the works are considered entirely comparable to similar works granted and implemented elsewhere in the building, as evidenced above.
- 3.9 The provision of the clear glazed elements within the void will replace the existing solid boards which are currently in situ, returning the visual form of the void.
- 3.10 The sensitive nature of the works proposed, and the planning benefits that they would deliver including the provision of a new home in the borough, and restoring access to the tower, which outweigh the perceived harm, address reasons for refusal 1 under both the planning and listed building applications. Allowing these minor changes will enable the tower to be celebrated and a flag to fly over the fire station once again.

- 3.11 Regarding reason for refusal 2 of the planning application, the Appellant confirms that they will enter into a legal agreement for a car-free development.
- 3.12 Finally, regarding reason for refusal 3 of the planning application, the Appellants consider that the proposal would **not** trigger an affordable housing contribution as the uplift of residential floorspace is only 57.6 sqm, which is below the policy threshold of 100sqm. It is the Appellants view that, having regard to the events preceding this appeal, which include the completed conversion and occupation of the wider Site for residential use, that a new planning chapter has commenced. The works proposed simply form an extension to the existing and extant residential use of the building and the Appellants have not deliberately sought to circumvent the need to provide affordable housing. Accordingly, there is no requirement for the proposed development to make any contribution in this regard and this is supported by planning precedent demonstrated herein.
- 3.13 For the reasons set out in this statement, we respectfully ask that the appeals are allowed.

APPENDIX ONE

TUNBRIDGE WELLS BC - DELEGATED OFFICER REPORT 20/03392/FUL

NOTES FOR TECH:		
APPLICATION PROPOSAL		Ref No 20/03392/FULL
Conversion of roof space to provide two self contained dwellings.		
ADDRESS Apartment 1 8 Tunnel Road Royal Tunbridge Wells Kent TN1 2FN		
RECOMMENDATION - Permit		
WARD Culverden	PARISH/TOWN COUNCIL	APPLICANT Mr Fry AGENT Mr Nicholas James
DECISION DUE DATE 18/01/21	PUBLICITY EXPIRY DATE 03/01/21	OFFICER SITE VISIT DATE 10.12.2020
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
Planning Application		
<p>Reference Number: 17/00987/FULL Proposal: Conversion of an existing warehouse into 1 x 1-bed and 11 x 2-bed apartments Decision PER Date: 06/12/17</p> <p>Reference Number: 18/01888/NMAMD Proposal: Non Material Amendment in Relation to 17/00987/FULL (Widen existing lift shaft and alter the main entrance to form a covered porch) Decision REF Date: 20/07/18</p> <p>Reference Number: 18/02404/FULL Proposal: Variation of Condition 2 - (Approved Plans) of 17/00987/FULL - Widen existing lift shaft and alter the main entrance to form a covered porch and internal alterations to communal stairs and lift Decision PER Date: 26/10/18</p> <p>Reference Number: 19/00047/FULL Proposal: Proposed two flats in roof space of converted warehouse to twelve flats to former Travis Perkins builders merchants approved under 17/00987/FULL and amended under 18/02404/FULL; amendment to include dormer windows in roof Decision REF and dismissed on appeal. Date: 26/04/19</p> <p>Reference Number: 19/02491/SUB Submission of Details in Relation to Conditions 3 (Code of Construction Practice), 4 (External Materials), 5 (Details of Fenestration, Doorway Design, Means of Enclosure, Refuse, Cycle Storage, External Lighting, Rainwater Goods), 6 (Sustainable Surface Water Drainage Scheme), 7 (Maintenance and Management Details of Sustainable Drainage Scheme), 8 (Details of Disposal of Foul Sewage and Surface Water), 9 (Hard and Soft Landscape Works), 11 (Noise Levels), 12 (Contamination Risk Scheme), 15 (Electric Vehicle Charging Point Details), 16 (Air Quality Control Scheme), 17 (Plant or Ducting System Details), 18 (Enhancement of Biodiversity Scheme), 19 (Off Site Work Details), 25 (Parking to be surfaced, drained and retained), 26 (Obscure Glazing), 27 (Renewable Energy Technologies), 28 (Water Conservation) and 29 (Energy Conservation) of 18/02404/FULL Decision : Permit</p> <p>Reference Number: 20/01513/FULL Proposal: Proposed loft conversion to provide two further flats Decision REF</p>		

Date: 04/08/20

DESCRIPTION OF SITE

The application site is located in close proximity to the primary shopping area of Royal Tunbridge Wells, located further south of the site. There are boundary walls to the north, north/west of the site. There is a slight rise in levels when accessing the site from the south side and into the car park.

There is an existing warehouse building on the site of brick construction, with parking to the frontage. The warehouse was previously in use as a builders/timber merchant but a conversion to apartments is understood to be complete with occupations having taken place.

To the north west and north of the site, the rear of buildings on Upper Grosvenor Road back onto the application site, including 8 Upper Grosvenor Road, the vehicle test centre, 10 Upper Grosvenor Road and the Tabernacle Church.

Further north there are relatively new two storey residential units, with rooms in the roof, and across from these on Tunnel Road, there are two storey residential terraces, with relatively short rear gardens, the dwellings further north have deeper front gardens as the terrace splay away from Tunnel Road. To the south there is the YMCA building with rear patio and to the south west is 1 Meadow Road, acquired by Canterbury Christ Church University with an approval for a change of use to D1 Education. To the immediate east is remaining section of the Travis Perkins Builders Merchant, with approval for residential development and with construction nearing completion. The character of the area is mixed, with residential but also business use and the shopping centre in the wider area.

There was no indication that the rear roof alterations applied for have been installed, although there are roof lights in front elevation.

PROPOSAL

The proposal seeks permission for the conversion of the roof to provide two further flats. As indicated in the history 12 dwellings have been permitted through the conversion carried out under the 2017 permission. This proposal is to convert the roof space into 2 x two bed dwellings, using the roof space in both the north western part of the building and the south eastern section of the building.

It is proposed to raise the eaves by one/ two matching brick courses. Three roof lights are proposed to the south west elevation (rear), three roof lights are proposed to the north side (front) elevation, a new obscure glazed window is proposed to the north west, and three new roof lights are proposed to the south east. A new insulated flat roof glazed section is proposed to access flat 14. Access would be obtained through the main stair core/lift through the building.

A Planning Statement is submitted to support the application and address previous reasons for refusal. It is set out that the application relates only to the conversion of the roof space and not the lower floors. It is set out that as the proposal is for two dwellings, the development does not meet the threshold for affordable housing. Regarding the local community services provision, the applicants are agreeable to this and propose this is dealt with in terms of a Section 106 Agreement, following agreement of the design.

SUMMARY INFORMATION

	As	Proposed	Change (+/-)
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	existing/approved		<i>[Delete if not a replacement]</i>
Site Area	983.40 sq.m	1065.00 sq.m	+81.6 sq.m
Land use(s) including floor area(s)	Residential	Residential	No change
Car parking spaces (inc. disabled)	13	14	+1
No. of storeys	3	3	No change
Max height – north western block to the front	13.2m	13.6m	+0.4
Top of parapet	13.8m/13.6m	13.8m	Similar height as previously shown
Eaves to front	10.4m	10.4m	Similar
South eastern block	12.3m	12.6m	+0.3
Eaves to front	9.6m	9.9m	+0.3
No. of residential units	12	14	+2
No. of bed spaces	35	41	+6
No. of affordable units			None proposed

PLANNING CONSTRAINTS

- Ashdown Forest
- The site is located within the limits to built development.
- Public Access Land Tunbridge Wells Common
- Network Rail tunnel – *located underground – through the existing hardstand to the front of the warehouse and is located under the south eastern corner of the warehouse building.*
- Air Quality Management Area – *the site is some 46-50m distant from the AQMA which is located to the south west of the application site, and follows along Grosvenor Road.*
- Policy AL/RTW 11 – Land at Goods Station Road

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Development Plan:

Tunbridge Wells Borough Core Strategy 2010:

- CP1 – Delivery of Development
- CP3 – Transport Infrastructure
- CP4 – Environment
- CP5 - Sustainable Design and Construction
- CP6 – Housing
- CP9 – Development in Royal Tunbridge Wells

Site Allocation Local Plan 2016

- AL/RTW 11 Land at Good Station Road – allocated for residential development (C3) providing approximately 47 dwellings. Proposals for the redevelopment shall seek to retain the existing Victorian warehouse building and the development shall provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by the service provider.

Tunbridge Wells Borough Local Plan 2006:

- EN1 – Development Control Criteria

- EN18 Flood Risk
- H2 – Small and Intermediate Sized dwellings
- H5 – Residential Development within the LBD
- TP4 – Access to the Road network
- TP6 – Central Access Zone (Residential)
- TP7 – Central Parking Zone (Commercial)
- TP9 Cycle Parking
- R2 – Recreation open space in development of more than 10 bedspaces
- CS4 – Development contributions to school provision for developments over 10 bedspaces.

Supplementary Planning Documents:

Affordable Housing 2007
Recreation Open Space SPD 2006
Local Heritage Asset SPD

Other documents

Kent Design Guide Review: Interim Guidance Note 3 (Residential parking)

LOCAL REPRESENTATIONS

	COMMENTS RECEIVED	OFFICER RESPONSE
Parish/Town Council	- N/A	
Residential Objections	- None received	
Number received:		
Residential Support	- None received	
Number received:		

CONSULTATION RESPONSES

Southern Water

18.12.2020 – no objection raised, comment made regarding the need for a formal application for a connection to the public foul sewer to be made by the developer. Comments on SuDs.

KCC Drainage

01.12.2020 – The application falls outside the definition of major development and also falls outside of KCC's remit as statutory consultee.

KCC Contributions

No comments received

KCC Highways

03.12.2020 – No objection. Referring to the above description, it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. If there are any material highway safety concerns that you consider should be brought to the attention of the HA, then please contact us again with your specific concerns for our consideration. Standard informatives recommended.

TWBC Client Services

30.11.2020 – No objection.

Existing refuse/ recycling storage communal area to be used by additional properties
 .Additional/ change of bins if required if proven once occupied that the current
 capacity is not coping .(initially new occupiers material may stretch capacity with
 packing etc)

TWBC Environmental Protection

21.12.2020 – No objection raised. It is evident from our GIS database and historic records that this site does not fall within an Air Quality Management Area (AQMA) or an area of contaminated land. No concerns raised in regards to the nature of this development. The conversion of the roof space of this building is unlikely to give rise to complaints of noise or lighting. Standard informative requested.

TWBC Conservation

08.12.2020

This application to provide accommodation in the roof space of the former industrial building, now converted to residential, follows refused applications, including a dismissed appeal. The planning statement and comprehensive plans demonstrate that this scheme, which involves a small increase in eaves height with matching detail, roof lights to match existing, and a hidden glazed link at rear roof level, will constitute a minor visual change which will not harm the character of the building, which is considered to be a non-designated heritage asset. The following conditions are suggested but otherwise I support the proposal:

- Prior to the commencement of works to install the roof lights, manufacturer's details of the proposed lights shall be submitted to and approved by the Local Planning Authority.
- Prior to the installation of the new window, large scale elevation drawings, including details of materials and finish, shall be submitted to and approved in writing by the Local Planning Authority.

APPLICANT'S SUPPORTING COMMENTS (summary of key points)

- Permission 17/00987/FULL has been fully implemented. The brick warehouse has been converted to 12 self contained flats and has been occupied since last year.
- Site is located in a sustainable location.
- These proposal relate to the existing roof space to provide two self contained flats. The lower floors are not the subject of this application.
- The proposal would maximise the potential of the site and provide much needed housing.
- The proposal conforms to local and national policy.

BACKGROUND PAPERS

1720.WD.01A -Typical Sections
 1720.WD.02B -Proposed Third Floor Loft Plan
 1720.WD.03 -Existing Rear South West Elevation
 1720.WD.04 -Existing Front North East Elevation
 1720.WD.05 -Existing Side North West Elevation
 1720.WD.06 -Existing Side South East Elevation
 1720.WD.07 -Location Plan and proposed topographical plan

1720.WD.08A- Proposed Rear South West Elevation
 1720.WD.09A -Proposed Front North East Elevation
 1720.WD.10A- Proposed Side North West Elevation

1720.WD.11 -Proposed Side South East Elevation
1720.WD.12 - viewing Angles Plan

Planning Statement

APPRAISAL

Principle of development and Background

12 dwellings were approved under the original permission, 17/00987/FULL. Under planning reference 18/02404/FULL, permission was granted to amend the width of the lift shaft, render it in white, and relocate the windows to a central position. A porch was to be formed at the base of the lift shaft. The principle of development has been previously approved under the approved application, 17/00987/FULL. As an allocated site, within central Tunbridge Wells, it is considered that the principle of an additional 2 dwellings would be acceptable, in accordance with policy H5 of the 2006 Local Plan and AL/RTW 11 of the Site Allocation Local Plan. Tunbridge Wells Borough is unable to demonstrate a five year housing land supply and two dwellings would make a limited contribution to this shortfall.

The development involves the conversion of the existing building. This proposal seeks 2 additional flats in the roof space of each section of the building.

Application 19/00047/FULL was refused and dismissed on appeal.

The Inspector concluded in the subsequent appeal, the following;

- The roof alterations (windows, flat roofed dormer, terraced balconies, considerable number of roof lights within several elevations and a large amount of glazing to plot 14), would appear an overtly domestic and discordant addition to the roof slope. Given the roof is presently unbroken, the eye would be naturally drawn to these features.
- The roof lights and glazing would appear utilitarian, unduly dominant and at odds with the intrinsic character and appearance of the appeal building.
- Infilling between the gable end of one part of the roof structure and the roof slope of the other part of the building would appear cumbersome. "By reason of joining together the two separate roof elements it would result in a loss of a feature that contributes to the character of the appeal building. The proposed development would harm the character and significance of this NDHA".
- Whilst it was noted that the building has undergone a number of alterations, the Inspector concluded that the proposed development would be substantially at odds with the character and appearance of the appeal building. The effects would be particularly conspicuous given the height of the roof structure together with its prominent position in Tunnel Road.
- It was noted that the rear alterations would be partly screened from public view by the presence of a neighbouring four storey building, however, it was considered that the proposed development would remain partly visible in some views between buildings, in particular, in views from Meadow Road from where the proposed development would be read as discordant and visually intrusive.

Overall, the proposed development was found to fail to respect the character and appearance of the host building and it would have a significant adverse effect on the character and appearance of the NDHA, conflicting with Policy EN1 of the 2006 Local Plan, Policy CP4 of the 2010 Core Strategy. It would be contrary to the provisions of the Framework insofar as it requires developments to be sympathetic to local character and history and seeks to conserve the historic environment.

In terms of affordable housing/contributions the Inspector concluded;

- There is no justification that a provision of 35% affordable housing is not necessary on this site.
- There was no revised and updated viability assessment to interrogate that view that the proposed development should be similarly exempt.
- Whilst 2 dwellings in themselves would not be liable for affordable housing the proposed dwellings would be in addition to 12 permitted by the Original permission, the Council's case that the proposed development in the roof space should not be considered separately is not disagreed with as an approach.
- The absence of a legal agreement would be a fundamental obstacle to allowing the appeal.
- On the evidence, it appears that the need for affordable housing satisfies the 3 tests.
- The proposed development would be in conflict with CS Core policies 1, 6, and 9 and the requirements of the Framework.
- In terms of the library bookstock, the Inspector was satisfied that, with no spare capacity to meet the demand generated by the proposed development, that the contribution towards bookstock could be justified in relation to the development and fairly and reasonably relate in scale and kind. In the absence of a S106 planning obligation, the development would not make such contributions and would be in conflict with CS Core policies 1, 8, and 9 and in conflict with the Framework.
- In terms of recreation and open space, the Inspector concluded that contributions towards recreation and open space were not justified in terms of evidenced local deficiencies or how the contributions would be spent and the absence of a planning obligation in this respect did not weigh against the scheme.

Subsequently 20/01513/FULL was refused for a loft conversion to provide two further units, and refused as the alterations to convert the roof space would result in an infill between the roof section of the two parts of the building that would be incongruous (along with a large reverse dormer) that would harm the significance of the building as a non designated heritage asset. The CO could not support the proposal as it would harm the significance of the non-designated heritage asset, and would be contrary to paragraph 197 of the NPPF and was not considered to overcome the previous reasons for refusal. The proposal was considered to result in "less than substantial" harm, that could be balanced against the public benefits however, the contribution of two units was not considered to outweigh the harm.

The Inspector, when dismissing the previous appeal on this site for a roof conversion (infill section, roof alterations and a large flat roofed dormer window, together with terraced balconies) concluded that the roof conversion would be overly domestic and a discordant addition to the roof slope. Given that the roof slope is presently unbroken, the eye would be naturally drawn to these features. It was noted that there are views of the rear of the building and the building has a prominence on Tunnel Road. The infilling of the roof would appear cumbersome "By reason of joining together the two separate roof elements it would result in a loss of a feature that contributes to the character of the appeal building. The proposed development would harm the character and significance of this NDHA".

The Inspector also concluded the large number of roof lights within several elevations of the roof structure together with a large amount of glazing would appear utilitarian, unduly dominant and at odds with the intrinsic character and appearance of the appeal building. It was not considered that the revised scheme under 20/01513/FULL overcame the previous objections by the CO and the appeal Inspector.

Impact on non-designated heritage assets and Visual amenity

The scheme now submitted limits the roof lights to three on the front, rear and north east elevations.

The infill section is shown to be of a limited scale and glazed. The size of the link has been reduced significantly and has been lowered to a degree that it is not visible from vantage points, as demonstrated in plan 1720.WD.12A Viewing Angles. The infill section has been set back from the principle elevations and has been glazed to ensure that there is no visible impact on the warehouse building.

To the south side, the infill section has been set down from the existing rear outshot and would be set back, thereby reducing the impact when viewed from the rear of the site, including public vantage points such as Meadow Road.

The roof lights proposed have been limited and are to match the form of the existing roof light on the south elevation.

The submission demonstrates the visual impact of the infill section would be minimal, and the roof lights have been limited in terms of the number. The CO comments that the planning statement, and comprehensive plans demonstrate that this scheme, which involves a small increase in eaves height with matching detail, roof lights to match existing and hidden glazed link at rear roof level, will constitute a minor visual change which will not harm the character of the building, which is considered to be a non-designated heritage asset. Therefore the application can be supported subject to conditions.

It is therefore considered, that the alterations required to convert the building would be acceptable and accord with policy EN1 of the 2006 Local Plan, Core Policy 4 of the 2010 Core Strategy and the NPPF. The first reason for refusal of 20/01513/FULL, impact on the significance of the existing warehouse building, is considered to be addressed within the proposal.

Residential amenity

The infill section of the building on the roof would not result in any impact on neighbouring amenity, nor would the proposed roof lights on the northern slope of the roof. Rooflights, whilst reduced in number, are still proposed on the south eastern roof slope, that would be a further storey higher than the windows previously considered, when it was previously considered that there were increased opportunities for overlooking and a scheme of obscure glazing was requested on this elevation. However, the roof lights proposed would be angled, without direct line of vision and set some 1.7m above floor level, it is therefore unlikely that the three roof lights proposed on the south east elevation would result in unacceptable overlooking.

To the south, the roof lights would be acceptable in terms of relationship to neighbouring amenity.

A new window is proposed, to be obscure glazed, in the north west elevation, this window may be conditioned to maintain the obscure glass as indicated. It is noted that there is

some 26/27m between the site of the warehouse building and properties to the west in direct sight, furthermore, to north west is a church and south west is the Tunbridge Wells driving test centre. In view of the above, the impact on neighbouring amenity is considered to be acceptable.

Highways

In terms of highway comments, no objection has been received regarding highway matters. The works proposed would be in the roof. However, the submitted layout indicates two additional parking spaces, which is considered to be appropriate in this highly sustainable town centre location. Whilst visitor parking would no longer be provided, the site falls within the Central Access Zone where parking is limited to a maximum of one parking space per dwelling, which this scheme would achieve. Visitors would have access to the public car parks.

Access arrangements were addressed through 17/0987/FULL.

The impact on access and parking is considered to be acceptable.

S106 Contributions and developer contributions

The approved scheme for 12 residential dwellings on this site provided contributions towards Library stock, Youth and Adult and children's play space – reference 17/0987/FULL. This approval was also supported by viability appraisal to demonstrate that the provision of any affordable housing on the site (or off site contribution) would render the scheme unviable.

In dismissing the appeal under reference 19/00047/FULL, the Inspector accepted that local need was evidenced by the Council's housing register and that there was no justification that a provision of 35% affordable housing was not necessary. In the absence of a revised and updated viability assessment, the Inspector was unable to interrogate the view that the proposed development should be similarly exempt from any provision of affordable housing.

The scheme now proposed would generate two x 2 bed units. The viability has not been re-run for this scenario. It was concluded under 20/01513/FULL that given the conclusions of the Inspector under reference 19/0047/FULL – that the Council's approach that the roof space should not be considered separately from the remaining building, that there is a justified local need as evidenced by the Council's housing register, it was considered that affordable housing contributions would equally apply to 20/01513/FULL. No supporting information was submitted to address this matter. There had not been significant change in affordable housing provision since this appeal was decided (26.11.2019), therefore a reason for refusal was included addressing a lack of affordable housing. Given the Inspectors comments in respect of Open Space, this was not included as a reason for refusal, however, a contribution towards library stock was.

The applicant now argues that the development has started a new planning chapter, that the scheme for 2 dwellings, under Core Policy 6, would not be required to contribute towards affordable housing. If this argument is accepted, then it would apply to both affordable housing as a material consideration and the contributions towards library stock, notwithstanding the applicant being amenable to library stock contributions being paid.

The applicant notified the LPA, that first occupation of the building took place 18th December 2019. The Planning Statement sets out;

Having regard to the events preceding this application, it is clear that a new planning chapter has commenced and that the two units now sought cannot be reasonably included as part of the 2017

consent granting conversion of the host building into 12 flats. That initial permission was gained by a third party who then sold the Site with the benefit of permission to the current applicant/owner. The applicants had previously sought permission to convert the left space, but these have been rejected by the LPA.

The above permission has now been completed in full and the building has been occupied for over a year. The former warehouse is now a residential building; a new planning chapter has commenced.

The applicant considers the works to be an extension to the existing residential building.

It is considered that there has been a change in circumstance, that the conversion to residential has now been completed. The 2017 application has been implemented. The development does not appear to have been artificially split from the main conversion works and has come forward to make best use of the space. It is considered justified in view of the change of circumstances, to consider the case on its merits- as a scheme for two dwellings it would not attract an affordable housing contribution, and is therefore considered to have addressed the second and third reasons for refusal.

Conclusion

It is considered that the revised scheme addresses the previous design reasons for refusal, and that the proposals will not harm the significance of the NDHA. The conversion of the building to residential appears to be complete and therefore it is reasonable to consider the two residential units proposed on the merits of the scheme. Such a proposal would not normally attract a contribution toward affordable housing or infrastructure contributions. The proposal would make efficient use of land in accordance with the NPPF and sufficient parking would be provided on the site. The application is therefore recommended for approval.

RECOMMENDATION – Permit subject to the following conditions:

CONDITIONS

- 1/ The works hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2/ The development hereby permitted shall be carried out in accordance with the following approved plans:

- 1720.WD.01A -Typical Sections
- 1720.WD.02B -Proposed Third Floor Loft Plan
- 1720.WD.07 -Location Plan and proposed topographical plan
- 1720.WD.08A- Proposed Rear South West Elevation
- 1720.WD.09A -Proposed Front North East Elevation
- 1720.WD.10A- Proposed Side North West Elevation
- 1720.WD.11 -Proposed Side South East Elevation
- 1720.WD.12 - Viewing Angles Plan

Reason: To clarify which plans have been approved.

- 3/ The area shown on drawing number 1720.WD.07 as vehicle parking space and turning shall be retained for the use of the occupiers of, and visitors to, the dwellings, and no permanent development, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended, shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking spaces.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to such activities inconvenient to other road users.

- 4/ Before the first occupation of the building hereby permitted the windows shown to be of obscure glazing, shall be fitted with glass that has been obscured in the manufacturing process to Pilkington level 3 or higher and shall be non-opening up to a maximum height of 1.7m above internal floor level. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be retained as such.

Reason: In the interests of protecting the neighbouring amenities

- 5/ Prior to the commencement of works to install the roof lights, manufacturer's details of the proposed lights shall be submitted to and approved by the Local Planning Authority. The roof lights shall be installed in accordance with the approved details and maintained thereafter.

Reason: In the interest of the historic environment and visual amenity.

- 6/ Prior to the installation of the new window, large scale elevation drawings, including details of materials and finish, shall be submitted to and approved in writing by the Local Planning Authority. The window shall be installed in accordance with the approved details and maintained thereafter.

Reason: In the interest of the historic environment and visual amenity.

Informatives

- 1/ It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 2/ As the development involves demolition and / or construction, it is recommended that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

The Council's approach to this application:

In accordance with the paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals, focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.



Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was determined based on the information supplied and without delay.

Case Officer Marie Bolton

Case Officer Sign: 	Date: 18.01.2021
Delegated Authority Sign: 	Date: 18/01/21
TL/DM Countersign if refused:	Date: