

Delegated Report		Analysis sheet	Expiry Date:	18/07/2022
		N/A	Consultation Expiry Date:	14/08/22
Officer			Application Number(s)	
Amy Ly			2022/2236/P	
Application Address			Drawing Numbers	
15 York Way London N7 9QG			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Change of use of ground floor commercial unit from hot food takeaway (sui generis) to 1 bedroom residential apartment (Class C3), demolition of existing rear extension and erection of replacement single-storey rear extension, and associated works.				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	41	No. of objections	40
Summary of consultation responses:	<p>Site notices were posted on 15/07/2022 and expired on 08/08/2022. Press notices were issued on 21/07/2022 and expired on 14/08/2022.</p> <p>41 responses from neighbouring occupiers and a residents' association were received. 40 objections were received, and 1 letter of comment was received.</p> <p>1 petition containing 1122 signatures was received, in support of retaining the existing business occupying the application site.</p> <p>40 neighbouring occupiers/groups have objected to the proposed scheme on the following grounds:</p> <ul style="list-style-type: none"> - Harmful loss of existing business at site (hot food takeaway)/loss of employment - Lack of public benefit - Harmful impact to the character and appearance of the street and immediate area - No evidence of demand/need for additional residential housing - Loss of an original/historic shopfront - Significant harmful impact on the townscape and conservation area - Lack of compliance with pre-application advice - Inappropriate siting and location - Insufficient detail provided for proposed refuse storage/lack of refuse and harmful impact in terms of street cleanliness and clutter - Loss of community use/facility - Impact on neighbouring amenity due to construction works - Harmful impact in terms of air quality and pollution - Lack of noise assessment and non-compliance with Camden local noise policies - Harmful impact on users of the nearby public walkway in terms of neighbouring amenity, public use and access - Lack of sustainable drainage/SUDS proposals and energy system proposals, and harmful impact in terms of sustainability - Insufficient detail provided for proposed green roof/irrigation - Insufficient detail provided for proposed bike store - Harmful impact on safety/security in the area - Poor quality outlook - Insufficient outdoor amenity space proposed - Insufficient details provided for land contamination - Inappropriate window design/loss of original windows - Harmful impact on neighbours in terms of light spill - Impact on transport and highways 					

Site Description

The application site is located on the western side of York Road, fronting the junction with Brandon Road and just south of the junction with Agar Grove. The building is a four-storey terrace building and has a rear return which pairs with the neighbours. The ground floor unit and basement is occupied by the Yorkway Fish Bar, a hot food takeaway (sui generis). The first to third floors are occupied by residential flats Class C3)

The site lies within Camden Square Conservation area and is considered to make a positive contribution to it. The building is not listed.

Relevant History

Relevant planning records at the application site.

34171 - Continued use of the ground floor as a takeaway fish and chip shop. Planning Permission - **Granted 17/06/1982.**

Relevant planning records at the neighbouring sites:

11 York Way

PE9900866 – Change of use and works of conversion from office (B1a) use to a self-contained one bedroom flat at first floor level, as shown on drawing numbers: 11YW/99/01 as revised by 11YW/99/01 Rev. A– **Granted 11/01/2000**

PEX0300146 – Change of use of existing shop (vacant Use Class A1) to cafe (Use Class A3). – **Granted 03/07/2003**

13 York Way

19478(R) - Change of use to two self-contained maisonettes, including works of conversion, and the use of the basement for communal storage. **Granted 02/04/1975**

Relevant policies

National Planning Policy Framework (2021)

London Plan (2021)

Camden Local Plan (2017)

Policy A1 – Managing the impact of development

Policy D1 – Design

Policy D2 - Heritage

Policy DM1 – Delivery and monitoring

Policy CC1- Climate change mitigation

Policy CC2 – Adapting to climate change

Policy H1 - Maximising housing supply

Policy H6 - Housing choice and mix

Policy H7 - Large and small homes

Policy C6 - Access for all

Policy CC3 - Water and flooding

Policy CC4 - Air quality

Policy CC5 - Waste

Policy T1 - Prioritising walking, cycling and public transport

Policy T2 - Parking and car-free development
Policy T4 - Sustainable movement of goods and materials

Camden Supplementary Planning Guidance (2021)

CGP - Design
CPG – Home Improvements
CPG - Amenity
CPG – Energy efficiency and adaptation
CPG - Housing
CPG - Transport (2019)
CPG - Water and flooding (2019)
CPG - Developer contributions (2019)
CPG - Energy efficiency and adaptation

Camden Square Conservation Area Appraisal and Management Strategy (2011)

Assessment

1. Proposal

- 1.1 The applicant seeks planning permission to change the use of the ground floor commercial unit from a hot food takeaway (sui generis) to a 1 bed residential flat (Class C3). The proposals also include the demolition of an existing rear ground floor extension and erection of a single storey rear extension on the same footprint. A small courtyard would be provided at the new entrance.
- 1.2 The proposals would involve the removal of an extraction duct from the rear, replacement of the shopfront with fixed glazing and high level windows, re-rendering the front façade with white stucco, erection of a gate at the new front entrance and installation of 3 high level windows on the side elevation, 2 rooflights and internal works.
- 1.3 The new flat would provide one double bedroom at the rear of the ground level and a bathroom/shower room. The bedroom would be served by a large rooflight and 3 high level windows on the side elevation, and the bathroom would be served by a modest rooflight. A living room, kitchen/dining room and storage would be provided at the front of the ground floor level. Access to the flat would be via a new entrance door to the side elevation. The kitchen/dining room would be served by a full height obscured glazing onto the street with 3 high level windows. An inset courtyard area at the new entrance on the side elevation would provide light into the centre of the floor plate. The proposed rear extension would occupy the exact same footprint as existing.

2. Assessment

2.1 The following considerations are relevant in the assessment of the current application:

- Land use – Loss of hot food takeaway and creation of new housing
- Housing – Housing mix, residential standards and affordable housing
- Design and Heritage
- Neighbouring amenity
- Transport considerations
- Energy and Sustainability
- Air quality

- Water and drainage

3. Land use

- 3.1 Policies TC2 (Camden's centres and other shopping areas) and TC3 (Shops outside of centres) aim to protect shops within Camden's Town Centres and shops outside of centres. The Council's town centre policies relate to shops with retail uses, rather than general town centre uses or food and beverage uses. And thus, the loss of the hot food takeaway would not constitute a reason for refusal given there is no specific protection for this use.
- 3.2 Policy H1 (maximising housing supply) outlines that housing is regarded as the priority land use, and the Council makes housing its top priority when considering the future of unused land and buildings. Given the existing residential use of the host building and neighbouring buildings, the application site is considered an appropriate location for additional homes, in accordance with Policy H1.

4. Housing

- 4.1 Policy H7 seeks to provide a range of unit sizes to meet demand across the Borough. For market units, table 1 of the policy considers 1 bedroom/studios to have a lower priority, 2 and 3 bedroom units to be of high priority and 4 bedroom or more to be of lower priority. The proposals would provide one new dwelling of lower priority, which is the lowest priority housing which the Council seeks to provide.
- 4.2 Policy H6 relates to housing choice and mix and encourages the design of all housing in the borough to provide functional, adaptable and accessible spaces; and Policy D1 notes that housing must provide a high standard of accommodation. The Ministry of Housing, Communities and Local Government (MHCLG) released nationally described space standards in March 2015, which are incorporated in the Local Plan. The minimum gross internal floor areas are set by the number of bedrooms and bed spaces/occupiers in each dwelling. The requirements are 50sqm for a 1 bedroom 2 person dwelling spread over one floor.
- 4.3 The proposed dwelling would measure approximately 50sqm which meets the required space standards and the double bedroom would meet the standard of being at least 11.5 sqm and 2.75m wide. Whilst the proposed unit would meet the Nationally Described space standards and have access to a small private outdoor amenity space, there are significant issues with the quality of residential accommodation in terms of the poor outlook from most areas within the unit that would result in an unacceptable standard of living accommodation.
- 4.4 The quality of outlook from certain rooms is unacceptable and contributes to the reason for refusing the proposed development. The outlook from the ground floor bedroom is particularly poor. Whilst they meet ADF and BRE recommendations as evidenced in the submitted daylight/sunlight report, the assessment was made against the 2011 BRE guidance, and not the updated standards released this year. As such it is considered that there is a lack of information to make a full assessment regarding proposed levels of daylight/sunlight. Additionally, the quality of outlook onto a small side access passageway, and facing a brick side wall of the neighbouring property, would be far from acceptable. In the front living room, the only windows serving the room would provide very little outlook given the full height window is obscure glazed and the openable windows would be sited at a high level. Similarly, in the bedroom the only windows are at a high level and a narrow

full height window looking into the courtyard at the front entrance, also fronting onto the side access passageway, and providing poor quality outlook.

- 4.5 At ground level, the outlook for the front room would be severely compromised by the proposed obscured glazing, however if these were not obscured there would be significant impacts on the privacy of occupants. Although, the windows to the side elevation are at a high level to protect the privacy of occupants, they also further reduce outlook from the flat. Even if the windows were not obscured, the outlook would still be poor, overlooking the side wall of the access passage. A large rooflight over the bathroom, and rooflight over the bedroom would provide increased levels of daylight/sunlight, however they provide no additional quality outlook. Additionally, the quality of the private courtyard is also poor, providing only 2.4sqm of outdoor amenity space which looks onto the public side passageway.
- 4.6 For the reasons identified above, the proposed unit is not considered to provide a high standard of accommodation for future occupants and would be contrary to policies A1 and D1. Officers consider it unlikely that changes to the layout or design could overcome these concerns and provide an adequate standard of accommodation, given the site context and constraints. Thus, the unsuitability of the unit to accommodate the proposed residential unit would also constitute a reason for refusal.
- 4.7 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. This is based on an assessment where 100sqm of floorspace is considered to be capacity for one home. In developments that provide less than 10 units, affordable housing contributions can take the form of a payment in lieu. In this case, the proposal provides one additional home of less than 100sqm and as such, a contribution towards affordable housing would not be required.

5. Design and Heritage

- 5.1 Policy D1 (Design) of the Camden Local Plan states that the Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to respect local context and character. The Council will require development to be of sustainable and durable construction and comprise details and materials that are of high quality and complement the local character. The insensitive replacement of windows and doors can spoil the appearance of buildings and can be particularly damaging if the building forms part of a uniform group.
- 5.2 Policy D2 (Heritage) reaffirms the importance of preserving or enhancing architectural and historic merit and features on existing buildings and states that features which are sympathetic to the host building and wider area should be retained wherever possible, as their loss can harm the appearance of a building by eroding its detailing. The durability and visual attractiveness of materials should be carefully considered along with their texture, colour, tone and compatibility with existing materials.
- 5.3 The proposed demolition of the rear ground floor extension and its replacement with a new single storey rear extension is considered acceptable in terms of detailed design, siting and scale. The new extension would have a small increase in height and would occupy the same footprint of the existing extension, and therefore would preserve the character and appearance of the building. The most notable difference would be an area of 2.5sqm at the side entrance to accommodate a small courtyard, set within the same

footprint. In design terms, the proposed gate and windows at the new entrance, and the new courtyard area do not raise any concerns. Although there is no objection to the installation of high level windows to the side elevation, as discussed above, these windows are considered to provide inadequate outlook.

5.4 To the front elevation, it is proposed to remove the existing shopfront and install a large obscured glazed window and 3 high level openable windows. Where the loss of a shop is considered acceptable in land use terms, the Council generally seeks to retain the existing shopfront character. The proposed replacement windows attempt to match the existing shopfront design, and are sympathetic to the historic retail function of the ground floor. As such, the proposed replacement frontage would not cause harm to the character and appearance of the conservation area. However, as discussed above, the proposed large obscured glazed window and high level windows would provide an unacceptable quality of outlook to the front room.

6. Amenity

6.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm their amenity. The main factors which are considered the impact the amenity of neighbouring residents are overlooking, loss of outlook and sense of enclosure, implications on daylight, sunlight, light pollution and noise.

6.2 The proposals are not considered to cause harm to the adjoining neighbouring properties nor the residential occupiers on the upper floors of the application building in terms of loss of light, privacy, overlooking or noise disturbance. Given the proposed extension would be similar in height and massing as the existing extension and the proposed windows to the front elevation would replace an existing shopfront, there are no concerns raised in terms of neighbouring amenity. However, the proposed rooflights on the roof of the rear extension are large and would likely result in significant light spill to the neighbouring windows at no.13, and residential occupiers on the floors above. This is not considered to constitute a reason for refusal because light emission could be controlled by way of the window treatment, were the proposals considered acceptable in all other regards.

7. Transport

7.1 Policy T2 requires all new residential developments in the borough to be car-free. Parking is only considered for new residential developments where it can be demonstrated that the parking to be provided is essential to the use or operation of the development (e.g. disabled parking). It should be noted that Policy T2 is wide ranging and is not merely about addressing parking stress or traffic congestion. It is more specifically aimed at improving health and wellbeing, encouraging and promoting active lifestyles, encouraging and promoting trips by sustainable modes of transport (walking, cycling and public transport), and addressing problems associated with poor air quality in the borough. Thus, car-free housing is required in the borough, regardless of any parking stress that may or may not locally exist.

7.2 Policy T1 requires cycle parking facilities to be provided in accordance with the London Plan. For the 1 new unit, 1 long stay cycle spaces would be required to meet the policy requirement. An existing unused cycle space is indicated in the submitted design and access statement, located by the entrance door. As such, subject to further details which could be secured by condition, the cycle provision is acceptable.

7.3 Policy A1 on Amenity states in para 6.12 that 'Disturbance from development can occur during the construction phase. Measures required to reduce the impact of demolition, excavation and construction works must be outlined in a Construction Management Plan.' In the light of the location and constraints of this site, a minor development providing only one new unit, it is considered that in this case a Construction Management Plan (CMP) would not be required. The Council's transport officer has assessed the application and considers it a minor development which would not require a highways contribution.

7.4 A car free development would, if planning permission were to be granted, be secured by a Section 106. However, in the absence of such an agreement they will constitute a reason for refusal.

8. Energy and sustainability

8.1 In line with policies CC1 and CC2, the Council will require development to incorporate sustainable design and construction measures. The development is classed as a minor development (< 4 units or 500sqm new floorspace), by the Energy Efficiency and Adaption CPG, and therefore an energy statement is not required; however, performance against carbon reduction targets should be included in a sustainability statement, and development is expected to meet overall carbon reduction targets of 19% below Part L of 2013 Building Regulations. Renewable technologies should be incorporated where feasible.

8.2 Applicants are also expected to submit a sustainability statement - the detail of which to be commensurate with the scale of the development showing how the development will:

- Be resilient to climate change through the implementation of the sustainable design principles as noted in policy CC2.
- Ensure the development does not increase flood risk and reduces the risk of flooding where possible as noted in policy CC3 and specifically demonstrate that the residential development is capable of achieving a maximum internal water use of 105 litres per day (plus an additional 5 litres for external water use).

8.3 In terms of sustainability the development does not propose any boilers or air source heat pumps, and thus the development is considered minor. The Council's sustainability officers have assessed the submitted sustainability report and raise no objections. The proposed development is therefore considered policy compliant in this respect.

9. Water and drainage

9.1 The existing building offers little in the way of drainage; nonetheless, the development is an opportunity to improve upon this and reduce flood risk in the area. All developments are expected to manage drainage and surface water on-site or as close to the site as possible, using Sustainable Drainage Systems (SUDS) and the hierarchy set out in the Water and Flooding CPG.

9.2 A green roof is proposed above the proposed rear extension at ground floor level, which is an improvement on the existing situation. Full details of the green roof would be conditioned if planning permission was to be granted.

10. Air quality

10.1 Camden Local Plan policy CC4 seeks to ensure the impact of development on air quality is mitigated and ensures that exposure to poor air quality is reduced in the Borough. The development involves the creation of an additional dwelling and would bring a sensitive use into an area of poor air quality. The Council's sustainability officers have assessed the submitted Air Quality Assessment and raise no objections.

11.Recommendation

11.1 Refuse planning permission on the following grounds:

1. The proposed development, by reason of its site constraints and relationship with the public realm, has resulted in a built form and design not suited to the proposed use, namely through poor internal layouts, outlook, and inadequate amenity space, which has led to unacceptable residential living standards, contrary to policies D1 (Design) and H6 (Housing choice) of the London Borough of Camden Local Plan 2017.
2. The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport and active lifestyles, contrary to policies T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.