

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b> 22/09/2022
			<b>Consultation Expiry Date:</b> 01/10/2022
<b>Officer</b>		<b>Application Number(s)</b>	
Enya Fogarty		2022/3233/P	
<b>Application Address</b>		<b>Drawing Numbers</b>	
Warehouse to the rear of 49 Brecknock Road London Camden N7 0BT		See decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>
<b>Proposal(s)</b>			
Conversion of a warehouse to 2 x 2-bedroom 3 person flats, erection of side dormers and alterations to fenestration.			
<b>Recommendation(s):</b>	Refuse Planning Permission		
<b>Application Type:</b>	Full Planning Application		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	0	No. of responses	2	No. of objections	01
Summary of consultation responses:	<p>A site notice was displayed between 07/09/2022 until 01/10/2022. 1 letter of objection was received from owners/occupiers of 41 Brecknock Road.</p> <p>Objections raised on grounds of;</p> <ul style="list-style-type: none"> <li>• Proposal will impact the communal yard behind 41-47 impacting the existing uses.</li> <li>• Communal areas will be damaged</li> <li>• Unclear how construction works will access the site</li> <li>• Result in waste being dumped</li> <li>• Units are small and below standards</li> <li>• Unclear how future occupiers will access the units</li> </ul>					
The Kentish Town Neighbourhood Forum;	<p>The Kentish Town Neighbourhood Forum;</p> <p>The KT Neighbourhood Plan favours maintaining employment space. This application reduces employment. In addition, the site would make a much better <b>workshop</b> than flats. the site shows considerable design limitations: from the current plans there is no access to the garden of the proposed flat 2 except by the residents returning to the street via the vehicle wide access between 43 and 45 Brecknock Road and re-entering the site via the narrow passageway beside the supermarket, between 49 and 51 Brecknock Road, which would be shared with the access for flat 1.</p> <p>Given this and both flats overlooking of the estate play area (also proving an opportunity for break-in via the ground floor windows), the proposals are impractical and have not been well thought through. The proposed ground floor south facing windows would overlook the estate playground and directly onto the estate property. While this would allow for passive surveillance, secure-by-design etc, the council should be aware of this as it might stop any development of the estate, e.g. for community facilities.</p> <p>The Kentish Town Neighbourhood Forum Plan promotes respect for green issues and sustainability and encourages energy efficient design and renewable energy, but there is no reference to sustainability, insulation, energy, carbon or biodiversity. We would encourage low energy design such as passive house, high levels of insulation, non-fossil fuel heating such as air source heat pumps and solar panels etc. These should be considered at this stage as they will have a planning impact.</p>					

	<p><b>KTNF opposes this application on the grounds of losing a potential workshop space, the site being unsuitable for residential use, and bad design.</b></p>
--	---

## Site Description

The application site comprises of a warehouse which is vacant. The site is not listed or located within a conservation area but is located within the Kentish Town Neighbourhood Plan area.

The application site is located on the west side of Brecknock Road, to the south of the junction with Leighton Road. The application site actually appears to be located to the rear of 47 Brecknock Road (not 49) and is accessed via alleyways leading from Brecknock Road to the north and south.

## Relevant History

### Application Site- Rear of 49 Brecknock Road

**31427-** *The erection of a corrugated asbestos roof over the yard at the rear for storage use in connection with the use of the ground floor of No. 49 and 41A Brecknock Road for workshops. **Granted 06/01/1981***

### 49 Brecknock Road

**9401366-** *Change of use of rear lower ground and ground floors from office to residential (2 x 3 bed maisonette) and associated external alterations and single storey extension to workshop. **Granted 24/11/1994***

**9500350-** *Change of use of basement and ground floor from B1 use to provide one retail shop unit and one 2-bedroom maisonette at the rear plus external alterations to the rear elevation. **Granted 08/06/1995***

## Relevant policies

### National planning Policy Framework 2021

### The London Plan (2021)

### Camden Local Plan 2017

A1 Managing the impact of development

C5 Safety and Security

D1 Design

E1 Economic development

E2 Employment premises and sites

H1 Maximising housing supply

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

T1 Prioritising walking, cycling and public transport

T2 Parking and car-free development

### The Kentish Town Neighbourhood Plan 2016

D3 Design principles

SW1 Supporting small business

### Camden Planning Guidance

CPG Design

CPG Altering and extending your home

CPG Energy efficiency and adaptation

CPG Amenity

CPG Transport

CPG Employment sites and business premises

## Assessment

### 1.0 PROPOSAL

1.1 The proposal seeks planning permission for the change of use of vacant warehouse to 2 x 2-bedroom flats and the erection of dormers on the west and east elevations. The vacant warehouse is located to the rear of 47/49 Brecknock Road, and the proposed flats would access the site via alleyways beside 47/49 Brecknock Road.

### 2.0 ASSESSMENT

The material considerations for this application are summarised as follows:

- Principle of development
- Standard of accommodation
- Affordable Housing
- Design and Heritage
- Transport
- Amenity

### 3.0 Principle of change of use from warehouse to residential.

3.1 Policy E2 of the Local Plan states the Council will protect premises or sites that are suitable for continued business use, in particular premises for small businesses, businesses and services that provide employment for Camden residents and those that support the functioning of the Central Activities Zone (CAZ) or the local economy. Furthermore, policy E2 of the Camden Local Plan states that the Council will: “resist development of business premises and sites for non-business use unless it is demonstrated to the Council’s satisfaction that: a). the site or building is no longer suitable for its existing business use; and b). that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.”

3.2 Policy E1 of the Camden Local Plan supports small businesses and start-ups as part of the Council’s strategy to support enterprise by providing a range of unit types and sizes. It is noted that the unit at present, would be suitable for B8 use or an alternative business use. The loss of the unit is contrary to policy E1 of Camden’s Local Plan.

3.3 The proposed scheme would result in the loss of storage/distribution (Class B8) accommodation. The applicant has stated that the warehouse is vacant but has not provided proof or evidence that the warehouse is no longer viable for B8 use in line with policy E2. The Council has assessed the information provided and considers that it would not be reasonable to expect the building to be used for residential use (see section 4 for more detail). In addition, no information has been submitted that demonstrates attempts to explore the retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use. The applicant has therefore failed to demonstrate that the space can no longer be retained for continued business use, contrary to policy E2 (b) of the Camden Local Plan.

3.4 The Kentish Town Neighbourhood Plan Policy SW1 puts a firm emphasis on the protection of employment space suitable for small start-up businesses. It states that the Kentish Town Neighbourhood Forum seeks to support, retain and increase small business and office floorspace. For the purpose of the Kentish Town Neighbourhood Plan, small businesses are defined as employing fewer than 50 people. The commercial and chartered surveyor department of a reputable estate agency in Kentish Town has confirmed that there is an unmet need for employment premises within the Kentish Town Neighbourhood Plan Area. Camden Employment Land Review 2014 (URS / LB Camden) draws a number of key conclusions, including: “Kentish Town is emerging as a hub providing work-space for start-up, micro and small business and there is evidence that former industrial buildings have recently been converted to accommodate these types of occupiers. The main points of note from the socio economic analysis are that LB Camden will be experiencing a high degree of population growth to 2031; having a ready stock of suitable premises available will be critical in nurturing the growth of small, dynamic businesses; and

the shortage of affordable and readily useable works space is hindering the growth of small and medium sized enterprises. No alternative employment space has been proposed and no marketing evidence has been submitted to suggest the building is not suitable as an employment space.

3.5 Given the above, it is considered that the change of use of the warehouses to residential is contrary to policies E1, E2 of the Camden Local Plan and Policy SW1 of the Kentish Town Neighbourhood Plan (2016) and is unacceptable in land use terms. Additionally, given the physical limitations of the building set out above, the Council considers that it would be reasonable in this case to accept that the application site is not suitable for residential units.

#### **4.0 Standard of accommodation**

4.1 The Technical Housing Standards 2015 specifies that residential units should meet particular internal area requirements. From review of the plans the residential units proposed would comply with the required 70sqm for a 3-person 2bedroom 2 storey unit. Therefore, the residential units comply with internal space standards.

4.2 Policy H7 states that the Council will seek to ensure that all housing development, including conversion of existing homes and non-residential properties, contributes to meeting the priorities set out in the Dwelling Size Priorities Table. The table outlines that 2- and 3-bedroom market dwellings are a high priority and therefore, the proposal is in accordance with Policy H7.

4.3 In relation to the internal levels of daylight and sunlight, no assessment was submitted to demonstrate that the light levels within the flats would meet BRE minimum standards. Additionally, the windows serving the kitchen/Livingroom are west facing and would be single aspect which would have a significant detrimental impact on amenity by receiving poor natural light and poor ventilation. The lack of sufficient daylight/sunlight to the kitchen/living room is considered to be a sufficient reason to refuse the application.

4.4 Outlook would also be highly restricted due to the density and height of the surrounding built form. Additionally, the flats would have limited views from each room which is considered unacceptable in terms of outlook for the future occupiers.

4.5 The living/kitchen areas would have two windows looking immediately onto a basketball court/public park. There is no private space separating this elevation from the basketball court/public park so occupants of this room are likely to experience a sense of being overlooked and low levels of privacy. Noise from the basketball court /park is likely to cause disturbance to the occupant of these flats. This is not considered to provide an acceptable level of residential amenity.

4.6 Due to the location of the site, there is potential security issues for future occupiers. As stated previously the site can only be accessed via alleyways with poor lighting. This is considered to be an unacceptable arrangement, being detrimental to the amenities of the future occupiers of the residential unit, presenting noise, logistical, and safety/security concerns.

4.7 It is noted that each flat would benefit from an outdoor amenity space, although due to the site's constraints access to the amenity space for flat 2 would be difficult and not practical and again, flat 2 can only access the amenity space via an alleyway. Waste and recycling facilities have been provided which could have the potential to contribute to waste to be scattered along the way and impact the immediate area. However, details of waste and recycling facilities could have been addressed through further details in the event of a positive decision.

4.8 The level of amenity provided by the proposed flats in terms of daylight/sunlight, outlook, privacy and layout is considered to be inadequate and reasons for refusal.

## 5.0 Affordable Housing

5.1 Policy H4 states that the Council will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more.

5.2 The proposed development involves the creation of 2 additional homes and a total residential floorspace of 140 sqm. Targets are based on an assessment of development capacity whereby 100 sqm GIA of housing floorspace is generally considered to create capacity for one home and a sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity. In this case, the target is 2%.

5.3 Where development has the capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing. A rate of £5000 per sqm GIA is applied. On this basis the contribution would be as follows:

[Additional residential floorspace (GIA) x 2%] x £5000

[140 sqm x 2% = 2.8] x £5000

**= £14,000**

5.4 If the application were otherwise considered to be acceptable, the financial contribution would be secured by section 106 legal agreement. The lack of an agreement to secure the affordable housing contribution forms a reason for refusal.

## 6.0 Design and Heritage

6.1 Local Plan Policies D1 (Design) is aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area.

6.2 The dormers would be visible from the surrounding neighbouring properties and from the park. Due to their height, bulk and dimensions the dormers would be an uncharacteristic and prominent feature in their context and would look odd and out of keeping with the host property which is an industrial warehouse.

6.3 As such, the proposed dormers do not demonstrate any consideration to the existing context of the application site and is therefore considered to be unacceptable.

6.4 Additionally, the proposed fenestration on the front and rear elevation is considered poorly designed due to their scale and proportions and thus are unacceptable.

## 7.0 Transport

7.1 The proposed scheme should provide 2x cycle parking spaces in accordance with the London Plan and CPG Transport. Cycle stores would be provided for flat 1 within the rear garden and for flat 2 near the front entrance.

7.2 No new or additional parking would be created as a result of the proposal which is compliant with Policy T2 of Camden's Local Plan. However, to ensure the development is car free, a Section 106 legal agreement would be used to secure this. As the application is recommended for refusal, a reason for refusal is raised in respect of the absence of a Section 106 legal agreement.

## 8.0 Amenity

8.1 Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting planning permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, and implications to natural light, artificial light spill, odour and fumes as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted upon by virtue of noise or vibrations.

8.2 The proposal is not considered to cause undue harm to the visual and residential amenities of nearby and neighbouring residential properties by way of overshadowing, outlook, or sunlight/daylight.

8.3 However, it is considered due to the location of the entrance for flat 1 and the location of the amenities spaces, the proposal would result in the loss of privacy and overlooking to the ground floor rear windows of no.49 Brecknock Road as shown below. It is unclear what rooms these windows serve but no.49 has been subdivided into flats. It is considered that there will be loss of privacy to the detriment of existing residential amenity.



*Windows to the rear of 49 Brecknock facing amenities for the proposed residential flats.*

## 9.0 Conclusion

It is recommended that planning permission are refused.