

# PLANNING STATEMENT

264 Belsize Road, London, NW6

NP12592  
Planning Statement  
Final  
20 July 2023

## REPORT

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Jim Bailey

20 July 2023

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## Appendices

**Appendix A** – Pre-application letter from London Borough of Camden 2022/2088/PRE, dated 17<sup>th</sup> March 2023.

**Appendix B** – Design and Access Statement and Decision Notice for Land at Lidlington Place application 2020/0571/P, approved 21st August 2020.

**Appendix C** - Appeal reference: APP/X5210/W/20/3261840 – Land adjacent Jack Straws Castle

**Appendix D** – Marketing evidence: letter from Dutch and Dutch

# 1 INTRODUCTION

1.1 This Planning Statement (PS) is submitted on behalf of our client, Roxburg Overseas Ltd., to accompany a full planning application submitted to Camden Council ('the LPA') for *'alterations and extensions to existing redundant non-residential institution building to C3 permanent residential use, to form 5 no. two-bedroom duplexes'* at 264 Belsize Road, London, NW6 4BT.

1.2 The application submission comprises:

- This Planning Statement and appendices;
- Completed application forms;
- Design and Access Statement (Alan Power Architects Ltd);
- Drawings:
  - Location plan 634-01 1:1250
  - Ground Floor as existing 634-02 1:100
  - First Floor as existing 634-03 1:100
  - Second Floor as existing 634-04 1:100
  - Section AA as existing 634-06 1:100
  - Section BB as existing 634-07 1:100
  - Section CC as existing 634-08 1:100
  - Existing site context 634-09 1:100
  - Existing site context 634-09.1 1:100
  - Section DD as existing 634-10 1:100
  - Section EE as existing 634-11 1:100
  - Section FF as existing 634-12 1:100
  - Ground Floor as proposed 634-100 1:100
  - First Floor as proposed 634-101 1:100
  - Mezzanine floor as proposed 634-102 1:100
  - Roof as proposed 634-103 1:100
  - Ground Floor as proposed 634-104 1:50
  - First Floor as proposed 634-105 1:50
  - Mezzanine floor as proposed 634-106 1:50
  - Roof plan as proposed 634-107 1:50
  - Section AA as proposed 634-108 1:100
  - Section BB as proposed 634-109 1:100
  - Section CC as proposed 634-110 Rev A 1:100
  - Section DD as proposed 634-111 1:100
  - Section EE as proposed 634-112 1:100

- Section FF as proposed 634-113 1:100
- Sustainability Statement by Peter Deer Associates (PDA)
- Overheating Assessment Report by PDA
- Energy Statement by PDA
- Structural Inspection and Analysis Report by Price and Myers
- Structural Engineering Report – Embodied Carbon Assessment by Price and Myers
- Noise Impact Assessment by RPS Group
- Daylight and Sunlight Assessment Report by PDA
- Utility Assessment by PDA
- Whole Life Carbon Assessment by PDA
- CIL additional information form; and
- Planning application fee is Zero, because this is the first application for a similar proposal on the same site within 12 months of the lapsed determination date for application 2022/4450/P.

1.3 Section 2 below sets out a description of the application site, its surroundings and planning history; section 3 describes the proposed development; section 4 contains a review of key national and local planning policies; section 5 is an assessment of the planning merits of the proposal and section 6 contains conclusions and recommendations.

## 2 THE SITE AND SURROUNDINGS

- 2.1 The application site is located in Kilburn on the northern side of Belsize Road. The site is shown outlined in red on the Site Location Plan.
- 2.2 The site area is approximately 470 sq. m. The site includes only the ground floor front part of no. 264, which is accessed from Belsize Road, leading to a steel frame two-storey building at the rear which has access onto Kilburn Place. The upper floors of the front section of No. 264 (that face onto Belsize Road) are excluded from the application.
- 2.3 Kilburn High Road lies approximately 40 metres to the west which is part of the A5 major road and from here there are main bus routes. There is a bus stop directly outside the front of no.264 Belsize Road and Kilburn High Road Overground Station lies around 91 metres to the south-west of the site. There are also many key services and facilities within short walking distance of the site.
- 2.4 The site does not fall within a Conservation Area. There are no Listed Buildings within close proximity of the site. The site lies in an Archaeological Priority Area.
- 2.5 The site is surrounded by other residential uses on the upper floors of adjacent buildings. A summary of these is as follows:
- First floor 44-46 Kilburn High Road (immediately west of the site) – existing use as dental surgery (Class E(e))– application pending determination to convert to residential use (ref. 2021/2404/P)
  - No. 258 Belsize Road (immediately east of the site) – existing residential use (ref. 2014/7511/P)
  - Providence House, 26 Kilburn Place (immediately north-west of the site) – existing residential use (ref. 2012/2363/P)

## Relevant Planning History

### No. 264 Belsize Road

- 2.6 No 264, Belsize Road was granted planning permission for the change of use from office use (Class B1) to non-residential institution (Class D1) in October 2009 under permission reference 2009/2500/P. This included the ground floor frontage area and 2-storey building to the rear, the same site the subject of this application.
- 2.7 Under the revised Use Classes Order, which revokes Class D uses, the current use is therefore F1(f) - Public worship or religious instruction (or in connection with such use). A key consideration here was impact on the amenity of neighbouring residents. This is also considered in section 4 below.

- 2.8 A pre-application enquiry was submitted to the LPA in May 2022 (2022/2088/PRE) and a meeting took place at the site in July 2022. Subsequently, it took the LPA until March 2023 to produce written advice. A copy of the written advice from the planning officer is attached as **Appendix A**.
- 2.9 Planning application 2022/4450/P was validated by the LPA on 13<sup>th</sup> October 2022. When no decision had been issued by 21<sup>st</sup> June 2023, an appeal against non-determination was submitted to the Secretary of State. The appeal has been started by PINS and an informal hearing has been arranged for 12<sup>th</sup> September 2023. The appeal reference number is: APP/X5210/W/23/3324552.

### No. 258 Belsize Road

- 2.10 No. 258 Belsize Road lies immediately to the east of the application site. Planning permission was refused in March 2017 under reference 2016/6703/P to change the use of the building from residential flats (C3 use class) to flexible use as either permanent residential accommodation or serviced apartments. The application was refused for the following reasons:
- 'The proposed development would fail to provide adequate cycle storage facilities for occupants of the new residential units, contrary to policies DP17, DP18 of the London Borough of Camden LDF Development Policies, and CS11 of the London Borough of Camden LDF Core Strategy.'*
- 2.11 'The proposed development, in the absence of a legal agreement to secure the development as 'car-free', would be likely to contribute unacceptably to parking congestion in the surrounding area and promote the use of non-sustainable modes of transport, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden LDF Development Policies.'
- 2.12 We set out in section 3 what is proposed to secure adequate cycle storage facilities as part of the development and the reasons for proposing a 'car-free' development.

### 17 Lyndhurst Gardens

- 2.13 Permission was granted in September 2021 for the: 'Change of use from Class D1 use (non-residential institution) to Class C3 Use (residential) as 2 x 5-bedroom units, and 1 x 4-bedroom unit...' at 17 Lyndhurst Gardens (ref. 2019/6151/P).
- 2.14 Whilst not near the proposed site, the application was similar, because it included the change of use of a building from a non-residential institution to residential use. The building had been previously used as an NHS rehabilitation and recovery centre and as a base for mental healthcare teams. A letter was provided from the NHS Associate Director of Estates and Facilities setting out the Trust's rationale behind the closure and disposal of the premises. The letter described that the premises had been declared surplus to requirements of the Trust, and that the service had been re-located to another Trust freehold.

- 2.15 The LPA concluded that it had been demonstrated that the loss of the existing D1 facility would not be detrimental to existing service users, because a replacement facility would be provided elsewhere, which meant that the proposed change of use would be acceptable. Section 4 of this planning statement follows a similar approach.
- 2.16 Regarding affordable housing, a viability assessment was submitted by the applicant and it was concluded that a deferred affordable housing contribution would be secured by S106 agreement in case a surplus is generated in future.
- 2.17 The Council also accepted the development as 'car-free,' and a S106 agreement was agreed to secure this.

### Land at Lidlington Place

- 2.18 Planning permission 2020/0571/P was granted for a two-storey dwellinghouse with ground and basement levels on land at Lidlington Place, at the rear of 76-75 Oakley Square. The Design and Access Statement submitted with the application makes it clear that the basement level, containing bedrooms, is only to receive light from lightwells. This solution was found to be acceptable to the planners at Camden. Copies of the Decision notice and DAS are attached as **Appendix B**.

### Design Evolution

- 2.18 Having received pre-application advice from the planning officer, the proposed development has undergone design amendments, within the planning policy context of the site. Additional technical reports have been prepared and previously prepared reports have been reviewed and updated.



### 3 THE PROPOSED DEVELOPMENT

3.1 The proposed development includes alterations and extensions to an existing redundant non-residential institution building and change of use to C3 permanent residential use, to form 5 no. two-bedroom duplexes. In summary, the proposed development would include:

- The creation of five two-bedroom duplexes on three levels.
- The southern side of the building opened up at first floor, to create a sequence of individual landscaped courtyards on the southern side, between the new accommodation and the access corridor running along the southern boundary of the site
- New lightwells at ground floor level within this area, to provide natural light and ventilation to the existing ground floor, to be laid out for the bedrooms. The existing ground floor will be used for bedrooms, the first floor on the north side as living areas, and a new mezzanine level is added over the rear (north) part of each duplex, open to the living spaces below.
- The removal of external cladding, to be replaced by an enclosure with a significantly improved thermal performance, including new windows.
- The removal of existing high-level glazing along the southern boundary to provide natural light into the new corridor. New glazing is proposed between the corridor and new residential patios.
- The replacement of the existing grey metal roofing with a sequence of green roofs at all levels to promote bio-diversity within the site.
- The provision of 10 bicycle spaces/storage racks on the ground floor of the front unit.
- Significant sustainability improvements, including the refurbishment of the fabric of the building to meet current regulations for carbon reduction targets, green roofs and the installation of solar pv at the main roof level.

3.2 Further to the pre-application advice letter received in March 2023, the applicants have made the following amendments to the proposed development:

- The form and footprint of the entrance lobbies at first floor into the houses from the access corridor have been reduced and simplified. The area of the living space at this level has also been reduced, with the vertical glazing being moved back to line up with the glazing line to the mezzanine over.
- These adjustments have had the effect of opening up the terraces accessed from the living rooms, increasing the area of these terraces typically to 8 sqm. It should be noted that the London Plan Standards required for external amenity space for residential units of this size are (Extract from Housing Design Quality and Standards - C4.2 Private outside space):

- C4.2.1 A minimum of 5 sqm of private outside space should be provided for one-to-two person dwellings and an extra 1 sqm should be provided for each additional occupant.
- C4.2.2 The minimum depth and width of all balconies and other private external spaces is 1500mm.
- The existing partially glazed pitched roof along the southern boundary has been removed. The roof over the communal corridor has therefore been lowered, and an inset planting trough has been incorporated into the new flat roof, allowing the propagation of plants along the new roof.
- New green walls have been introduced to the external walls along the corridor, adjacent to the private terraces.

3.3 Plans of the proposed development are submitted with the application.

## 4 PLANNING POLICY REVIEW

- 4.1 Any proposed development must be judged against the relevant development plan and other government planning policy and guidance, including the National Planning Policy Framework (NPPF). Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the statutory development plan unless material considerations indicate otherwise. For the purposes of this proposal, the relevant development plan comprises the Camden Local Plan (adopted in July 2017) and the London Plan (adopted in 2021). Key, relevant policies from these documents are set out below.

### Camden Local Plan (2017)

- 4.2 **Policy G1** 'Delivery and location of growth' states that the Council will create the conditions for growth to deliver the homes to meet Camden's identified needs and harness the benefits for those who live and work in the borough.
- 4.3 The Council will deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden by:
- a) supporting development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site;
  - b) resisting development that makes inefficient use of Camden's limited land;
  - c) expecting the provision of a mix of uses where appropriate, in particular in the most accessible parts of the borough, including an element of self-contained housing where possible; and
  - d) supporting a mix of uses either on site or across multiple sites as part of an agreed coordinated development approach, where it can be demonstrated that this contributes towards achieving the strategic objectives and delivers the greatest benefit to the key priorities of the Plan.
- 4.4 The policy goes on to state that growth in Camden will be expected to help contribute towards achieving the strategic objectives of the Local Plan and help deliver the Council's priorities. This includes securing self-contained housing, including sufficient affordable housing to meet the needs of residents and to ensure that Camden remains a place accessible for all people to live in. This includes the provision of 16,800 additional homes by 2031.
- 4.5 The policy then goes on to refer to the location of growth. This states that the most significant growth is expected to be delivered through a concentration of development in the growth areas and development at other highly accessible locations. Development in these areas must be consistent with the priorities and principles of the Council. Kilburn High Road and appropriate edge of centre

locations, such as this site, are listed as a highly accessible areas where appropriate development will be promoted. Development in these locations must be of a size and character that is compatible with its surroundings.

4.6 **Policy H1** 'Maximising housing supply' also states that the Council will aim to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing and exceeding a target of 16,800 additional homes from 2016/17 - 2030/31, including 11,130 additional self-contained homes. The Council will also seek to exceed the target for additional homes where sites are underused or vacant by expecting the maximum reasonable provision of housing that is compatible with any other uses needed on the site.

4.7 **Policy H4** 'Maximising the supply of affordable housing' 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. The Council will seek to negotiate the maximum reasonable amount of affordable housing on the following basis:*

- a. the guideline mix of affordable housing types is 60% social-affordable rented housing and 40% intermediate housing;*
- b. targets are based on an assessment of development capacity whereby 100sqm (GIA) of housing floorspace is generally considered to create capacity for one home;*
- c. targets are applied to additional housing floorspace proposed, not to existing housing floorspace or replacement floorspace;*
- d. 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% of for each home added to capacity;*
- e. an affordable housing target of 50% applies to developments with capacity for 25 or more additional dwellings;*
- f. for developments with capacity for 25 or more additional homes, the Council may seek affordable housing for older people or vulnerable people as part or all of the affordable housing contribution;*
- g. where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing;*
- h. for developments with capacity for 10 or more additional dwellings, the affordable housing should be provided on site; and*
- i. where affordable housing cannot practically be provided on site, or offsite provision would create a better contribution (in terms quantity and/ or quality),*

*the Council may accept provision of affordable housing offsite in the same area, or exceptionally a payment-in-lieu.'*

4.8 The policy goes on to state:

*'In considering whether affordable housing provision should be sought, whether provision should be made on site, and the scale and nature of the provision that would be appropriate, the Council will also take into account:*

- j. the character of the development, the site and the area;*
- k. site size and any constraints on developing the site for a mix of housing including market and affordable housing, and the particular types of affordable provision sought;*
- l. access to public transport, workplaces, shops, services and community facilities;*
- m. the impact on creation of mixed, inclusive and sustainable communities;*
- n. the impact of the mix of housing types sought on the efficiency and overall quantum of development;*
- o. the economics and financial viability of the development including any particular costs associated with it, having regard to any distinctive viability characteristics of particular sectors such as build-to-let housing; and*
- p. whether an alternative approach could better meet the objectives of this policy and the Local Plan.*

*Where the development's contribution to affordable housing falls significantly short of the Council's targets due to financial viability, and there is a prospect of viability improving prior to completion, the Council will seek a deferred contingent contribution, based on the initial shortfall and an updated assessment of viability when costs and receipts are known as far as possible.'*

4.9 **Policy H6** 'Housing choice and mix' states that the Council will aim to create mixed, inclusive and sustainable communities by seeking high quality accessible homes and by seeking a variety of housing suitable for Camden's existing and future households, having regard to household type, size, income and any particular housing needs.

4.10 The policy states:

*'We will:*

- a. encourage design of all housing to provide functional, adaptable and accessible spaces;*
- b. expect all self-contained homes to meet the nationally described space standard;*
- c. require 90% of new-build self-contained homes in each development to be accessible and adaptable in accordance with Building Regulation M4(2); and*

*d. require 10% of new-build self-contained homes in each development to be suitable for occupation by a wheelchair user or easily adapted for occupation by a wheelchair user in accordance with Building Regulation M4(3).'*

4.11 *'When considering future site allocations and negotiating the types of housing included in each development, we will:*

*e. seek a diverse range of housing products in the market and affordable sectors to meet the needs across the spectrum of household incomes;*

*f. promote Starter Homes in accordance with government requirements;*

*g. support the development of private rented homes where this will assist the creation of mixed, inclusive and sustainable communities;*

*h. seek provision suitable for families with children, older people, people with disabilities, service families, people wishing to build their own homes and Camden's traveller community; and*

*i. require a range of dwelling sizes in accordance with Policy H7 Large and small homes.'*

4.12 **Policy H7** 'Large and small homes' seeks to ensure that all housing development contributes to meeting the priorities set out in the Dwelling Size Priorities Table and includes a mix of large and small homes. The Council will:

*'... take a flexible approach to assessing the mix of dwelling sizes proposed in each development having regard to:*

*c. the different dwelling size priorities for social-affordable rented, intermediate and market homes;*

*d. any evidence of local needs that differ from borough wide priorities;*

*e. the character of the development, the site and the area, including the impact of the mix on child density;*

*f. site size, and any constraints on developing the site for a mix of homes of different sizes;*

*g. the economics and financial viability of the development including any particular costs associated with it, having regard to any distinctive viability characteristics of particular sectors such as build-to-let housing; and*

*h. the extent to which flexibility around the mix of market homes could secure the delivery of additional affordable housing.'*

4.13 'Large' homes are defined in paragraph 3.185 as homes with 3 bedrooms or more and 'small' homes are defined as studio flats, 1-bedroom and 2-bedroom homes.

4.14 **Policy C1** 'Health and wellbeing' states that the Council will improve and promote strong, vibrant and healthy communities. The Council will require:

*'a. development to positively contribute to creating high quality, active, safe and accessible places; and*

*b. proposals for major development schemes to include a Health Impact Assessment (HIA).'*

- 4.15 **Policy C2** 'Community facilities' seeks to ensure that community facilities and services are developed to meet the changing needs of the community.

It states that the Council will... *'ensure existing community facilities are retained recognising their benefit to the community, including protected groups, unless one of the following tests is met:*

*i. a replacement facility of a similar nature is provided that meets the needs of the local population or its current, or intended, users;*

*ii. the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area. Where it has been demonstrated to the Council's satisfaction there is no reasonable prospect of a community use, then our preferred alternative will be the maximum viable amount of affordable housing...'*

- 4.16 Paragraph 4.45 of the Local Plan then states:

*'Where an alternative community use cannot be found for the existing facility, the Council will seek the provision of affordable housing as its preferred alternative use. Community facilities generally have a relatively low capital value compared with housing sites. We will seek the maximum reasonable amount of affordable housing in accordance with Policy H4 Maximising the supply of affordable housing, having regard to financial viability. We will expect the proportion of affordable housing to reflect the value of the development site in its former community use.'*

- 4.17 **Policy C6** 'Access for all' expects all buildings to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all.

- 4.18 **Policy A1** 'Managing the impact of development' states that the Council will grant permission unless this causes unacceptable harm to amenity. The Council will:

*'a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;*

*b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;*

*c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and*

*d. require mitigation measures where necessary. The factors we will consider include:*

*e. visual privacy, outlook;*

*f. sunlight, daylight and overshadowing;*

*g. artificial lighting levels;*

*h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;*

*i. impacts of the construction phase, including the use of Construction Management Plans;*

*j. noise and vibration levels;*

*k. odour, fumes and dust;*

*l. microclimate;*

*m. contaminated land; and*

*n. impact upon water and wastewater infrastructure.'*

4.19 **Policy A4** 'Noise and Vibration' seeks to ensure that noise and vibration is controlled and managed.

4.20 **Policy D1** 'Design' seeks to secure high quality development. Amongst other things, the Council will require development that respects local context and character, is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation, comprises details and materials that are of high quality and that is accessible for all.

4.21 **Policy CC1** 'Climate change mitigation' states that the Council will require all developments to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.

4.22 **Policy CC2** 'Adapting to climate change' states that:

*'The Council will require development to be resilient to climate change. All development should adopt appropriate climate change adaptation measures such as:*

*a. The protection of existing green spaces and promoting new appropriate green infrastructure;*

*b. not increasing, and wherever possible reducing, surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems;*

*c. incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate; and*

*d. measures to reduce the impact of urban and dwelling overheating, including the application of the cooling hierarchy.'*

4.23 **Policy CC3** 'Water and Flooding' states that:

*'Council will seek to ensure that development does not increase flood risk and reduces the risk of flooding where possible.*

*We will require development to:*

*a. incorporate water efficiency measures;*

*b. avoid harm to the water environment and improve water quality;*

*c. consider the impact of development in areas at risk of flooding (including drainage);*

*d. incorporate flood resilient measures in areas prone to flooding;*

*e. utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible; and*



*f. not locate vulnerable development in flood-prone areas.*

*Where an assessment of flood risk is required, developments should consider surface water flooding in detail and groundwater flooding where applicable. The Council will protect the borough's existing drinking water and foul water infrastructure, including the reservoirs at Barrow Hill, Hampstead Heath, Highgate and Kidderpore.'*

**4.24 Policy CC4 'Air Quality' states:**

*'The Council will ensure that the impact of development on air quality is mitigated and ensure that exposure to poor air quality is reduced in the borough.*

*The Council will take into account the impact of air quality when assessing development proposals, through the consideration of both the exposure of occupants to air pollution and the effect of the development on air quality. Consideration must be taken to the actions identified in the Council's Air Quality Action Plan...*

*Development that involves significant demolition, construction or earthworks will also be required to assess the risk of dust and emissions impacts in an AQA and include appropriate mitigation measures to be secured in a Construction Management Plan.'*

**4.25 Policy CC5 'Waste' states that (inter alia):**

*'The Council will seek to make Camden a low waste borough. We will:*

*g. aim to reduce the amount of waste produced in the borough and increase recycling and the reuse of materials to meet the London Plan targets of 50% of household waste recycled/composted by 2020 and aspiring to achieve 60% by 2031;...*

*j. make sure that developments include facilities for the storage and collection of waste and recycling.'*

**4.26** Regarding transport, **Policy T1** 'Prioritising walking, cycling and public transport' states that the Council will promote sustainable transport. To promote cycling, accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan and design requirements within the Camden Planning Guidance SPD on transport, will be provided.

**4.27 Policy T2** 'Parking and car-free development' states that the Council will limit the availability of parking and require all new developments in the borough to be car-free.

## **The London Plan (2021)**

**4.28** The London Plan is part of each of London's Local Planning Authorities' Development Plan and must be taken into account when planning decisions are taken. Key policies that are of particular relevance to this proposal are listed below.

4.29 **Policy GG2** ‘making the best use of land’ states that those involved in planning must:

- A. *‘enable the development of brownfield land, particularly in Opportunity Areas, on surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites.’*
- B. *‘prioritise sites which are well-connected by existing or planned public transport.’*

4.30 **Policy GG4** ‘Delivering the homes Londoners need’ states that:

*‘To create a housing market that works better for all Londoners, those involved in planning and development must:*

- A. *ensure that more homes are delivered*
- B. *support the delivery of the strategic target of 50 per cent of all new homes being genuinely affordable*
- C. *create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing*
- D. *identify and allocate a range of sites to deliver housing locally, supporting skilled precision-manufacturing that can increase the rate of building, and planning for all necessary supporting infrastructure from the outset*
- E. *establish ambitious and achievable build-out rates at the planning stage, incentivising build-out milestones to help ensure that homes are built quickly and to reduce the likelihood of permissions being sought to sell land on at a higher value.’*

4.31 The Plan sets a housing delivery target for Camden of 10,380 homes by 2028/29. Policy H1: ‘Increasing housing supply’ also states that to ensure these targets are met, boroughs should:

*‘optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity:*

- a) *sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary*
- e) *small sites...*

4.32 **Policy GG6** ‘increasing efficiency and resilience’ states that development must support the move towards a low carbon circular economy, ensuring buildings are designed to adapt to a changing climate.

4.33 **Policy H2** ‘Small sites’ encourages well-designed new homes on small sites (below 0.25 hectares in size) to increase the contribution of small sites in meeting London’s housing needs and to achieve

the minimum targets for small sites set out in the plan. This is 3,280 homes for Camden on small sites by 2028/29, as a component of the overall housing delivery target of 10,380 homes by 2028/29.

4.34 **Policy D6** 'Housing quality and standards' states the following:

*'A. Housing development should be of high-quality design and provide adequately-sized rooms (see Table 3.1) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.*

*B. Qualitative aspects of a development are key to ensuring successful sustainable housing. Table 3.2 sets out key qualitative aspects which should be addressed in the design of housing developments.*

*C. Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 Optimising site capacity through the design-led approach than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.*

*D. The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.*

*E. Housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables (for at least card, paper, mixed plastics, metals, glass) and food waste as well as residual waste.*

*F. Housing developments are required to meet the minimum standards below which apply to all tenures and all residential accommodation that is self-contained.'*

4.35 **Policy D7** 'Accessible Housing' states that residential development must ensure that:

*'1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'*

*2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.*

4.36 **Policy D12** 'Fire Safety' seeks to ensure that the highest standards of fire safety are achieved in proposed development. Suitable and convenient means of escape should be provided as well as fire safety measures.

4.37 **Policy SI 4** 'Managing heat risk' states that proposals should minimise adverse impacts on the urban heat island through design, layout, orientation, materials, and the incorporation of green infrastructure.

4.38 **Policy SI 5** 'Water Infrastructure' states (inter alia):

*'A) In order to minimise the use of mains water, water supplies and resources should be protected and conserved in a sustainable manner.*

*C) Development proposals should: 1) through the use of Planning Conditions minimise the use of mains water in line with the Optional Requirement of the Building Regulations (residential development), achieving mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) 2) achieve at least the BREEAM excellent standard for the 'Wat 01' water category<sup>160</sup> or equivalent (commercial development) 3) incorporate measures such as smart metering, water saving and recycling measures, including retrofitting, to help to achieve lower water consumption rates and to maximise future-proofing.*

*E) Development proposals should:*

*1) seek to improve the water environment and ensure that adequate wastewater infrastructure capacity is provided*

*2) take action to minimise the potential for misconnections between foul and surface water networks...'*

4.38 **Policy SI 7** 'Reducing waste and supporting the circular economy' seeks to promote a more circular economy, encourage waste minimisation through the reuse of materials, and design in adequate and easily accessible storage space and collection systems for the separate collection of dry recyclables.

## Other Material Considerations – National Planning Policy Framework (NPPF)

4.39 Chapter 11 of the NPPF refers to 'Making effective use of land.' Paragraph 119 states that planning decisions should promote an effective use of land in meeting the need for homes. Paragraph 120(c) also states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and support appropriate opportunities to remediate derelict land.

4.40 Paragraph 120(d) also states that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

4.41 Paragraph 120(e) also supports opportunities to use the airspace above existing residential and commercial premises for new homes. Upward extensions should be allowed where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed, and can maintain safe access and egress for occupiers.

- 4.42 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. For decision making this means:

*'c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

- 4.43 For applications involving the provision of housing, out-of-date policies include those where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74).

- 4.44 Paragraph 74(c) states that a 20% buffer (moved forward from later in the plan period) should be applied to the supply of deliverable sites where there has been a significant under delivery of housing over the previous three years, to improve the prospect of achieving planned supply. Footnote 41 specifies that the delivery of under 85% of the housing requirement would require this 20% buffer.

- 4.45 Paragraph 153 of the NPPF states the importance of mitigating and adapting to climate change, taking into account the long-term implications for water supply, biodiversity, and the risk of overheating from rising temperatures.

### Energy efficiency and adaptation guidance (January 2021)

- 4.46 The guidance states that development should achieve a minimum of 20% carbon emission reduction (Table 2a Energy reduction targets) through Be Lean, Be Clean, and Be Green measures.

### Delivery Test – Action Plan (August 2021)

- 4.47 The Council published a 'Housing Delivery Test – Action Plan' in August 2021 which states that the Council delivered 79% of homes compared to their target between 2017/18 and 2019/20 (2568 delivered against a target of 3265 homes). The Council has not published an up-to-date Annual Monitoring Report, but the Council did confirm at a hearing held in April 2021 (appeal reference: APP/X5210/W/20/3261840 – Land adjacent Jack Straws Castle – see **Appendix C**) that they could not demonstrate a five-year housing land supply. At paragraph 52 of the appeal decision the Planning Inspector stated: 'The Council confirmed at the hearing that they could not demonstrate a 5-year supply of housing land. Paragraph 11d) of the Framework is therefore engaged...' Since then, the Council have been required to add a 20% buffer to their 5-year housing land supply as their housing delivery fell below 85%. Whilst the Council have not yet published a revised housing

land supply figure with the buffer, given that they could not demonstrate a 5-year housing land supply in April 2021 without the buffer, it is very likely that this is still the case.

## **Camden Planning Guidance (2021)**

- 4.48 There are a number of relevant CPGs, as follows:

### **Amenity (2021)**

- 4.49 This guidance contains key messages regarding overlooking, privacy and outlook; daylight and sunlight; artificial light; construction management plans and noise and vibration.

### **Design (2021)**

- 4.50 This guidance contains key messages regarding design excellence; heritage; landscape and public realm; designing safer environments and storage and collection of recycling and waste.

### **Housing (2021)**

- 4.51 This document contains guidance on the provision of affordable housing; payments in lieu of housing and affordable housing; viability assessments relating to housing and affordable housing requirements; planning obligations and residential development standards.

### **Transport (2021)**

- 4.52 This document contains guidance on assessing transport impact; travel plans; delivery and service plans; parking and car-free development; car parking management and reduction; cycling facilities and pedestrian and cycling movement.

### **Energy Efficiency and adaptation (2021)**

- 4.53 This guidance states that development should achieve a minimum of 20% carbon emission reduction (Table 2a Energy reduction targets) through Be Lean, Be Clean, and Be Green measures.

### **Developer contributions (2019)**

- 4.54 This guidance sets out what developer contributions should be secured through section 106 agreements and CIL contributions may be expected for each type of development.

## 5 ASSESSMENTS AND PLANS

### The Principle of Development

- 5.1 Whilst the development will be small-scale and proposed on a small-site (less than 0.25 hectares), the London Plan has set a target of 3,280 homes to be completed on small-sites by 2028/29 in the borough and planning policy encourages the re-use of vacant and derelict sites to meet housing need. As set out above, the Council could not demonstrate a 5-year supply of housing land in April 2021 and since August 2021 the Council have had to apply a 20% buffer to the calculation of the five-year housing land supply. Whilst the Council have not published an updated Annual Monitoring Report or Housing Land Supply Position Statement, it is unlikely that they will be able to demonstrate a five-year supply with this buffer if they could not previously. Therefore, we consider that paragraph 11(d) of the NPPF should be triggered meaning that there is a presumption in favour of sustainable development and planning permission should be granted unless (i) policies that protect areas or assets of particular importance provide a clear reason for refusing the development or (ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.
- 5.2 In terms of the first criterion, the site does not lie near to any important habitat sites, designated Sites of Special Scientific Interest, green belt land, Local Green Space, Area of Outstanding Natural Beauty (AONB), National Park, nor areas at risk of flooding or coastal change. The site does lie near two Conservation Areas and within an Archaeological Priority Area. However, for the reasons set out below, it is not considered that the proposed development would have a detrimental impact on these heritage assets. Criterion i) is therefore not relevant to this proposal.
- 5.3 In terms of criterion ii), we do not consider that the proposed development would have any adverse impact that would significantly outweigh the benefits of the development. There are significant economic and environmental benefits to the proposal that would outweigh any adverse impact. These are outlined below.
- 5.4 The pre-application advice from the LPA states the following:
- The proposals involve the creation of new residential flats within an existing institutional building. It would involve the adaptive reuse of the majority of the existing structure, supplemented with a reconfiguration of the roof. A main feature would be the creation of internal lightwells to provide natural light to internal rooms of the two-storey maisonettes.*
- Policy G1 supports development that makes best use of its site, taking into account quality of design, its surroundings, sustainability, and amenity. The existing building is considered an appropriate location for more housing given it is the predominant existing land use. The addition of new housing is supported by Policy H1, which seeks to increase the housing supply within the borough. However, the site is highly sensitive given the existing surrounding densities and any development would introduce built form in close proximity to*



*existing residents. An intelligent and creative response to the site context is therefore crucial to obtain officer support.*

*Whilst new housing is encouraged within the borough, Policy C2 of the Local Plan seeks to ensure that community facilities and services are retained, unless the existing premises is no longer required or viable in its existing use and there is no alternative community use capable of meeting the needs of the local area. Where it has been demonstrated to the Council's satisfaction there is no reasonable prospect of a community use, then the preferred alternative will be the maximum viable amount of affordable housing.*

*The existing building was used by the International Gospel Community Church who applied for planning permission to use the building as a non-residential institution in 2009. They vacated the site in 2016, moving to a location in Burnt Oak, Edgware, which better serves their needs. Since vacating the site in 2016, no alternative community use has been found to serve the local area nor has a commercial tenant been found, despite marketing the property for over 24 months. Given that the building has been sitting vacant for over seven years, the tests outlined in Policy C2 have been satisfactorily met.*

- 5.5 Consequently, it is clear that the LPA agrees with the appellant that the principle of the proposed development is acceptable, and the proposal complies with adopted local plan policies G1, H1 and C2.

## Benefits of the Development

- 5.6 The Local Plan highlights the need for development on brownfield sites because there is very little greenfield land within the borough for housing development. In particular, Policy H1 of the London Plan states that boroughs should optimise housing delivery on all suitable and available brownfield sites, especially smaller sites that are within 800m of a station.
- 5.7 The proposed development lies around 80 metres from Kilburn High Road Tube station and falls within the 0.25-hectare threshold for small sites. It is also within walking distance of many key services and facilities, including a pharmacy within approximately 140 metres and a supermarket within circa 160 metres. The proposal would deliver urgently needed new homes on a brownfield site, bringing an existing, vacant site back into use, whilst being in a highly sustainable location. It would therefore meet paragraph 120 of the NPPF, and Policies GG2, H1 and H2 of the London Plan. The delivery of housing on a brownfield site, in the absence of a five-year housing land supply, will also be a significant benefit of the development.
- 5.8 The proposed development is also a unique opportunity to improve the sustainability credentials of the existing building. A Sustainability Statement, Energy Report, Whole Life Carbon Assessment, Utility Report and Overheating Analysis have been prepared and are submitted with this application, which outline the measures that are proposed to improve the sustainability credentials of the site.



5.9 Set out below is a summary of the sustainability measures that are proposed. Further details can be found in the accompanying reports:

- the buildings have been designed to follow the BRE Home Quality Mark
- all possible passive design measures have been considered, including efficient building fabric, well-insulated walls and highly efficient glazing, efficient systems (ASHP), green roof, and renewable/low carbon energy sources like PV to maximise carbon savings for the site
- **Overheating** - lightwells and openable rooflight features are included within the design to enable warm air to rise from the bedrooms and escape naturally from the roof light. The submitted Overheating Report confirms that the proposal will comply with the current overheating standard set out in the London Plan (Policy SI 4) and the NPPF. The report sets out in more detail how this will be achieved.
- **Air quality** - this will be maintained through mechanical ventilation with heat recovery. Thermal modelling has been carried out to inform the building design to provide a comfortable thermal environment that considers current and projected climatic conditions. The building is setback from the main road and shielded by the neighbouring properties, which indicates the air quality for this site is expected to be better than the street. Green roofs will also improve air quality
- **Energy** - an all-electric air source heat pump per dwelling is proposed with underfloor heating system. Solar photovoltaic panels are proposed on the main roof level to reduce energy requirements. These are expected to produce 2,854kWh of green electricity annually, amounting to a total saving of 0.3 tonnes of CO<sub>2</sub> per annum due to the use of the panels
- **Energy efficiency** - all light fittings will be provided with low-energy light fittings and luminous efficiency greater than 35lm/W
- **Public transport** - a Public Transport Accessibility Level rating of 6a will be achieved, confirming that the site has good public transport with an Accessibility Index of 30.6
- **Water** – water consumption will be reduced to less than 110 litres per person per day in line with the recommended target set out in policy SI 5 of the London Plan. Each dwelling is fitted with pulsed output water meters to allow for the future installation of smart water meters
- **Materials** – materials will be sourced to reduce embodied carbon where possible. Sourcing of other materials will include products where the manufacturer employs an environmental management system such as ISO 14001 or BES 600
- **Waste** - at least 85% of waste that arises will be recycled using an external waste contractor. Regular waste and recycling bins will be provided for waste separation within

the property. The Whole Life Carbon Assessment sets out a strategy for demolition waste which can be used by the Main Contractor

- **Noise** - the development will comply with Building Regulations Part E, providing good sound insulation. All windows are specified as high-efficiency double glazing to minimise noise transmission between the property and the surrounding area
- **Biodiversity** - a private garden is proposed per dwelling with mixed planting recommended on the green roof to improve biodiversity
- **Drainage** - the green roof will release any excess water over a long period, enabling the terrestrial drainage system to cope better
- **Carbon emissions** - over 50% energy-related carbon emission reduction is proposed, meeting the Camden Planning Guidance (energy efficiency and adaptation).
- **Be Lean** - efficient fabric design and passive measures to reduce energy demand
- **Be Clean** – onsite energy supply
- **Be Green** - use of highly-efficient energy source (all-electric air source heat pump) and proposed onsite renewable energy generation

5.10 In addition, a Whole Life Carbon Assessment has been prepared which measures the development as achieving a grade of A.

5.11 As such, the development would provide significant environmental benefits and be in accordance with Policy CC1 and D1 of the Local Plan. Green roofs would seek to enhance the biodiversity of the area in accordance with Policy A3 of the Local Plan, also providing further sustainability benefits. The economic and environmental benefits as set out above, should carry significant weight in the determination of the planning application. It is now necessary to consider whether there would be any adverse impacts which might outweigh these benefits.

## Loss of Community Facility

5.12 Whilst new housing on brownfield sites is encouraged within the borough, Policy C2 of the Local Plan also seeks to ensure that community facilities and services are retained, unless one of the following tests is met:

- i. a replacement facility of a similar nature is provided that meets the needs of the local population or its current or intended users.
- ii. the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area.

5.13 The existing building was used by the International Gospel Community Church who applied for planning permission to use the building as a non-residential institution in 2009 under permission reference 2009/2500/P. They vacated the site in October 2016. The church is now located at 102a Watling Avenue, Burnt Oak, Middlesex, which lies around 11km from the site. It is accessible via

public transport from 264 Belsize Road and provides a space for religious worship. The new site therefore provides for the needs of the local population and its users and so meets criteria i of Policy C2.

- 5.14 However, should the Council consider otherwise, we set out below how criteria ii is met. The premises are no longer required in their existing use, because another site has been found to accommodate the church. Furthermore, there is no alternative community use capable of meeting the needs of the local area. This is confirmed in a letter from Dutch and Dutch (Estate Agents) – see **Appendix D**. They state that they carried out a rent review in 2014 with the then tenant, International Gospel Church, but that they then chose to vacate the premises, as the property was no longer viable for them. The letter also states that in the subsequent 24 months, Dutch and Dutch referred several property enquiries for community use to the site owner, but none of these leads resulted in the owner being able to let the space, which remains empty after 6 years. They also state that, in their view, the property is currently unlettable as a commercial property. Criterion ii is therefore met.
- 5.15 Because the criteria of policy C2 is met, it is not considered that the change of use from a community facility to housing would cause adverse harm that would outweigh the significant benefits outlined above. Therefore, planning permission should be granted without delay. We consider further below whether there are any adverse impacts that might outweigh the benefits, as well as other material considerations.

## Other Material Considerations

### Affordable Housing

- 5.16 The pre-application advice states that:
- Policy H4 (maximising affordable housing) requires 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. The policy states that where developments have a capacity for fewer than 10 additional dwellings, the Council will accept a payment in lieu of affordable housing. In order to minimise this contribution, an affordable housing viability assessment could be submitted with the formal planning application.*
- 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.*

*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 for each option would be as follows:*

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

*Without a total residential floorspace figure, the affordable housing contribution cannot be provided. However, the above noted equation can be used to calculate the future payment in-lieu amount.*

- 5.17 The appeal proposal is for 506 square metres of additional residential floorspace. Rounded down to 500 and divided by 100 = 5 additional homes.  $5 \times 2\% = 10\%$ .  $10\% \times 506 = 50.6$  sqm GIA x £5,000 = £253,000. This will be paid to the LPA by means of a section 106 agreement.

## **Design, Character & Impact on Amenity**

- 5.17 Existing and proposed drawings of the proposed development are submitted with the application. In terms of design, the relationship between the new accommodation and the existing buildings to the south and the west, that face on to Belsize Road and Kilburn High Road, have been a key consideration in the proposed design. As mentioned above, these neighbouring buildings are largely in residential use. It is expected that there would be limited overlooking from no. 258 Belsize Road into the upper floors and courtyard space of a couple of the units. Therefore, the living space has deliberately been located on the upper floors to prevent views into the bedroom space. However, the living space is also set back from a series of courtyard areas, which would also limit views of this from no.258.
- 5.18 The new dwellings are set back from the upper floors of nos. 264, 266, 268 and 270 Belsize Road, and nos. 46-52 Kilburn High Road. Therefore, any views from these properties are expected to be limited. The privacy of existing residents and future residents would therefore be maintained.
- 5.19 In terms of visual impact, overall, the form of the proposed building would improve the outlook from the rear of the properties along Belsize Road by reducing the overall mass of the building on the south side of the site. The existing metal roof would be replaced with green roofs which would also improve the appearance of the existing building.
- 5.20 The building would be increased in height on one-side, by just 2.1m, to create more space within the units. However, because this would also reduce the overall mass of the building, it is considered that this is acceptable in terms of impact on the amenity of neighbouring residents.
- 5.21 In terms of character, the surrounding buildings are already in residential use on the upper floors. The proposed residential use would therefore reflect the existing character of the area.
- 5.22 There may be limited impact on neighbouring properties from noise, dust, and fumes during the construction phase of the development. A Noise Impact Assessment is submitted with the

application, which confirms that the development is acceptable in noise terms and meets the requirements of Policy A4.

5.23 In terms of living conditions, where possible the building has been carefully designed to allow as much natural light into the properties as possible. For example, the southern side of the building has been opened up at the first floor to create a series of individually landscaped courtyards. New lightwells at ground floor level are also proposed to provide natural light and ventilation to the existing ground floor. The existing high-level glazing along the southern boundary would also be replaced to provide natural light into the new corridors. A Daylight and Sunlight Assessment Report is submitted with the application, which demonstrates that all of the rooms in the flats will Pass the Average Daylight Factor test. Although 8 out of 10 bedrooms will fail the No-Skyline test, this is not important, because all of the bedrooms pass the average daylight factor test. Consequently, daylight testing proves that the flats will enjoy an acceptable level of amenity in this respect.

5.24 Regarding living space, five two-bedroom units are proposed. The proposed internal floor spaces of the units are as follows:

- Unit 1 (2 bedroom) – 116.5 sqm
- Unit 2 (2 bedroom) – 89 sqm
- Unit 3 (2 bedroom) – 95.5 sqm
- Unit 4 (2 bedroom) – 92.5 sqm
- Unit 5 (2 bedroom) – 112.5 sqm

5.25 These floor areas accord with, and exceed, the space standards set out in Policy D1 and Table 3.3 in the London Plan. The design also incorporates external spaces at ground floor and first floor level. The above also means that the proposal would accord with Policy A1 of the Local Plan. It is not considered that adverse harm to the amenity of neighbouring residents would be caused that would outweigh the significant benefits of the proposal.

5.26 Pre-application advice from the LPA states that:

*The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality which improves the function, appearance and character of the area.*

*Camden's Design CPG emphasises Camden's commitment to design excellence, and expects development schemes to consider:*

- *The context of a development and its surrounding area;*
- *The design of the building itself;*
- *The use and function of buildings;*
- *Using good quality sustainable materials;*

- *Creating well connected public spaces and good quality public realm*
- *Opportunities for promoting health and well-being*
- *Opportunities for improving the character and quality of an area*

*The majority of the shell of the building will be retained, with the roof structure reconfigured and raised on the north portion of the site in order to create a loft level and additional south facing windows. As the existing building lacks any elevations or fenestration, aside from the Kilburn Place portion, much of the design alterations are at roof level.*

*The proposed roof form, which at present is a low-pitched roof with large rooflights, will be removed along the south portion to facilitate the creation of the five lightwells. The existing rooflights along the southern roof edge will be retained and refurbished, as are the rooflights along the north roof edge. The north portion of the roof will be raised by 2.3 metres and will feature south facing windows. In principle, the increased height and bulk of the roof form is considered to be acceptable given the building is surrounded by built form and would not be perceptible from the public realm and only limited private views. However, the design does not seem compatible with residential use and it feels like it has been driven by the desire to fit in as many units as possible. For residential units to be supported in this location, the design should feel more domestic and allow for generous lightwells that bring in a level of daylight that will allow occupiers to enjoy their homes. Amenity space is also extremely limited and of poor quality given it will be largely in shade. This is contrary to Policy D6 of the London Plan which outlines that 5sqm of private outdoor space should be provided for 1-2 person dwellings, with an additional 1sqm for each additional occupant.*

*Along the Kilburn Place elevation, the existing service door and plant fixtures will be replaced with a three-storey elevation with windows and a balcony terrace to Unit 1. It is considered that the proposed increase in height along this elevation is appropriate, however further design details should be explored.*

- 5.27 The appellant does not agree with the LPA's assessment of the proposal in this regard. The LPA states that it considers the proposal to be overdevelopment because the dwellings will not be provided with sufficient usable amenity space and the proposed lightwells will be inadequate. Policy H6 of the London Plan is quoted, which states that small dwellings, as proposed, should be provided with at least 5sqm of amenity space. As mentioned above, it is considered that the patio areas shown on the plans are not simply lightwells. Each one is served by full-height glass doors, providing access for residents at ground floor level from the bedrooms. Each of these patios at ground floor level will be approx. 5 sqm in area, while the patios and amenity spaces at first floor level, also accessible via full height glass doors from the main living spaces, will each be approx. 5 sqm in area. In fact, as stated in the DAS, the following amenity areas:

- Unit 1 – 8.95 sqm
- Unit 2 – 8 sqm
- Unit 3 – 8.3 sqm
- Unit 4 – 8.3 sqm
- Unit 5 – 8.5 sqm

Quite clearly the amenity and design standards of policies H1 and H6 will be met by the proposal.

5.28 With regard to the issues of design and amenity, the appellant would like to draw attention to a development at Lidlington Place, which has been approved by the LPA. The proposal was for a single 3-bedroom dwelling with ground and basement levels. The site was constrained by high brick walls and lay within a conservation area. Three bedrooms were provided at basement level with their only natural light coming from skylights. Even with such small skylights, a Daylight and Sunlight report with the application concluded that the light levels in the bedrooms would be adequate and the LPA did not dispute these findings. The scheme included no amenity space, even though it is for a 3-bedroom family dwelling. The planning officer's decision made no mention of amenity space standards. However, the planning officer concluded that:

*Overall, the proposed single-family dwelling would be of a high quality design, preserve the character and appearance of the conservation area, and provide a good standard of accommodation.*

5.29 In our opinion, it is disingenuous of the LPA to criticise the appeal proposal for lacking amenity and design quality, whilst approving proposals such as that referred to above, which have bedrooms only lit by modest lightwells and no amenity space provided. Copies of the DAS and decision notice pertaining to the Lidlington Place development are attached as **Appendix B.**

5.30 Notwithstanding the above decision, the applicant has commissioned a Daylight and Sunlight Assessment Report, which is attached to this application. This assesses the penetration of daylight to all of the rooms of the 5 flats and concludes that the Average Daylight Factor (DF) for all of the rooms is satisfactory. Although, some of the bedrooms, at ground floor level, do not pass the test for No-Skyline criteria, this is not an issue, because all of the bedrooms pass the tests for DF.

5.31 Therefore, it is clear that the proposal complies with all of the LPAs criteria with regard to design and amenity, in accordance with relevant development plan policies.



## Neighbouring Amenity

5.32 The pre-application advice states the following:

*Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours.*

*The factors to consider include: visual privacy, outlook; sunlight, daylight and overshadowing; artificial lighting levels; noise and vibration; odour, fumes and dust; and impacts of the construction phase, including the use of Construction Management Plans. Careful consideration of amenity impacts is particularly crucial on this site given the close proximity of residential units at relatively high densities.*

*Concerns are raised that the only outlook from Units 2 through 5 through the south facing loft level windows is directly into neighbouring residential dwellings located on Belsize Road. The loft levels of the five units will therefore have new direct and unobstructed views into habitable rooms of neighbouring residences, which is considered unacceptable and not in compliance with Policy A1 of the Local Plan. In addition, the minimum distance between residential units, as outlined in CPG Amenity, shall ideally be no less than 18m. The proposed distances are between 13.5m and 15m, which is considered contrary to established guidance. The outlook from Unit 1 into Kilburn Place is not anticipated to have any impact on neighbouring residential amenity as there are no residential units within the immediate vicinity.*

*The existing first floor residential units along Belsize Road currently enjoy a north facing outlook onto the roof of the subject building. This includes views of the sky through the opening at the northeast corner. It should be demonstrated that the increased height from the roof alterations will not negatively affect the existing levels of light and outlook from the residential units along Belsize Road. A daylight and sunlight assessment should therefore be submitted with any future planning application.*

*Within the development, it is considered that the privacy of the first-floor kitchen / living areas and garden at ground floor level will be severely compromised by the glazed communal corridor. Even with a balance of obscure and non-obscure glazing, in order to provide natural light, it is anticipated that the amenity of future occupiers would be negatively affected. It is likely that there would be some disruption during the construction period. Measures to reduce the impact of demolition / construction works should be outlined in a draft Construction Management Plan (CMP), which is likely to be secured by section 106 legal agreement if an application is approved. CPG Transport includes a link to the Council's CMP Pro Forma.*

5.33 The applicant does not agree with the LPA's assessment of the proposal in this regard. It is accepted that the Amenity CPG (paragraph 2.4) states that "it is good practice to provide a minimum of 18m between the windows of habitable rooms in existing properties facing the proposed". However, this is suggested "good practice", it is not policy, and it is not set in stone. Every proposed development needs to be considered on its merits and it will not always be possible to provide an 18m separation distance and yet the development may be perfectly acceptable in amenity terms. In this case, the existing habitable rooms to the south of the site are



between 13.5m and 15m away from the proposed windows of the appeal scheme. However, any risk of overlooking between the properties is reduced by the intercedence of the high wall along the southern boundary of development, which will have a partial screening effect and the considerable set-back of the first-floor accommodation, with partial screening in-between and use of high-level windows, which will reduce any risk of overlooking even further. In addition, at first floor level, the habitable parts of the relevant rooms are at least 16.5m distant from neighbouring properties. This point is adequately illustrated on page 28 of the DAS and it is common for similar distances between habitable room windows to be found in the local area.

- 5.34 The LPA suggests that the glazed communal corridor along the southern edge of the development will compromise privacy for the future residents of the dwellings. It is considered that this is no different to facing out onto a standard street, which the council find acceptable. Residents will be protected by the location of the patios and gardens, which will ensure that pedestrians have to walk some distance away from windows into loving areas. Residents will also be able to plant their gardens with screening trees and shrubs if they wish to reduce any risk of people looking into their living space. Overall, the relationship between the dwellings and the corridor is likely to be no different to that with a normal street pavement.
- 5.36 It is agreed that there will be some disturbance of neighbour's amenities during the construction phase of the development. A CMP will be implemented, which can be secured by a condition on the planning consent notice.
- 5.37 Overall, it is considered that residential amenity will not be unduly harmed by the development and the proposal complies with policy A1 of the local plan.

## Housing Mix

- 5.38 Five two-bedroom properties are proposed. Policy H6 seeks to ensure that a mix of property sizes and types are included in any proposed development to meet the needs of the local population and Policy H7 seeks to ensure that a mix of small and large houses are provided in each development. The initial design included 4 2-bedroom apartments and 1 3-bedroom apartment. However, the 3-bedroom unit had to be amended to form a 2-bedroom dwelling because space was required for storing the air source heat pumps with access from Kilburn Place. This was the most logical place to store the heat pumps. As a result, the original mix of housing is not provided. Policy H7(f) does state that the Council will take into account logistical reasons and constraints as to why a mix of housing cannot be provided. As such, the proposed housing mix is considered to be acceptable.

## Transport

5.39 The pre-app letter states the following:

*The site has a PTAL score of 6a which indicates that it has an excellent level of accessibility by public transport. The nearest London Overground station is Kilburn High Road, located just south of the site, whilst the nearest bus stop is located immediately outside the property.*

*In line with Policy T1 of the Local Plan, it is expected that cycle parking be provided in accordance with the standards set out in the London Plan. Based on the proposed unit mix (4x two-bedroom units and 1x three-bedroom unit), the number of required cycle parking spaces would be 10. Cycle parking is proposed to be provided in accordance with the standards in the entry area of the building on ground floor level. To be considered acceptable, this should be designed in accordance with the guidance in CPG Transport.*

*In accordance with Policy T2 of the Local Plan, which seeks to secure car-free development cross the Borough, it will be necessary to secure any proposed residential units as car free by means of a s.106 legal agreement. This will prevent any future residents from adding to existing on-street parking pressure, traffic congestion, and air pollution whilst encouraging the use of more sustainable modes of transport such as walking, cycling, and public transport. No car parking is currently provided on site, and none is proposed.*

5.40 The applicants agree with the LPA that the appeal site is in a highly accessible location, close to public transport links and local amenities. A total of 10 bicycle parking spaces will be provided with the development in compliance with policy T1 of the local plan. A section 106 agreement will be signed by the applicant, which will include provision of a car-free development, in compliance with policy T2 of the local plan.

5.41 Overall, therefore, it is agreed by the parties that the proposal is acceptable in transport terms.

## Climate Change and Sustainability

5.42 The pre-app letter states that:

*Policies CC1 (Climate change mitigation) and CC2 (Adapting to climate change) require all developments to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards. The current proposal would result in the retention and refurbishment of the existing building which is welcomed.*

*All developments involving five or more dwellings and/or more than 500 sqm of (gross internal) floorspace will be required to submit an energy statement demonstrating how the energy hierarchy has been applied to make the fullest contribution to CO2 reduction. All new residential development will also be required to demonstrate a 19% CO2 reduction below Part L 2013 Building Regulations (in addition to any requirements for renewable energy). This can be demonstrated through an energy statement or sustainability statement.*

*As part of the assessment of resource efficiency, all developments involving five or more dwellings and/or more than 500 sqm gross internal floor space are encouraged to assess the embodied carbon emissions associated with the development within the energy and sustainability statement. Where such an assessment has been completed we would encourage that the results are logged on the WRAP embodied carbon database in order to contribute to the embodied carbon knowledge base.*

*The sustainability of residential development arising from conversions, extensions and changes of use can be assessed through the use of BREEAM domestic refurbishment. We will encourage developments of five or more dwellings or 500 sqm of residential floorspace or above resulting from conversions, extensions and changes of use to achieve an 'excellent' rating in BREEAM domestic refurbishment.*

*Developments must be designed to be water efficient. This can be achieved through the installation of water efficient fittings and appliances (which can help reduce energy consumption as well as water consumption) and by capturing and re-using rainwater and grey water on-site.*

*Policies D1 and CC2 of the Local Plan encourage sustainable urban drainage systems, green roofs and walls and high quality hard and soft landscaping. The inclusion of a green roof is therefore welcomed, as are the installation of solar panels.*

- 5.43 Policies CC1 and CC2 of the Camden Local Plan, Policy GG6 of the London Plan and paragraph 153 of the NPPF relate to climate change and seek to ensure that new developments mitigate against the effects of climate change to ensure that buildings are resilient to the future effects of climate change. The proposal includes a number of sustainability features which have been set out above, and which further details of are provided in the accompanying technical reports. Sustainability and Energy Statements are submitted with this application to provide more detail in this regard.
- 5.44 Overall, the proposal has been carefully designed to reduce overheating, ensure water efficiency, waste reduction, greenhouse gas emission reductions, and to limit energy consumption. As such, it is considered that the proposal meets the requirements of the NPPF and Policies CC1 and CC2 of the Camden Local Plan.

## Refuse and Recycling

- 5.45 The pre-app advice states the following:
- You are advised to design in adequate facilities for recycling and the storage and disposal of waste. Further information can be found in CPG Sustainability.*
- Camden Local Plan Policy CC5 (Waste) and CPG (Design) are relevant with regards to waste and recycling storage and seek to ensure that appropriate storage for waste and recyclables is provided in all developments. Any proposal should demonstrate that the development would include facilities for the storage and collection of waste and recycling.*

- 5.46 The proposal includes facilities for storage and collection of waste and recycling for each dwelling, in compliance with policy CC5 and the Design CPG. These facilities can be secured by means of suitable conditions on the planning consent notice.

## **Planning obligations / CIL**

- 5.47 A section 1`06 agreement will be entered into by the applicant. It will cover several matters, including the following:

- Payment of LPA legal fees
- Payment of LPA monitoring fees
- Payment of contribution in lieu of affordable housing provision
- Car free development and non-eligibility of residents for parking permits
- Payment of fee for Construction Management Plan
- Contractor to register with Considerate Constructors Scheme
- Payments to LPA to be Index-Linked

## 6 CONCLUSION

- 6.1 This Planning Statement is submitted to accompany a full planning application for *'alterations and extensions to existing redundant non-residential institution building to C3 permanent residential use, to form 5 no. two-bedroom duplexes,'* at 264 Belsize Road, Camden.
- 6.2 Based on recent appeal decisions the Council cannot currently demonstrate a five-year housing land supply. As such, the policies that are most important for determining the application are out-of-date and so Paragraph 11(d) of the NPPF applies. There are no policies in the NPPF that protect areas or assets or particular importance that provide a clear reason for refusing the proposed development. Furthermore, it is not considered that there would be any adverse impacts of granting permission that would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies taken as whole.
- 6.3 The development proposes much-needed housing on a brownfield site in a highly sustainable location whilst providing significant environmental benefits and sustainability improvements to the existing building. Therefore, in accordance with the requirements of Paragraph 11(d) of the NPPF, we consider that the development should be approved without delay.
- 6.4 Pre-application advice was received in March 2023, which confirmed that the principal of the proposal was accepted by the LPA. The proposal is highly sustainable in many ways. The LPA considered the previous scheme to be overdevelopment with design and amenity issues. We have sought to address these issues in this application, and we consider that the proposal complies with all relevant development plan policies, as well as non-statutory guidance. Therefore, we request that this planning application should be approved as expeditiously as possible.
- 6.5 Please do not hesitate to contact us should you have any queries or require any further information.