

TOWN AND COUNTRY PLANNING ACT 1990

(AS AMENDED)

Design and Access Statement

Application for Planning Permission

Proposal

REDEVELOPMENT TO PROVIDE AN OFFICE / STORAGE AREA

AND RESIDENTIAL FLATS

AT

221A BELSIZE ROAD, KILBURN, LONDON NW6 4AA

JUNE 2013

Preamble;

This statement has been prepared in support of the planning application for the redevelopment of the site to provide a three storey building to incorporate 2 self contained flats, *and an office and storage area.*

The statement has been prepared having regards to the advice in Circular 01/2006 in respect of the content of Design Statements, together with the more detailed CABE document "Design and Access Statements". The specific matters of use, amount, layout scale appearance and landscaping are addressed in the statement. These issues have been assessed in the light of both the National and Local planning policies and guidance.

The scheme has been subject to lengthy negotiation with the Council and the proposal has taken on board much of the advice given by the officers over a long period of time. It is now clear that the Council is generally satisfied with the scheme in terms of its built form, land use and the impact upon the local amenities. These issues will be further discussed below. However, the statement will particularly focus its attention on addressing the issues for which the planning application has been refused for.

It is hoped that the revised scheme and the additional information together with supplementary documents hereby presented will provide a robust evidence to convince the council that the proposal will achieve a high standard of design, high quality residential accommodation, incorporating desirable layout with satisfactory levels of sunlight, daylight, privacy and outlook for the future occupiers of the site without harming the amenities of the neighbouring occupiers.

Site and Surroundings

The site comprises a part one and part 1 and half storey building is located on the south side of Belsize Road and backs onto the Kilburn High Road railway Station and platforms. It sits between a 3 storey residential dwelling to its west and a single storey commercial building to the east.

The building was last used as a second hand furniture shop but it is now currently vacant. Historically the application premises served as the entrance and ticket office

to Kilburn Road Railway Station. However, this function has long ceased and the access to the station has been moved to the Kilburn High Road.

Internally the building is arranged as one large room incorporating a gallery area towards the rear part of the building. The building is constructed in solid brick work, with the upper level in stud work and wood plank wall cladding. The pitched roof is covered with tiles.

The building to the left had side of the application site is an attractive three story residential dwelling. However, to its right there is a single story property which was previously used as a restaurant but has now been closed for a number of years.

The building has a right angle trapezium foot print and covers the entire site. This has resulted in the front elevation to have an oblique relation to the street. A pair of roller shutters forms the principal elevation to the front. The building is in poor state of disrepair and by reason of its external appearance and poor condition seriously detracts from the visual amenity of the area.

The area has a robust mix of uses. There are significant number of shops as well as commercial buildings, leisure and entertainment and community uses. There is also a significant level of residential uses with significant in tenure.

The built form includes variety of developments ranging from traditional Victorian buildings comprising shops with residential above, dwelling houses, conversions to modern buildings including multi storey blocks of flats as well as small and large commercial buildings. Notable feature includes the adjacent railway station its associated platforms and other structures.

The building is not listed, nor is it within a conservation area. However, the site is within a Control Parking Zone and all adjacent roads are subject to parking restrictions.

The building is also within close vicinity to the Kilburn High Road, which is a busy thoroughfare with historical significance comprising a lively and active cosmopolitan shopping centre.

Relevant Planning History;

The lawful use of the site appears to be for retail purposes. Although it appears that there is no planning permission for this use. The original building was constructed as a ticket office, but this use has long ceased. The building had been used for retail of second hand furniture for a considerable period of time, before it became vacant over two years.

Apart from the recent scheme and the associated pre-application scheme submitted by the applicant the site has not been subject to the any other application. The applicant initially approached the Council in April 2011 with regard to the proposal. Two meetings took place between the agent of applicant and the Council officers (Carlos Martin 28th June and Neal Clearly 11th July).

Having establish a baseline, the applicant took on board the verbal advice given by the officers and submitted a pre-application scheme on 19th July 2011. The scheme sought advice to provide a 3 storey building containing studio flats. The pre-application was submitted with a fee of £1500.00 as advised by the officers.

The pre-application scheme was allocated to Mr. Max Smith and subsequently to Mr. John Sheehy. There were few meetings with Mr. Max Smith on the 9th September, 4th October, 15th December 2011. The scheme was revised several times as requested by Max Smith and subsequently by Mr. John Sheehy. A further scheme was submitted on 13th January 2012. However, no further comments were received from the Council.

Assuming the council was happy with the proposal, the applicant submitted the first planning application (Ref: 2012/1324/P) on 23.2.2012 which was registered on 27.3.12. The scheme incorporated a 3 storey building comprising 3 flats. The Council did not communicate with the applicant with regards to the scheme for over 7 weeks. However, a week or so prior to the statutory expiry of the application for

determination, Mr. John Sheehy explained the proposed building should retain a gap to its neighbour on upper floors. But given the immanency of the deadline the council could not entertain a revision. Hence, the applicant was advised to withdraw the application. The applicant obliged and the application was withdrawn on 16.5.2012 based on this advice.

The scheme was revised accordingly and the second application (Ref: 2012/2994/P) was submitted on 01.6.2012 registered on 4.7.2012. There was no contact with the application following the registration of the application. However, after a period of over 7 weeks from the date of submission of the application, the new case officer Mr. Neil Zaayman contacted the applicant and advises him to withdraw the application. The applicant declined. The scheme was refused on 1.8.2012 for the following reasons;

- 1 *The proposed development, by reason of its failure to comply with the Council's minimum space standards, the lack of natural ventilation, lack of defensible space and lack of private amenity space, would fail to provide high quality residential accommodation, contrary to core policies CS5 (Managing the impact of growth and development) and development plan policy DP26 (Managing the impact of developments on occupiers and neighbours).*
- 2 *Insufficient information has been submitted to demonstrate that noise and vibration from the adjoining road and railway would not cause harm to the amenity of future occupiers contrary to core policies CS5 (Managing the impact of growth and development) and development plan policy DP26 (Managing the impact of developments on occupiers and neighbours) and DP28 (Noise and vibration).*
- 3 *The proposal by reason of its failure to provide suitable cycle storage would fail to make suitable provision for cyclists, contrary to policy CS11 (Promoting Sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP17 (Walking, cycling and public transport) and DP18 (Parking Standards and limiting the availability of parking) of the London Borough of Camden Local Development Framework Development Policies.*
- 4 *The proposal, by reason of its failure to demonstrate how sustainable design and construction and energy efficiency measures have been incorporated would be contrary to core policy CS13 (Tackling climate change through promoting higher environmental standards) and development plan policy DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies.*
- 5 *The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policy CS11 (Promoting sustainable and sufficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking)*

of the London Borough of Camden Local Development Framework Development Policies.

- 6 *The proposed development, in the absence of a legal agreement for a Construction Management Plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development) and CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to the highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

Relevant Policies

The relevant policies are contained within Camden Core Strategy, Development Plan as well as the London Plan and the National Planning Policy Framework.

The proposed development is in general accordance with policies contained in all these plans. In particular the proposal will provide new dwelling in a sustainable location. The provision three self-sufficient living units will contribute to the increase in the number of housing in the Borough, which is considered as priority land use in Camden's Local Development Framework.

The scheme in particular support is in general conformity with the following policies;

Camden Development Policies: 2010 - 2025 - Local Development Framework Core Strategy:

- CS1 – Distribution of growth
- CS3 – Other highly accessible areas
- CS5 – Managing the impact of growth and development
- CS 6 - Providing quality homes
- CS 8 - Promoting a successful and inclusive Camden economy
- CS 11 - Promoting sustainable and efficient travel
- CS 13 - Tackling climate change through promoting higher environmental standards
- CS9 – Achieving a successful Central London
- CS11 – Promoting sustainable and efficient travel
- CS13 – Tackling climate change through promoting higher environmental standards
- CS14 – Promoting high quality places and conserving our heritage
- CS18 – Dealing with our waste and encouraging recycling
- CS19 – Delivering and monitoring the Core Strategy standards
- CS 14 - Promoting high quality places and conserving our heritage

Development Policies:

- DP 2 - Making full use of Camden's capacity for housing
- DP 17 - Walking, cycling and public transport
- DP 19 - Managing the impact of parking
- DP 24 - Securing high quality design
- DP 25 - Conserving Camden's heritage

DP 26 - Managing the impact of development on occupiers and neighbours
DP2 – Making full use of Camden’s capacity for housing
DP5 – Homes of different sizes
DP6 – Lifetime homes and wheelchair housing
DP16 – The transport implications of development
DP17 – Walking, cycling and public transport
DP18 – Parking standards and limiting the availability of car parking
DP24 – Securing high quality design
DP25 – Conserving Camden’s heritage
DP26 – Managing the impact of development on occupiers and neighbours

As well as the above policies, the scheme generally meets the standards set in the Council following Supplementary Planning Guidance;

Camden Planning Guidance - CPG 3: Sustainability
Chapter 9: Sustainability Assessment Tools
Chapter 12: Adapting to climate change

Camden Planning Guidance 2011

Amount and scale

The proposal will provide a 3 storey building incorporating 2 self contained flats. The *first* and the top floor flats will provide accommodation for 1 and 2 people, whilst the *ground floor will provide an office and storage area.*

The scale of the building will be modest and will be commensurate to the general built form. In particular the building will be the same height of the neighbouring building and will respect its building line at the upper floor levels.

The Use

The proposal will replace the existing retail outlet within class A1 with self contained flats, *and an office and storage space.*

This is an isolated shop with poor condition and irregular layout which does not lend itself easily for a retail purposes. The previous owner had tried to let the building for retail use but to no avail. Given its location, configuration, and poor condition, the loss of this isolated shop will have no bearing upon the vitality and viability of the shopping centre. Further, given the significant degree of retail use within vicinity of the building the loss of retail unit will not diminish the opportunity for shopping for the local residents.

The Council has already considered that the loss of retail floor space in this location to be acceptable. The proposal will provide new residential dwellings which is supported by all Local, Regional and National Policies.

In particular the proposal will fully comply with advice given in the Government recent National Planning Policy Framework (March 2012). At paragraph 50, NPPF advises; "To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.

Given the site's constraints it has not been possible to provide larger family size dwelling units as it is desired by the Council. However, the proposal will provide suitable accommodation for young and upwardly mobile members of the public, for which there is a demonstrable demand for.

The proposal will therefore support the key objective of the policy and support the national policies which see the development of residential accommodation in sustainable development as priority.

Design

The design has followed the detail investigation which took place to establish the local characteristics of the area. The area in which the site is located, comprise a variety of buildings, including terrace houses of traditional design, modern blocks of flats and large commercial building. The sheer diversity of the surrounding area brings a strong character to the street scene. However, given the proposed use will be for residential purposes, it was felt that the design should take its cue from the related dwellings.

The adjoining residential building is one of the most attractive buildings in the immediate surroundings. This neighbouring building has an Italianate-Villa style with arched window and rendered finish. The proposed building will emulate this design and provide a building with balanced proportion which will successfully integrate with its surrounding.

The scheme has been designed to the advice given by the Local Authority's planning officers. And the Council assessment of the previous scheme makes it clear that the proposal in design terms makes a positive contribution to the character and appearance of the area by replacing an out of scale with atypical design in street scene.

Layout

The building will be on 3 storeys. It will be set back from the edge of the site and will incorporate a front garden where refuse store and cycle storage area will be accommodated. The upper floors will be accessed from a staircase within the central core of the building.

Two floors will comprise of one dwelling unit. The layout has been arranged to vertically stack the living areas over living areas and the sleeping areas over the sleeping areas. This arrangement follows the advice in the council's adopted SPG to alleviate the likely noise disturbance between different floors.

Accessible WCs have been provided to comply with Lifetime Homes Criterion 10. Generally, the sanitary facilities will be located directly adjacent to the bedrooms and living areas to allow easy access and convenient circulation, maximising the usability of the internal floor space.

The quality of the residential accommodation;

From the decision letter, it would appear that the council has particularly been concerned with the quality of the accommodation for the future occupier of the proposed flats. The reason for refusal specifically relates to concern over; the adequacy of space, outlook, ventilation, security and the potential noise/vibration from surroundings including the railway lines. Each of these issues are addressed below;

Space Standards;

The council has an adopted supplementary planning guidance which –inter alias- provide various standards to assess the quality of residential dwellings. In terms of residential space standards the following information is provided;

- 4.12 Although planning cannot control the precise internal layout of individual proposals, it is important to ensure that dwellings are capable of providing a suitable layout and adequate room sizes that reflect the use and type of accommodation. The Council will be flexible in the application of these guidelines in order to respond to site-specific circumstances.
- 4.13 The Council has set minimum space standards to ensure rooms are large enough to take on varying uses. Space standards relate to the occupancy of a home rather than number of bedrooms and the developer will be required to state the number of occupants each dwelling has been designed to accommodate. The occupancy of housing at the time of its first occupation is not a reliable prediction of future levels of occupancy over the lifetime of a home. The only sensible assessment of occupancy is therefore the designed level of occupancy.

The applicant has indicated that the proposed scheme will provide 3 units; the proposal will now provide 1 x 1, 1 x 2 person units and 1 x office and storage area.

The council's adopted SPG at para 4.14, states, "The overall internal floorspace in new self-contained dwellings (excluding communal lobbies and staircases) should normally meet or exceed the minimum standards set out in the following table.

Council Standards	Number of Persons	1	2	3	4	5	6
		Minimum floorspace (sq m)	37	50	61	70 74	86
The proposed scheme		42	50				

The proposal will therefore comply with all the minimum space as specified in the SPG and will offer the type of accommodation with generous floor space and highly efficient and desirable layout.

The applicant is aware of the Council desire for the provision of larger dwellings. However, unfortunately due to the specific site constraints it has not been possible to provide larger dwelling. Further, given the location and configuration it is felt that the site could not provide a suitable family accommodation. Nevertheless the proposal will provide new residential floor space which suit young and upward mobile members of population, single person household such as students or very young couples.

Amenity space

Given the site's constraints it has not been possible to provide any outdoor amenity space. However this is a typical situation in and around town and shopping centres where one finds numerous flats which have no access to private amenity space. But, instead the residents benefit from range of shopping, leisure and entertainment facilities which are offered by the town centre at their doorstep. Within vicinity of the application site there are also numerous flats, including those above shops which do not have any access to private amenity space.

The planning department of the Council is well aware of the situation and has been willing to consider additional dwellings in town centres without outdoor amenity space. As an example, a copy of council officer's report in respect of a recent case accompanies the application. The scheme relates to no. 6 & 7 Warren Street. This application (Council's Ref; 2011/5399/P) was recently granted planning permission for, *"Excavation of basement and conversion of 2 x 4 bedroom family single-dwellings to 3 x 2 bedroom single family dwellings (Class C3) and associated works including new three entrance doors, alterations to windows to front and rear elevations including addition of Juliette balconies to front elevation at second floor level."*

The scheme which provided 3 family size dwellings did not include any outdoor amenity space. The extract from the report as shown indicates that the council regards the trend as a normal in urban central London.

It is not possible to include outdoor private amenity for the dwellings, however this is commensurate for flats/dwellings found in urban central London areas like this, therefore accepted. The net increase is less than five units, no financial contribution to open space is necessary.

Recently the government has amended the General Permitted Development Order allowing change of use of upper floors of shops to two dwellings. However, the permitted development rights does not impose any restriction with regards to the requirement for the provision of amenity space.

There is often a trade-off between the provision of amenity space and all the amenities offered by town centre. Therefore, whilst not ideal, the lack of outdoor

amenity space is not a critical factor in the provision of dwellings in town centre location, especially for the type of accommodation which do not cater for children.

Defensible space and security

In line with the advice given in Secure by Design (SBD), a low-boundary wall and private front garden has been designed to clearly establish a defensible space. The boundary wall will be kept to less than one meter in height so that front doors and windows remain open to view from the street. The approach will create an active frontage and allows surveillance of the public space.

All windows and doors will be fitted with SBD standards and will incorporate key lockable hardware. There will be a possibility to incorporate top fan light into windows with fixed window panes to windows at the ground floor level if required.

The existing building by creating a dead frontage has created a sterile and desolate atmosphere to the area, thereby contributing to the fear of crime. Given the design by providing windows facing onto the street, the proposal will enhance the ambience and improve the natural surveillance of the surroundings

Out look

The outlooks to the flats are particularly good. All flats will be double aspects. All windows will be served by generous size windows. There will be views to the front and to the rear without any structure obstructing the windows for a good distance. In particular the views to the rear will be uninterrupted over the railway lines.

As the drawings indicate, the windows to the rear ground floor will only partially be obscured by the fence to the railway platform. The room levels are such that views over the fence will be possible at eye level.

Therefore, in terms of light and outlook there will be generous windows to all habitable rooms with good level of light penetration.

It should be pointed out that the council has not always insisted on the provision of windows to habitable areas. For instance in the scheme mentioned above (6&7 Warren Mews), the kitchen / dining areas to the family houses was located within the basement area and did not incorporate any windows at all. Yet the application was considered acceptable.

Ventilation

All rooms benefit from appropriate size windows which would provide the necessary ventilation. All windows will incorporate trickle ventilation. Therefore, even when they are fully shut, they still provide the required level of ventilation to the room.

Noise and Vibration;

The applicant has commissioned and provided a comprehensive noise impact assessment by a prominent firm of acoustic engineers. The study carried out and recorded 24-hours noise survey of the site. The investigation has provided detailed analysis of the background noise level. The conclusions of the technically comprehensive acoustic study confirm that residential accommodation could be provided here, with proviso that suitable double glazed windows and other sound insulation measure to be incorporated into the scheme.

Further in accordance with the building control regulations, all walls (internal and externals), floors, and ceiling will incorporate acoustic insulation.

The building will have to be constructed in especially manner to withstand vibration generated by the adjacent railway lines. This will be a costly construction and requires extra additional resistance for material and flexible foundations. These will be subject to building control regulations which will be out the remit of planning control. However, the design will ensure that the facing materials to be used will be in harmony with the surrounding environment.

Given the above, the proposal will provide high quality residential accommodation, incorporating spacious apartments benefiting from generous room sizes with good level of outlook and light penetration.

Sustainability

The National Planning Policy Framework, the London Plan and the Borough's Core strategy (Policy CS13) as well as Development Policies DP22, all seek to promote sustainable design and construction

These policies requires development to be resilient to climate change by ensuring schemes include appropriate adaptation measures. Therefore, all development is expected to consider the impact of climate change and be designed to cope with the anticipated conditions.

To overcome the Council's concern the applicant has now provided details specification with regards to the building construction. The proposed scheme incorporate measures which will provide a sustainable development. These measures (as specified in the associated document) will include double glazing with trickle ventilation as well as special filters which will prevent harmful UV rays.

Robust measures will be adopted to conserve energy and prevent heat loss. The scheme will use sustainable insulation within cavity walls floors and ceilings. Appropriate levels of glazing, which facilitate natural day light into the building but prevents excessive overheating have also been designed into the scheme. The building will have to comply with the building regulation standards which are seeking to achieve near zero carbon building by the 2016.

Given the design constrain by providing a pitch roof to ensure the design will satisfactorily integrate with the surrounding, it is considered that Green roofs for this development would not be suitable.

The scheme is located within a highly sustainable location. The future occupiers benefit from a variety of sustainable modes of travel in the form of buses and railways. Given its accessibility to host of services, the future occupiers will also be encouraged to walk or cycle thereby supporting council's key objective to reduce carbon emissions as required the advice given in National Planning Policy Framework.

The proposal will make efficient use of land which is currently seriously underutilised. The proposal will provide residential accommodation which is a key priority in Camden and as well as London and the South East Region. The development of such brown field sites will also help to reduce the pressure on building on Greenfield sites which is yet another key objective of both national and local policies.

Access, Transportation and parking

The site is located in a highly accessible area, therefore reliant on travel by private car will be limited. In fact due to parking restriction on roads adjacent the site, the ownership of private car and its use will be prohibitively expensive and quite cumbersome.

There are several bus routes within vicinity of the site. The access to the railway station is only few metres away. The site is also located within a densely urban section of the shopping centre in the High Road and is close to variety of services. The application property is within a full Controlled Parking Zone (CPZ) within which the Council restricts the issue of parking permits for residents.

Council policies seek to discourage the use of private cars. In line with London Plan the Council policies and standards are intended to restrict over provision and over capacity and to encourage the use of alternative transport modes to assist in the control or reduction of traffic.

Given the proximity to alternative public transport options and close proximity to the shops and services nearby it is believed that a car free residential scheme could be acceptable here. The site is located within a Controlled Parking Zone, hence the application will be willing to sign by way of a Unilateral Undertaking to pledge an obligation to exclude future residents of the site from applying for residents parking permits. The applicant will also make any financial contribution required for the purpose of amending traffic order for this purpose if this were to be necessary.

Given the site will not provide any on-site car parking space, and considering the future of the occupiers of the site will not be eligible for a resident car parking permit, it is believed that the proposal will have no significant impact upon high way

condition.

Landscaping

Currently the entire site is covered by the existing building. The proposal would not result in the loss of, or damage to, trees or other landscape features which contribute to the visual amenity of the area. The proposal will allow a small area of landscaping to be incorporated to the front. This area, whilst small, will be considered as an enhancement over the existing situation.

The proposed landscape is designed to be integrated with the design of the building. All hard surface areas will incorporate permeable surface materials.

Impact upon local social infrastructure;

Given the number of dwellings provided, it appears that the proposal does not trigger a financial contribution for social infrastructure. The applicant is aware of the Mayor's CIL for improvement to the London Public Transport Network and will pledge to make the required financial contribution.

Once the planning application is registered, the applicant will contact the Council to figure out the total sum required and will provide the unilateral obligation accordingly.

Summary and conclusion

The proposal seeks to address the Government's key objectives with regards to strategic planning to "maximise housing provision for the nation". It also supports the recent national advice emphasising;

- Priority to provide new residential development on previously developed land in urban areas.
- Aspire for higher density and in particular to optimise development density in proximity to public transport hubs and areas of high accessibility.

The proposal will provide a high quality accommodation in a sustainable location.

The proposal is also in line with the Council policies and the In addressing key principles in NPPF, which considers that the design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.

The proposal is also in line with both national and local policy guidance which encourages new residential development to be located so as to be accessible to day today facilities and services and by a range of modes of transport including walking cycling and public transport. The location of this site fully complies with this national and local policy consideration.

In our view, the development by reason of its design, scale and bulk will positively enhance the character of the area and make efficient use this disused building. For these reasons the proposal will not only fully comply with the criteria set out in the various local plan polices but is also fully supported by policies and advices set out by the most recent government guidance.