



Boyer
PLANNING

55 HEMSTAL ROAD, LONDON, NW6

Planning, Design and Access Statement

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1. INTRODUCTION AND PROPOSALS

- 1.1 This Planning, Design and Access Statement is submitted in support of a planning application made by Java Properties Limited to change the use of the ground and basement floors of 55 Hemstal Road from a vacant community use to a self-contained flat.
- 1.2 The property was recently purchased from the London Borough of Camden. The space has been vacant since at least 2008, most recently being used for community use (Class D1). There is a condition on a 1980 permission (ref: 30643) that requires the use to revert to retail (Class A1) in the event the community use ceases. The Council therefore consider the lawful use of the ground floor is Class A1.
- 1.3 The proposed development would create a two-bedroom dwelling. The proposals would require alterations to the shopfront and excavation of a front lightwell with a new railing to surround it. An enlarged window is proposed for the rear elevation to provide a good quality of residential amenity. Access to the flat would be via the existing front door to the property.
- 1.4 The proposed development would be car-free.
- 1.5 This Statement assesses the proposals against the policies in the Development Plan and other material considerations, which are relevant to the determination of the application. The Statement is structured as follows:
 - Section 2 – describes the site and surrounding context;
 - Section 3 – sets out the planning history of the site;
 - Section 4 – provides an overview of regional and local planning policy and guidance relevant to the Proposed Development.
 - Section 5 – provides an assessment of the proposal against the provisions of the Development Plan and other material considerations
 - Section 6 – provides the Design and Access Statement for the application
 - Section 7 – Lifetime Homes Assessment

2. SITE AND SURROUNDING CONTEXT

- 2.1 The application relates to the basement and ground floors of 55 Hemstal Road, which is a three-storey terraced building situated on the south side of Hemstal Road.
- 2.2 The ground and basement floors are vacant. The most recent use of the spaces, originally built as a shop, is a small community use (D1) which vacated the premises in 2008. The Council has expressed a view that the use of this space has since reverted to retail (A1) pursuant to a condition on a 1980 planning permission.
- 2.3 The site occupies a former shop unit within a small local parade. However Hemstal Road and the surrounding streets are predominantly residential in character. The site is not within any designated town centre. The amenities of the Kilburn and West Hampstead Town Centres are nearby.
- 2.4 The site is not within any conservation area and the building is not listed.
- 2.5 The PTAL of the site is 5.

3. PLANNING HISTORY

3.1 The site's planning history is of relevance to the current proposals.

Application Number	Description of Development	Decision and Date
30643	Change of use of basement and ground floor from retail to use as a District Office for a Neighbourhood Advice Centre.	Granted 22/07/1980
26576	The change of use of the first and second floors to a self-contained dwelling unit including the erection of a steel spiral staircase at the rear.	Granted 22/09/1978

3.2 The 1980 permission was implemented and includes a condition relating to the use:

2. This permission shall be personal to the Neighbourhood Advice Centre during their occupation and shall not enure for the benefit of the land. On their vacating the premises the use shall revert to the lawful use for retail purposes.

4. POLICY CONTEXT

- 4.1 This Section outlines the relevant planning policy context which will be considered in the determination of the application proposals. Section 5 assesses the application proposal against the Development Plan documents which currently comprises the Core Strategy and Development Management Policies DPDs (both adopted November 2010).

National Planning Policies

- 4.2 In March 2012, the National Planning Policy Framework (NPPF) was published by the Department of Communities and Local Government. The NPPF sets out the Government's economic, environmental, and social planning policies for England; it states that the purpose of the planning system is to contribute to the achievement of sustainable development. In terms of development management, the NPPF advises that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent development.
- 4.3 The NPPF does not change the statutory status of the Development Plan as the starting point for decision making; however, it constitutes guidance for local planning authorities and decision-takers both in drawing up plans as a material consideration in determining applications.
- 4.4 Paragraph 17 of the NPPF identifies the core planning principles which should underpin both plan-making and decision-taking; these include:
- Finding ways to enhance and improve the places in which people live their lives;
 - Proactively driving and supporting sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places;
 - Seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - Taking account of the different roles and character of different areas, promoting the vitality of urban areas;
 - Encouraging the effective use of land by reusing land that has been previously developed (brownfield land);
 - Actively managing pattern of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be sustainable.
- 4.5 The overarching national planning policy theme evident from the NPPF is a presumption in favour of sustainable development, which the Government have advised should be at the heart of the planning system and, which should be seen as a "golden thread" running through both plan making and decision taking.

Local Planning Policies

Local Development Framework

- 4.6 The Core Strategy and Development Management Policies documents were adopted by the Council in November 2010, replacing the majority of policies of the 2006 Unitary Development Plan. The Development Management Policies DPD sits beneath the Core Strategy in the hierarchy of the Local Development Framework. The policies within the Development Management document set

out the detailed borough-wide implementation planning policies for development and forms the basis for local planning authority decision making.

- 4.7 The relevant policies contained within the policy documents outlined above are considered in respect of the application in Section 5 of this Statement.

5. ASSESSMENT

5.1 This section demonstrates that the development complies with the Development Plan. It assesses the principle of the development and its potential impacts against the aims and objectives of the Development Plan.

5.2 In disposing of the site the Council issued a Planning Statement discussing potential uses of the property. The report is a material consideration in assessing the application and will be referred to in this section. A copy of the Council's report accompanies the application.

Change of Use

5.3 The property was most recently used as a community use as the West Hampstead Women's Centre (Class D1) but has been vacant since 2008. There is evidence for this period of vacancy in the form of a large pile of un-collected correspondence found within the vacant property, addressed to the Women's Centre, dating from 2008. Photographs of the correspondence showing postmarks are included with the application. Hardcopies can be inspected on site.

5.4 The Council considers the change of use to residential would constitute a loss of retail by virtue of the 1980 planning condition.

Loss of A1

5.5 The relevant DMPD policy is DP10. The policy seeks to protect shops outside centres by only granting permission for development that involves loss of retail floorspace under certain circumstances. However the Council's Planning Statement acknowledges that a case could be made that the loss of this vacant unit would not impair local shopping provision. We consider this to be the case; the shop has not provided any retail function for over 30 years, and there is ample alternative shopping provision in the area (notably the West Hampstead and Kilburn centres which are within 5-10 minutes' walk).

5.6 The likelihood of a retail occupier being for the retail unit is remote. Retail demand across England is declining in centres for a wide range of reasons which are, for the most part, beyond the control of planning. There is vacancy in retail units in nearby established accessible centres, and it is unlikely a retail user would prefer to locate in this out-of-centre location.

5.7 The parade of shops the site is located in has seven shop units or former shop units. Of these, only three are operating and only one is in retail use (a convenience store that adequately serves local needs). The other operating uses are a laundromat (*sui generis*) and an accountant (Class A2). One unit – at the western end of the parade, is already in residential use (LDC ref: 2012/3071/P granted August 2012).

5.8 The layout of the space is also detrimental to the likelihood of it being let for retail use. While it has a low-quality traditional-style shopfront its interior is in relatively poor condition and layout means the space would be inefficient for retail use. The large basement space could only be used for storage and the location of the stair and requirement to retail access to the basement would limit usable floorspace.

5.9 We therefore consider the relevant test of Policy DP10 are met:

- Abundant alternative provision is available within 5-10 minutes' walking distance;
- It is clear that the current (assumed retail) use is not viable; and
- It is not within the Central London Area.

- 5.10 Recent appeal decisions, which take account of the Government's desire to make the best use of vacant space as set out in the NPPF, are also relevant. In APP/D5120/A/12/2175704 (LB Bexley, decision issued 4 October 2012) the Inspector granted planning permission for a change of use from retail to a non-retail use within a Neighbourhood Centre. The Council had refused permission on the grounds that the loss of retail would harm the character, viability and vitality of the centre. The Inspector agreed with the Council's view that the proposal did not accord with Development Plan Policy. Nevertheless the Inspector took account of other material considerations, including changing retail patterns and difficult economic times, as were reflected in the parade.
- 5.11 The Inspector noted there was abundant alternative retail premises within easy walking distance, and concluded on inspection that there was "simply not enough demand for shop use to anything like fill the available units". He noted that day-to-day convenience needs could be met locally and local needs were generally served. The Inspector went on to say "It does no-one any good economically, socially or environmentally to have increasing long-term vacancies and from observation I consider that this is a growing problem in this parade". The Inspector recognised that vacant units are themselves harmful to character and vitality.
- 5.12 Overall the Inspector considered the loss of retail met the overall aims of the NPPF and the Core Strategy policy that set out sustainable development principles. He considered that while the development did not meet specific policies it met the overall objectives of those policies, which was to prevent harm to local centres, which was being caused by the vacant units.

Residential Use

- 5.13 There is recognised need for housing across London. Should the change of use away from office accommodation be supported residential use should be the preferred option for re-use of the building. The NPPF states that empty properties should be brought back into residential use. New residential uses are also supported by Core Strategy Policy CS6 and DMPD Policy DP2. The Council's Planning Statement states that residential use of the property would be welcomed.

Amenity

Amenity within the development

- 5.14 The proposals would provide a duplex flat that maximises the opportunities for daylight and sunlight and also increases the basement floor-to-ceiling height by raising the ground floor level up.
- 5.15 The overall floorspace would be 87.1m² which considerably exceeds the Council's minimum floorspace requirements for a two-bedroom dwelling. The generous floorspace would compensate for other shortcomings in amenity that are unavoidable given the constraints of the site.
- 5.16 Living space would be located at ground floor level with an open-plan double-aspect living area, and a kitchen in the back addition also with access to daylight. The shape of the room would be partly dictated by the requirement to retain the stairs accessing the upper floor flats.
- 5.17 Privacy has been a key consideration in designing the proposals. Accordingly the shopfront window would be modified to ensure only high-level transparent windows with obscured glazing

below. This would affect outlook from the living area which is regrettable, but the slightly raised floor level and double aspect would ensure that the quality of outlook was still good.

- 5.18 Two bedrooms would be located in the basement. The front bedroom would have access to natural light from a newly excavated front lightwell. The lightwell would be relatively narrow and would not comply with the aspirations of the Council's CPG, but the constraints of the site are such that a larger lightwell would not be possible. The rear bedroom would have good quality of daylight and the main bathroom would also have natural light. The quality of accommodation would be a vast improvement on the previous residential use of the basement, and occupants would have enjoyment of the good quality amenity of the ground floor living area.
- 5.19 Raising the ground floor level would require the introduction of a small step from the main door. Given access to the door already requires a step this is not considered to adversely affect accessibility. There would be the opportunity to provide defensible space within the front door.

Impacts on neighbours

- 5.20 The proposed development involves no extensions or significant alterations to the property and would not cause any harm to the amenity of any neighbouring properties.

Design

- 5.21 The proposal involves mostly minor alterations to the property. The existing low-quality infilled shopfront would be replaced with a revised design that enables internal amenity to be protected. A new timber door would be added. An enlarged window would be installed to the rear. All of these changes would enhance the appearance of the property.
- 5.22 The most significant physical alteration would be the excavation of a front lightwell and erection of railings to the front of the property. There is an established pattern of lightwells in the area with many properties having visible lower ground floors and lightwells.

6. DESIGN AND ACCESS

Design

- 6.1 We have addressed the requirements of the CABE guidance “Design and Access Statements”.

Use

- 6.2 The use of the property would be changed to residential. Consideration has been given in designing the interior to ensure the space will be suitable for residential use. The space provides adequate floor-to-ceiling levels, an excellent standard of floorspace and circulation, natural light and outlook. The proposals consequently provide a good standard of accommodation for the intended use.

Amount

- 6.3 The amount of floorspace available for change of use is informed by the layout of the existing building. Extensions would not be appropriate. The space has been designed ensure the dwelling exceeds minimum floorspace standards, and has good quality outlook, privacy and lighting requirements.

Layout

- 6.4 The layout of the proposed dwellings has been informed by layout of the existing building and the need to ensure a high standard of accommodation.

Scale

- 6.5 The development does not involve any new extensions.

Landscaping

- 6.6 The site’s potential for landscaping is limited by its location.

Appearance

- 6.7 The shopfront would be improved. A modest lightwell would be installed to ensure good quality amenity to the basement flat. The lightwell would be surrounded by railings of a high quality.

Access

- 6.8 The site has a PTAL of 5, being accessible from West Hampstead and Kilburn underground stations, and local bus routes.
- 6.9 Section 7 provides a Lifetime Homes assessment for the proposed development.

7. LIFETIME HOMES

1. Introduction

- 1.1 This report assesses the Lifetime Homes implications of a proposal to convert the ground and basement floors to a dwelling.
- 1.2 The Council requires a Lifetime Homes statement to accompany planning applications for new residential developments (including houses and flats), mixed use developments, developments that include a change of use or other type of conversion.
- 1.3 This statement will explain how the proposed development will address the 16 design criteria listed in the Lifetime Homes standards as far as is possible.
- 1.4 The report demonstrates that due to the constraints of the existing building some criteria cannot be complied with.

2. Proposal Summary

- 2.1. The application is to change the use of the ground and basement floors of 55 Hemstal Road to a two-bedroom flat.

3. Lifetime Homes 16 Design Features

There are 16 design features that are considered under Lifetime Homes.

Parking

- 3.1 No parking would be provided.

Approach to dwelling from Parking

- 3.2 No parking would be provided.

Approach to all entrances

- 3.3 There is an existing step up the property which cannot be made level.

Entrances

- 3.4 The main entrance lobby would be illuminated but level access cannot be provided.

Communal Stairs and Lifts

- 3.5 There are no communal stairs.

Internal Doorways and Hallways

- 3.6 Movement in hallways and through doorways would be convenient to all people, including those using mobility aids or wheelchairs, and those moving furniture or other objects.

Circulation Space

- 3.7 There would be space for turning a wheelchair in dining areas and living rooms and basic circulation space for wheelchair users elsewhere.

Entrance level living space

- 3.8 The dwelling has living spaces at entrance level.

Potential for entrance level bed-space

- 3.9 Space could be adapted at ground level for sleeping.

Entrance level toilet and shower drainage

- 3.10 There would be an entrance level toilet but no shower.

Toilet and bathroom walls

- 3.11 The WC and bathroom has external or load bearing walls and are would be suitable for firm fixing of grab rails if required in the future.

Stairs and potential through-floor lift in dwelling

- 3.12 There is not adequate space within the dwellings to install through-floor lifts.

Potential for fitting of hoists and bedroom / bathroom relationship

- 3.13 The slab between the ground and basement floors would be strong enough to support ceiling a hoist. The building could therefore be adapted to meet this requirement.

Bathrooms

- 3.14 Bathrooms are of a suitable size to provide accessible standard.

Glazing and window handle heights

- 3.15 Each of the flats has a good outlook from the living rooms. The windows are existing and therefore the window heights cannot be amended. Heights of window handles can be amended if necessary.

Location of service controls

- 3.16 The location of service controls can be altered to be within 450mm to 1200mm from the floor if not already



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