

Delegated Report		Analysis sheet		Expiry Date:	15/02/2013
		N/A		Consultation Expiry Date:	05/02/13
Officer			Application Number(s)		
Adrian Malcolm			2012/5968/P		
Application Address			Drawing Numbers		
221A Belsize Road Kilburn London NW6 4AA			Refer to decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of first, second floor and roof level extension to existing single-storey building and modifications to ground floor including alterations to front building line to create front garden, installation of new front boundary wall, and alterations to windows and doors all in connection with change of use of from retail (Class A1) to three residential flats (1 x 2-bed and 2 x 1-bed) (Class C3).					
Recommendation(s):		Refuse planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	42	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	Site notice displayed (expired 5/2/13)					
	<p>Network Rail: The site is adjacent to the operational railway. Due to the developments close proximity to the railway the following comments and conditions are appropriate:-</p> <p><i>Development:</i> Where development is proposed on sites adjacent to the railway it is useful for Network Rail to be kept informed: (Informative) - Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement. (Informative) - Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. (Suggested condition) - The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained form Network Rail's Asset Protection Team before the development can commence.</p> <p><i>Construction:</i> (Informative) - Any scaffold, cranes or other mechanical plant must be constructed and operated in a “fail safe” manner that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports. To avoid scaffold falling onto operational lines, netting around the scaffold may be required. In view of the close proximity of these proposed works to the railway boundary the developer should contact Network Rail’s Asset Protection Team (Informative) - If it is necessary to close the railway and restrict rail traffic, “possession” of the railway must be booked via Network Rail's Asset Protection Team (assetprotectionLNWSouth@networkrail.co.uk) and are subject to a minimum prior notice period for booking of 20 weeks. (Suggested condition) - Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. (Suggested condition) - Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.</p>					

	<p><i>Party Wall Act:</i> (Informative) - Where works are proposed adjacent to the railway it may be necessary to serve the appropriate notices on Network Rail and their tenants under the Party Wall etc Act 1996. Developers should consult with Network Rail at an early stage of the preparation of details of their development on Party Wall matters.</p> <p><i>Covenants:</i> (Informative) - As part of the deed there are covenants, which subsequently must be adhered to legally.</p>
CAAC/Local groups comments:	No representations received

Site Description

The application site is a single storey yellow brick building with a gable ended pitched roof with a part second storey towards the rear. It is positioned on the south side of Belsize Road, opposite the junction with Kilburn Vale.

The Victorian building appears to have originally been part of what had previously been the ticket office as part of a railway station building to Kilburn High Road Station (previously known as Kilburn and Maida Vale Station), in connection with the neighbouring buildings on either side. More recently, the building is understood to have been used as a second hand furniture shop, but became vacant and is currently vacantly being used for storage of furniture.

Directly south of the site is the railway platform to Kilburn High Road Overground Station and adjacent railway lines. The building is flanked on the east side by a residential building and on the west side is a small single storey building (understood to be vacant), both of which were understood to have been originally used in connection with the application site, but now in separate ownership.

The application premises is not listed, nor in a conservation area and is in poor condition.

Relevant History

2012/2994/P: On 1st August 2012, planning permission was refused for the erection of first, second floor and roof level extension to existing single-storey building and modifications to ground floor including alterations to front building line to create front garden, installation of new front boundary wall, and alterations to windows and doors all in connection with change of use of from retail (Class A1) to three residential flats (1 x 2-bed and 2 x 1-bed) (Class C3) 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.

(This application was similar to the previous withdrawn application, the main differences being that the extension was proposed to be stepped away from the neighbouring property at 221 Belsize Road and a change to the proposed mix).

2012/1324/P: Erection of first, second floor and roof level to existing single storey building and modifications to ground floor including alterations to front building line to create front garden, installation of new front boundary wall, and alterations to windows and doors all in connection with change of use of from retail (Class A1) to 3 x 2-bedroom flats (Class C3). Application withdrawn by applicant 17/05/2012

Relevant policies

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)
CS6 (Providing quality homes)
CS11 (Promoting sustainable and efficient travel)
CS13 (Tackling climate change through promoting higher environmental standards)
CS14 (Promoting high quality places and conserving our heritage)

DP5 (Homes of different sizes)
DP17 (Walking, cycling and public transport)
DP18 (Parking standards and limiting the availability of car parking)
DP20 (Movement of Goods and Materials)
DP21 (Development Connecting to the Highway Network)
DP22 (Promoting sustainable design and construction)
DP24 (Securing high quality design)
DP25 (Conserving Camden's Heritage)
DP26 (Managing the impact of development on occupiers and neighbours)
DP28 (Noise and Vibration)

Camden Planning Guidance 2011

CPG 1 (Design)
CPG2 (Housing)
CPG 6 (Amenity)

London Plan (2011):

National Planning Policy Framework (March 2012)

Assessment

PROPOSAL:

This application seeks permission for the erection of first, second floor and roof level extension to existing single-storey building and modifications to ground floor including alterations to front building line to create front garden, installation of new front boundary wall, and alterations to windows and doors all in connection with change of use of from retail (Class A1) to three residential flats. The flats would comprise a 2-bedroom flat at ground floor level and a 1-bed on each of the upper floors.

Although the application is described as an extension, there would be substantial change to the existing building, such many of the recognisable features of the existing building such as the façade, the roof and features to the elevations at the rear would be lost.

In physical terms, the proposal itself is substantially the same as that refused in August 2012, other than the addition of an area for cycle storage at the front of the building. The numbers of persons intended for each flat has also been stated on the drawings as a 1, 2 and 3 person flat, which are different to those assumed on the last application.

ASSESSMENT:

Principle of loss of retail:

The application site comprises an authorised single retail (use class A1) unit which would be lost as a result of the proposal. This loss was previously accepted by the Council and was not cited as a reason for refusal of planning permission when the decision was made on the last application.

The applicants have indicated that the second hand furniture business stopped trading more than 3 years ago and is now only used for storage of furniture.

The property is not located in a designated retail frontage. The application site, together with units between 199 - 219 Belsize Road and on the opposite side between 228 - 250 are located in one of Camden's smaller shopping parades. Policy CS7 establishes the hierarchy of centres within the borough and seeks to ensure that smaller shopping parades continue to meet local needs for shopping, services and facilities. Policy DP10 seeks to protect shops outside centres by only granting planning permission for development that involves a net loss of shop floorspace outside designated centres provided that alternative provision is available within 5 - 10 minutes walking distance and there is clear evidence that the current use is not viable.

The site is within 5-10 minute walking distance from Kilburn High Road which offers a wide selection of shopping provision. There are a number of vacant units within the shopping parade at present with potential to be occupied by retail uses.

The applicant previously provided 2 letters, one from the previous occupier (and business owner) of the second hand furniture store and another from his brother who is renting the premises from a new owner, using it for storage of furniture. The applicant's have indicated that the business has struggled over the years and subsequently seized. Offers to buy the premises appear to have been low however the property was sold in February 2011. The property has been used as storage since then.

It was pointed out in the previous report this evidence in support of the application was not robust and lacks empirical evidence such as professional marketing evidence, however it was not considered the site is not *ideally* located for continued retail use as it is isolated from the nearby shopping parade; it was felt the unit is has no potential for expansion (this is debateable, as it would appear to be possible to combine the unit with the vacant neighbouring unit, however the applicant explained in conversation that the owner of that site was approached and was unwilling to enter into reasonable terms with the applicant at the present time). Another factor previously considered was that the site was not considered to have an appropriate appearance for a successful retail unit. This is capable of

being addressed, however it is apparent that the site is currently in poor condition, which significantly detracts from its potential appeal and would require significant investment to bring it to operational standard for a retail use. In the circumstances, it is not considered reasonable to *insist* upon the retention of the authorised retail use in considering Policy DP10, although in the opinion of the case officer the arguments put forward to date lack clear empirical evidence and it is not so clear cut as to rule out the possibility of providing a retail or suitable commercial use at ground floor level in finding a satisfactory future use on this challenging site.

Policy DP10 states that the Council will only grant permission for the loss of shops outside centres where it considers that the replacement use will be contribute positively to the local area. The proposed development is for self-contained residential flats adjacent to an existing residential building at 221 Belsize Road. The supply of housing on undesignated land would be consistent with policy DP2 in principle which expects the maximum appropriate contribution to supply of housing on sites that are underused or vacant. In light of the guidance contained in Policy DP10, it is considered that there is justification in this case to support the *principle* of a residential use on the site as residential flats would comply with the provisions of Policy DP2 and contribute to the Council's housing supply, however it is important that the standard of accommodation is acceptable if planning permission is to be granted.

Unit mix:

According to the dwelling size priority table in Policy DP5, the priority for studio and 1-bedroom units are low with a medium to very high priority for 2 and 3-bedroom units respectively. The policy states that each development should contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes / units overall. This is in line with core policy CS6 (Providing quality homes) which aims to promote a variety of housing typologies and encourage self-contained units.

The proposal would introduce 1 x 2-bedroom unit (a three person flat) and 2 x 1-bedroom unit (a one person and two person flat). The constraints of the site in terms of its size, shape and proximity to the road and railway and policy DP5 states that the Council will be flexible when assessing development against policy DP5. The main aim of the policy is to include a mix of units in each development. It is not considered appropriate to require the provision of large family-sized units on this site, however the inclusion of a high priority two bedroom unit is a benefit in considering the principle of a suitable mix (33.3% of the proposed mix, which is not far short of the 40% target set out in the unit size priorities table attached to Policy DP5) and thus the inclusion of 2 x 1 bedroom units is not considered to be objectionable in the context of the proposed mix, the location and circumstances of the site and proposal. The proposal would provide a mix of sizes for a one person, two person and three person flat, which is considered to be a reasonable mix in the circumstances. The proposed mix is therefore considered to be acceptable in terms of Policy DP5.

Design-related considerations:

Development Policy DP24 and DP25 set out the Council's expectations for high design quality in all respects, including such issues as character and context. In addition to this, Policy DP25 refers to the protection of heritage assets.

The existing building is understood to date from the 1850's when the original railway station was built (see site description above), however the proposal would significantly alter the character of the existing building. The building is not formally listed, nor does it stand in a conservation area. However, the issue of the value of the existing building has been discussed with the Council's conservation officers who are currently of the opinion that building would not be of sufficient design quality as to constitute a non designated heritage asset. The building is also in poor current condition and is likely to require significant investment to bring the existing building to an acceptable standard to secure its long term future. However, the Council is currently compiling a register of locally list and conservation officers have advised that any potential local listing would be dependent upon the merits of the building's history. At the present time, however no objections have been raised to the current

proposals on heritage grounds and thus there are not considered currently to be sufficient grounds to object to the proposal in terms of any impact on heritage assets in respect of Policy DP25, indeed no such objections were raised to the proposal last August when the Council last considered a very similar proposal. This situation may change should the building be included in the Council's local list once the current review is completed.

The proposal is in a prominent location close to the edge of Belsize Road. The proposed extended building would result in a 3-storey development on the application site. The development would be similar in scale, height, character and design compared to the dwelling at 221 Belsize Road. The window design would be different to the flank wall windows of 221 Belsize Road however, there is no overwhelming overall character on this part of Belsize Road, however the proposal would relate to the adjoining property at no. 221 and 3-storey development on the opposite side of the site. The single storey front projection would not be more prominent compared to the existing building line which extends up to the site's front boundary.

In terms of its design, scale, bulk and massing, the proposal is considered to be acceptable in this location and the character and appearance of the street scene and surrounding buildings.

The drawings show options for materials. They show that the windows could either be timber or aluminium framed and that the window surrounds would either be plastic or stone. If permission were to be granted a condition would be imposed that the windows should be timber framed and that the window surrounds should be stone, as aluminium framed windows and plastic surrounds are not considered to be of sufficient quality to conserve the appearance of the existing building.

The proposal is considered to comply with the aims and objectives of policy DP24 in terms of the design considerations of the proposed extension.

Impact on neighbouring amenity:

The only neighbouring property which may potentially be affected by the development is the adjacent residential building at 221 Belsize Road. The proposal would not project beyond the building lines of this neighbouring property other than at where it projects forward at ground floor level. This forward projection would be at a height of approximately 3.25m above ground level. Its impact on the living room window at ground floor level of no. 221 would be similar to a conventional single storey rear extension. The proposal is not considered to impact on outlook or result in a loss of light in this respect. On 1st and 2nd floor level the proposal would not project beyond 221 Belsize Road

No. 221 Belsize Road has no flank wall windows in its western elevation. In terms of privacy, there would be no windows directly overlooking No. 221.

The proposal would have a flat roof above the single storey front projection, however it is not proposed to use this area as a roof terrace. This could be restricted by means of a planning condition.

The development would not have any significant impact on the neighbouring shop directly to the west nor would it impact on development on the opposite side of the road.

The proposal would therefore be acceptable in terms of the impact on neighbouring amenities.

Quality of accommodation:

-Floorspace standards

Although, objection was raised by one of the reasons for refusal for the previous application as to failure to comply with minimum floorspace standards, the applicant has clarified the numbers of occupants intended for each proposed flat on this application which differ from those previously assumed. The proposed floorspace for the respective units are thus as follows:

	<u>Proposed floorspace</u>	<u>Min LBC standard</u>	<u>Min London Plan standard</u>
One person one bedroom flat	42.2sqm	32sqm	37sqm
Two person one bedroom flat	49.8sqm	48sqm	44sqm
Three person two bedroom flat	60.8sqm	61sqm	57sqm

The proposed flats would therefore comply with the minimum floorspace standards as set out in the London Plan (2011) and only fractionally fail to meet the standards set out in Camden Planning Guidance 2 (CPG2 – Housing) in terms of the proposed three bedroom flat, but by a mere 0.2sqm which is considered insignificant. Furthermore, only one proposed bedroom to the one person unit would fail to meet the guideline minimum 11sqm standard, again fractionally by 0.4sqm which is not considered to be significant. In terms of internal layout *alone* (i.e in isolation from external issues such as outlook and contextual issues), the size of the flats are considered to be workable and no objection is raised in terms of compliance with floorspace standards on this application.

-Noise / vibration

Camden's LDF Policy DP28 states that the Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided.

Supporting the aims and objectives of policy DP28 is the guidance of CPG2 (Housing) which states that windows should be located away from busy roads and railway lines / tracks to minimise noise, pollution and vibration.

The development, being located on a former train station building, would be directly abut the platforms to Kilburn High Road railway station that has frequent train services throughout the day, plus there are railway lines beyond the station that carry intercity railway trains and freight services. Overall, there is a significant level of rail traffic in the vicinity that generate significant levels of noise and vibration. In addition to this, the new residential development would be close to the carriageway of Belsize Road, which itself carries notable levels of many types of vehicular traffic.

It is appreciated that the neighbouring property at 221 Belsize Road is in residential use and flats above 199 – 219 Belsize Road are also relatively close to the railway line. Although it is also noted of that these long standing uses, there is approximately 17m between the flats above 199 – 219 Belsize Road and the railway line and the building at 221 Belsize Road has all its main windows facing east and north with the only south-facing windows serving a kitchen on ground floor level, a kitchen on 1st floor and a bedroom and en-suite on 2nd floor level (although on 2nd floor level there are 2 x main bedrooms with north facing windows and this flat is split between 1st and 2nd floor with its main living room and dining room also at 1st floor level with north-facing windows). It is also important to note that the building at 221 Belsize Road is not a new-built and was not assessed under current up-to-date policies.

An environmental and vibration report has been provided with the current application and this has been considered by the Council's environmental health officers. This analyses noise on the south side of the site close to the railway, but not the northern side close to the Belsize Road. The 24hr ambient noise survey illustrates that noise at night, frequently peaks above the noise criteria provided in table A of DP28. While the consultant aims to redress that matter by providing a scheme for mitigation, the scheme does not detail the sound reduction index afforded by the proposed glazing and/or the octave band centre frequencies = Hz (dB) of the glazing, to achieve the 'good' noise levels as detailed in BS8233. In addition, the assessment falls short of the provided the sound reduction index afforded by the building fabric (walls) of the proposed site, to achieve 'good' noise levels. The assessment does not include an overall façade sound insulation calculation to demonstrate that 'good noise' level in accordance with BS8233 can be achieved. Furthermore, road traffic is not adequately analysed in the report.

Being directly adjacent to the railway platform and railway lines, it is not clear how individual occasional noise events such as station announcements, night-time/weekend/public holiday maintenance and marshalling to the railway and station have been taken into account.

The report also found that instances of vibration in excess of 88dB occurred 11 times over the night time period, contrary to standards attached to Policy DP28.

The proposal therefore raises significant concerns in respect of Policy DP28 and CPG2 as the ambient noise levels provided in the survey peak above the Council's recommended noise limit and the application does not demonstrate that issues of vibration and noise from the nearby railway and road have been sufficiently comprehensively studied and ameliorated in a demonstrably satisfactory manner. This does not lead officers to conclude that the proposed residential accommodation would provide a satisfactory environment for the residential accommodation, as proposed, and the application should be refused on this basis.

- Lifetime Homes:

A Lifetime Homes assessment has been provided with the application. Only the ground floor flat is capable of compliance with Lifetime Homes Standards. The assessment shows that the proposal would comply with all lifetime homes criteria that are applicable to the site and relevant to the ground floor flat.

-Amenity space, daylight / outlook and ventilation

DP26 states that outdoor amenity space should be provided, where practical. CPG2 (Housing) advises that all new dwellings should provide access to some form of private outdoor amenity space, e.g. balconies, roof terraces or communal gardens.

Development Policy DP26 sets out a number of issues that the Council will consider in ensuring that the development provides an acceptable standard of accommodation and is not harmful to the amenities of occupiers. Further details are provided in CPG'S 1, 2 and 6.

Although the proposal is for tantamount to new-built accommodation, given the constrained nature of the site, the design constraints, the type of accommodation provided and its location near a town centre, it is not considered practical or essential to provide external amenity space for sitting out or children's play etc by occupiers of the development, in this particular case (despite the previous concern raised in reasons for refusal). It is probably not feasible to provide balcony space in this location for design reasons and given the noise generated from the surrounding area. This is not to say, however, that suitable areas of separation should not be provided from neighbouring areas used by the general public in order to provide a satisfactory living environment with adequate levels of privacy and amenity for the occupiers of the development.

CPG6 section 7 contains advice on overlooking, privacy and outlook and supports Policy DP26. It draws attention to the need for new dwellings to be protected in terms of privacy to a reasonable degree and states that new windows should be carefully designed to avoid overlooking. It states that the degree of overlooking depends upon distance and the angles of view and that rooms including bedrooms, living rooms and kitchens are the most sensitive to overlooking. The proposed development would provide a largely purpose built new flat at ground floor level needlessly close to the back edge of pavement including a bedroom window and living room window a minimum of only 1m and an average distance of only 1.5m from the back edge of pavement and would provide inadequate privacy to these rooms from overlooking from passing pedestrians, while the rooms at the rear (including windows to a bedroom and kitchen/living area) would be directly adjacent to the railway platform, with a degree of privacy only achieved by a fence at the rear of the platform blocking any outlook from these windows to a height of 1.8m (the previous application referred to lack of defensible space). It is considered that the ground floor flat would provide a poor level of accommodation with habitable rooms (bedroom and living areas) that would be unacceptably overlooked and with poor outlook at the rear, in addition to having close proximity to sources of pollution as discussed above.

All windows in the proposed development would be south or north facing and this would produce adequate light levels to the flats on the upper floors. It was previously indicated that all flats would receive adequate daylight and sunlight, however the smaller bedroom to the ground floor person flat

would have two windows that would be largely blocked in their lower halves by the existing fence at the back of the railway platform (150mm from the windows) that it would directly abut. The combined area of window above these obstructions would be less than 10% than the area of floorspace to this bedroom, suggesting that this bedroom would have poor levels of daylight despite its southerly aspect. The fact that these windows would be directly adjacent to the noise, light and activity of the railway station platform suggests this bedroom would have poor levels of privacy and would have high potential to be disturbed by the light, sporadic noise and activity from the railway platform that the bedroom window would abut. This would not be compatible with the environment that would be needed for a habitable room such as a bedroom.

All 3 flats would have dual aspect and although the quality of outlook to the south is not ideal overlooking the railway line, particularly to those serving habitable spaces at ground floor level. Setting aside the issue of privacy, the windows at the front would have an acceptable degree of outlook for a site in a central location such as this, close to a town centre. However, officers do have concerns in respect of the overall amenity levels of the ground floor flat in general, for example in terms of quality of outlook and privacy, adding to the concerns of noise, vibration, external light nuisance, and poor light to the rear bedroom outlined above. To the rear, windows would be directly behind the railway boundary fence and it is questionable whether future occupiers would even be able to open these windows, albeit that trickle vents could be used.

In terms of natural ventilation; the ground floor flat, as mentioned above would have windows directly behind the railway boundary (according to the drawings approximately 150mm away) and its windows towards the front would be less than 1m from the front boundary wall. The previous report mentioned that the ground floor flat would have what it described as inadequate defensible space between the public footpath towards the front and the main living room and bedroom windows facing north, making it undesirable for future occupants to open these windows for natural ventilation, in addition to the poor levels of privacy against pedestrians using the pavement mentioned above. Due to the proximity of the south facing windows to the rear boundary fence, it is highly unlikely for these windows could be opened for ventilation, however the applicant has mentioned that trickle vents would be used. While it is recognised that trickle vents are a less desirable option than more conventional natural ventilation for new purpose built residential accommodation (which could probably be provided with a more considered design), the proposed arrangement for ventilation this is not in itself considered to be worthy of objection.

- Conclusion on quality of accommodation

Taking these factors together, the proposal fails to demonstrate that adequate measures would be taken to provide satisfactory mitigation and noise from the adjoining railway and road, resulting in serious nuisance and harm to the amenities of future occupiers of the proposed residential units. Furthermore, the ground floor flat would not provide a satisfactory standard of amenity due to poor levels of privacy with the property likely to be seriously overlooked from the adjacent pavement and nuisance caused by the light and activity of the adjacent railway platform, plus inadequate light to the rear bedroom. The ground floor dwelling would also be less than ideal in terms of outlook to the rear and natural ventilation.

The applicant would need to consider whether it would be feasible to address these issues with any alternative scheme, particularly at ground floor level (a commercial use might be more practical, or possibly a smaller reconfigured flat that would not need to be so close to the back edge of pavement if adequate provision could be made for the privacy of occupiers against overlooking, providing adequate light and free from nuisance from external light and noise/activity without provoking new problems).

Sustainability:

The Council's LDF policies CS13 and DP22 require development to use sustainable design and construction, meet the highest feasible environmental standards, minimise use of energy and minimise carbon emissions. The development would provide one unit in a largely reconstructed ground floor and two units in two new stories of development, and as such it is considered reasonable

to treat them as new building units for the purposes of DP22 and CPG3. This policy and advice requires the proposed residential accommodation to meet Code for Sustainable Homes Code 4, however no Code for Sustainable Homes assessment has been submitted.

The application mentions would make use of a brownfield site (a term used in describing redevelopment of previously used urban land) to provide much needed housing. The applicant draws attention to the site's location and the car free development that would encourage use of sustainable modes of travel. The development would provide double glazing and trickle vents and insulation to floors and ceiling, use of glazing to provide generally good levels of natural light with filters to prevent UV rays and ameliorate overheating. These issues are recognised, however they are not part of a comprehensive, measureable set of measures to demonstrate how sustainability measures have been optimised and is not considered to be an adequate response to sustainability issues that complies with policies DP22 and CS13.

Transport and Access Issues:

Belsize Road is within a 2 minute walk from Kilburn High Road railway station and Kilburn High Road and approximately a 5min walk from Kilburn Park station. As such there is good access to facilities, services and public transport accessibility.

Should planning permission be granted, the development should be made car-free and this can be secured by means of a legal agreement.

An area is shown for a cycle stand at the front of the building, however no details are provided to show how 3 cycles could be provided to the Council's standards. Appendix 2 of the Council's LDF requires the provision of 1 x cycle space per residential unit. The proposed new building would take up the majority of the site, however the current plans provide inadequate opportunity to incorporate cycle storage for 3 cycles in a satisfactory manner to the Council's standards and cannot therefore not be dealt with by means of a planning condition. The proposal is considered to be inadequate for a development of three new residential units.

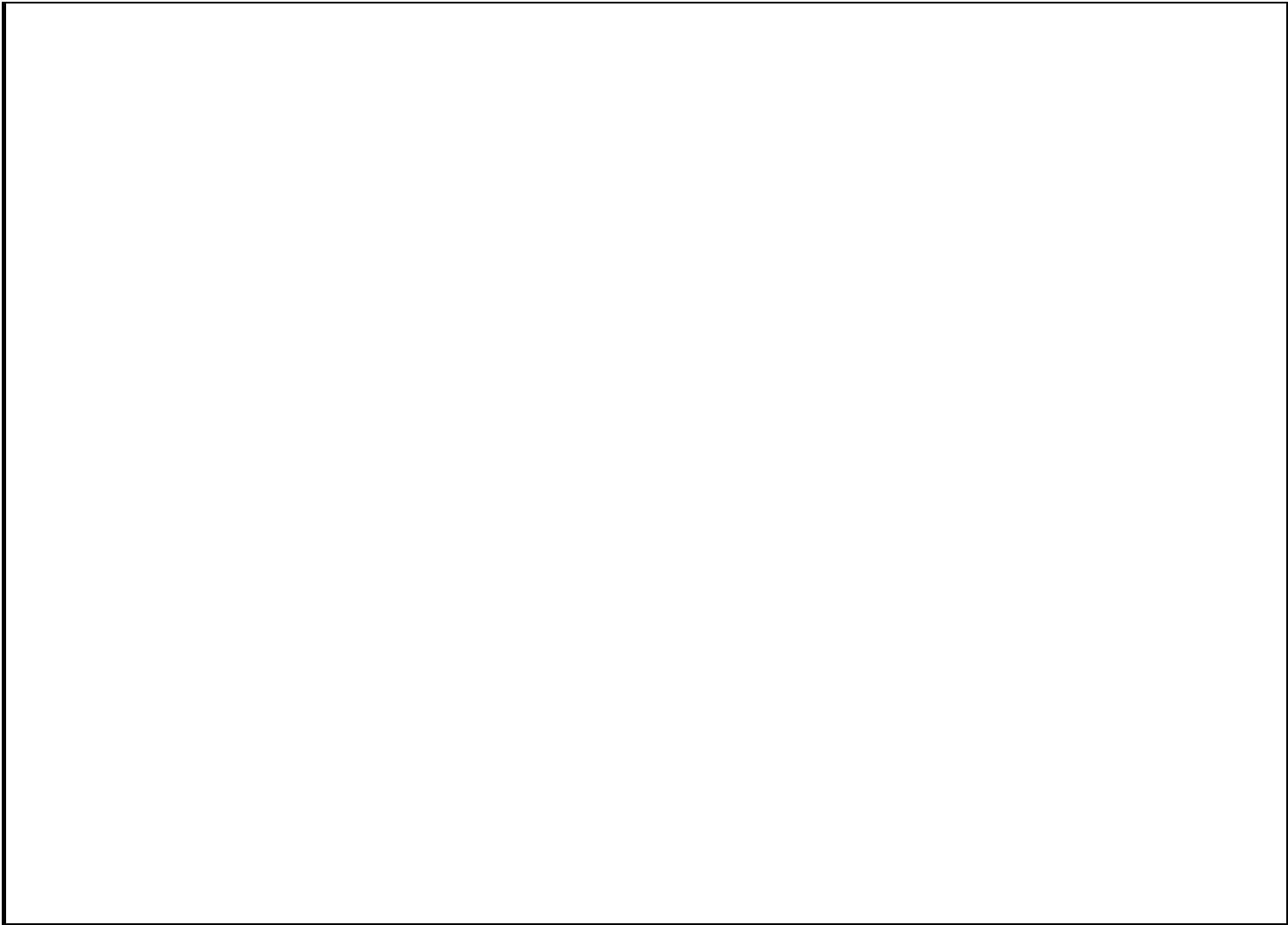
Attention is drawn to Network Rail's comments that would need to be addressed during construction to ensure satisfactory continued operation of the railway. Relevant informatives would be necessary in the event of satisfactory scheme coming forward and any recommendation of planning permission.

Should planning permission be granted, a Construction Management Plan (CMP) will be requested by means of a S106 legal agreement.

Community Infrastructure Levy (CIL):

The proposal is for the development of new residential units and would result in the creation of approximately 152.8sq.m of floorspace. As such, the proposal would be liable to contribute to the Mayor's CIL and based on the 152.8sq.m floorspace, the amount is likely to be £7,640 (at £50 per sq.m).

Recommendation: Refuse Planning Permission.



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