



65 Maygrove Road West Hampstead London

Planning Statement

REP Maygrove Road Developments

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Planning

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1.0 Introduction

1.1 Summary

- 1.1.1 This statement has been prepared on behalf of REP Maygrove Road Developments in support of an application for full planning permission to demolish the existing building and fully redevelop the application site at 65 Maygrove Road to provide sustainable high quality new homes. The proposed development will create 68 residential units in the form of flats with ancillary basement and ground level parking and high quality landscaping.
- 1.1.2 The scheme has two distinct buildings. The larger of the two buildings will provide 56 open market flats within a basement, ground and four storey building. The second building will provide 12 affordable homes providing a mix of shared ownership and social rented accommodation in a ground plus four storey building.
- 1.1.3 In preparing this full planning application the applicant is making a commitment to London Borough of Camden to deliver a highly sustainable development which will regenerate the currently largely vacant site.
- 1.1.4 The proposed redevelopment of this site will contribute to the provision of housing for the Borough, in particular affordable accommodation (including large family housing) and utilise this brownfield site.

1.2 Planning Statement

- 1.2.1 The purpose of this statement is to examine the planning issues raised by the current development proposals for the application site. In particular, this statement identifies and describes the key opportunities presented by the proposed redevelopment of what was a mixed-use but now derelict site for a sustainable residential development.
- 1.2.2 The statement also provides a comprehensive analysis of the relevant planning policy framework at national, strategic and local levels. As such, our planning statement is structured as follows:

Section 1: Introduction

Section 2: The Application Site and Surrounding Area – sets the context the current proposal and provides a detailed description of the application site and its previous uses;

Section 3: The Proposal – describes the proposed development;

Section 4: Policy Context – summarises the planning policy relevant to this proposal at national, strategic and local levels;

Section 5: Planning Considerations – reviews the proposal in terms of the relevant policy context and other material considerations; and

Section 6: Conclusion

1.3 Supporting Application Documents

- 1.3.1 This planning statement should be read in conjunction with the following additional documents, which accompany the application:

- Design & Access Statement – prepared by Smith Lam

- Energy Statement – prepared by Environmental Perspectives
- Code for Sustainable Homes Pre-Assessment – prepared by Environmental Perspectives
- Transport Statement – prepared by Paul Mew Associates
- Sunlight Daylight Report – prepared by Schroeders Begg
- Affordable Housing Statement and Viability Assessment (sent confidentially to the Council) – prepared by Affordable Housing Solutions

2.0 The Application Site and Surrounding Area

2.1 Site Description & Location

- 2.1.1 65 Maygrove Road is a mid-20th Century building comprising three storeys (ground plus two upper storeys) located on the north side of the road. Pedestrian access is provided from Maygrove Road with disabled access provided by a recently built access ramp. The site slopes down from north to south by approximately six metres with the floor level of rear car park, accessed from Brassey Road, corresponding with first floor level of the building.
- 2.1.2 It is a moderately accessible site, located mid way between West Hampstead and Kilburn stations with a PTAL rating of 5
- 2.1.3 The existing building comprises 2,543sqm of office accommodation accessed principally from a central entrance from Maygrove Road. The building was recently refurbished by the previous owner in an attempt to improve marketability of the space. This attempt failed and the building is almost wholly vacant.
- 2.1.4 To the rear of the site is a large open car park accessed from Brassey Road. Assessing the space using normal parking standards the car park has space for 37 cars. However it is understood that the marketing brochure described the car park as having capacity for 53 car spaces. This higher figure was based on nose-to-tail parking, meaning the lower figure of 37 spaces is more realistic.

2.2 Surrounding Area

- 2.2.1 Although none of the site is within a designated conservation area, the south side of Maygrove Road is characterised by three storey, bay-fronted, Victorian houses built from classic London stock brick. The north side of the road has historically has a more varied character, as evidenced by the commercial appearance of application site and the now-demolished motor vehicle repairs garage next door at No.59. Upon completion of the redevelopment at 59 Maygrove Road, the north side of the road will have a distinct, contemporary, residential character.
- 2.2.2 To the north and east of the site is a local park (Peace Park) with mixed use residential and commercial premises to the east including Maygrove House and 67 Maygrove Road. The latter comprises a mix of residential and commercial uses.

2.3 Relevant Planning History

- 2.3.1 Permission was granted in March 2009 for additions and alterations to Handrail House including the installation of a new atrium with a glazed roof, installation of a ramp on the Maygrove Road frontage, metal railings at first floor level to the eastern side of the building, and alterations to the fenestration of the office building. This permission has been implemented.
- 2.3.2 The redevelopment of 59 Maygrove Road is also a material planning consideration. In particular, we draw attention to the permission granted on 20 October 2009 for
- 2.3.3 *Erection of part four, part five storey building to provide 15 x 1-bedroom supported housing units and 14 self-contained flats (1 x 3 bedroom, 6 x 2 bedroom and 7 x 1 bedroom) all affordable housing (Class C3) (following demolition of existing two-storey building previously used as a car repair workshop).*
- 2.3.4 The 2010 permission has now been implemented. The proposed redevelopment of 65 Maygrove Road raises many issues which were considerations in the granting of permission for 59 Maygrove Road, not least the loss of employment floorspace and the redevelopment of the site as a wholly residential development.

2.4 Pre-Application Advice and Public Consultation

- 2.4.1 Two pre-application meetings have been held with officer to discuss as a wholly residential development. In addition, we have maintained a dialogue with the case officer as the proposed scheme has progressed.
- 2.4.2 The first meeting was held on 11 August 2011. At the meeting officers made the following principal comments:
- Loss of offices without any marketing evidence as justification;
 - The low ratio of social rented housing to intermediate housing,
 - High level of car parking provision,
 - The height of the market housing block and the detailed design of the two blocks including the recessing of balconies;
 - High number of single aspect units, particularly those with a northerly aspect.
- 2.4.3 The scheme was subsequently revised and a second meeting was held on 29 September 2011. Feedback from the meeting included:

Transport

- Preference for car-free development but acknowledge that there may be scope to replace some of the existing parking on a like-for-like basis;
- Rear car parking should be removed as none of the eastern block is wheelchair accessible;
- Charging points for electric vehicles should be provided within the basement and on-street;
- Car club bays should be provided on street;
- Concerns relating to the use of a car lift to access the basement;
- Concerns about the lack of level pedestrian access to the affordable housing.

Design

- Sixth storey at roof level would not be acceptable;
- Fenestration pattern should reflect the rhythm of the neighbouring buildings and the solid to void ratio should be increased;
- Balconies should be in metal rather than glass to provide a degree of solidity;

Affordable Housing

- A scheme of less than 50% affordable housing would need to be justified by a viability report which would be verified by an independent viability consultant appointed by the Council.

Public Consultation

2.4.4 A meeting was held with the Ward Councillor Flick Rea and the Sidings Community Centre on 4th October 2011. At the meeting the proposed scheme was explained. The Community Centre identified at the meeting a number of areas in the park which required additional investment and it was agreed that the applicant would discuss with officers targeting Section 106 contributions to the Peace Park to benefit local residents. The suggested improvements included:

- A new Café/kiosk adjacent to the community centre
- Improved landscaping to the car parking area and new seating new close to the cafe
- New surfacing for the all weather pitch
- New fencing

2.4.5 A public exhibition was held on site on 14th and 15th October 2011. Over the two days more than 40 residents visited the exhibition. Residents from a wide geographical area were invited and almost all residents warmly supported the scheme. The benefits the development would bring to the Peace Park through Section 106 contributions were welcomed.

3.0 The Proposal

3.1.1 Permission is sought for the redevelopment of the site to provide a mix of 68 one, two, three and four bedroom residential units including 12 affordable housing units

3.1.2 The proposal is for the complete demolition of Handrail House and the erection of two buildings: one to provide the market housing, the other to provide affordable housing.

3.1.3 Block A (on the western portion of the site) would be six storeys in height and comprise 24 one bedroom, 24 two bedroom and 8 three bedroom units. This block would be solely for market housing. Block B (on the eastern portion of the site) would be four storeys in height, comprising 3 one bedroom, 6 two bedroom and 3 four bedroom residential units. Block B would be exclusively for affordable housing.

3.1.4 The proposal includes 32 basement car parking spaces for the market housing and 2 parking spaces for the affordable housing at upper ground level. In addition, 79 bicycle parking spaces will be provided within two cycle stores; one at ground level for the affordable homes and the other situated to the rear of the ground floor of the open market units.

Each dwelling will have its own amenity space either as balconies, terraces or gardens. There will be private communal amenity space to the rear of the open market block. .

3.1.5 The proposed description of development is therefore:

“Demolition of existing three storey building and erection of two buildings of six storeys and four storeys to provide 56 market residential units and 12 affordable housing units, with provision of 36 basement car parking spaces for the market units and two external parking spaces for the affordable units.”

3.2 Supporting Documents

3.2.1 As noted in Section 1, in addition to this statement the application is supported by a number of other key documents and supporting evidence. These documents and a summary of key considerations are set out below:

Design & Access Statement (Smith Lam Architects)

The design and access statement sets out the design considerations in developing the proposed redevelopment, highlighting key constraints and opportunities. The statement addresses each of the concerns raised at pre-application meetings and in public consultation and describes how these have been addressed.

Transport Assessment and Green Travel Plan (Paul Mew Associates)

The Transport Assessment sets out an appraisal of the transportation issues relating to the site. The report considered that the proposed development is acceptable in transportation terms.

Sustainability (Environmental Perspectives)

In accordance with PPS1 and PPS22 the scheme incorporate a number of sustainable measures. It is anticipated that there will be a 32% saving in CO₂ emissions over the baseline scheme. The scheme will achieve a Code for Sustainable Homes rating of Level 4 for all homes.

Energy Strategy (Environmental Perspectives)

An energy strategy by Environmental Perspectives sets out the energy consumption reduction for the proposed development. The proposed development is aiming to achieve a Code for Sustainable Homes Level 4 which involves demonstrating a 44% improvement in the Buildings CO₂ Emissions Rate over the Target CO₂ Emissions Rate.

Ecology Report (Environmental Perspectives)

The site has extremely low ecological value which supports no habitats of significant value other than low potential to support birds and invertebrates. The redevelopment of the site offers a significant opportunity to improve the ecological value of the site. The report therefore recommends a raft of measures to achieve this objective.

Preliminary Code for Sustainable Homes Assessment (Environmental Perspectives)

A preliminary Code for Sustainable Homes has been prepared. The report sets out the design teams commitments to achieve a CSH Level 4 rating for the residential units of the proposed development in compliance with Camden's requirements.

Daylight and Sunlight Assessment (Schroeders Begg)

The Daylight, Sunlight and Overshadowing assessment confirms that the internal daylight levels within the proposed

development demonstrates principal compliance with BRE guidance. The vast majority of external windows assessed meet the BRE recommendations for daylight and sunlight.

Affordable Housing Statement and Viability (Affordable Housing Solutions)

The Affordable Housing Statement demonstrates how the scheme to provide 12 affordable units is in compliance with national, strategic and local policy guidance on the provision of affordable housing. The viability assessment demonstrates how the scheme cannot deliver more affordable housing on site without significantly harming the overall viability.

Marketing Report on Office Demand (Dutch & Dutch)

The Marketing Report sets out the strategy for marketing the offices from 2006-2009 and from 2009 onwards following the implementation of the planning permission to refurbish the building. The report demonstrates that there is little demand for Class B1 offices in this location due to its overwhelmingly residential character.

Arboricultural Survey & Method Statement (Wassells Arboricultural Services)

The tree survey indicates that there are no trees on the application site. The nearest sensitive trees are in Maygrove Peace Park but are sufficiently distant from the areas of excavation that they will not be affected.

Air Quality Assessment (Entran)

As the site is within an Air Quality Management Area, an assessment has been carried out to predict the likely effect of the development on air quality during the construction phase and the effect of the completed development on air quality. The report concludes that the completed development will not materially affect air-quality, and the release of particulate matter during the construction stage can be adequately minimised and mitigated.

Basement Impact Assessment (Pringuer-James Consulting Engineers Ltd)

The basement impact assessment assesses the ground stability, hydrological conditions and the likely effect on the neighbouring park. The assessment concludes that the development is highly unlikely to harm to the built and natural environment and local amenity, result in any flooding, or lead to ground instability.

4.0 Relevant Planning Policies

4.1 The Development Plan

- 4.1.1 The legal framework for determining planning applications is set out within the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 4.1.2 These state that a local planning authority must have regard to the provisions of the development plan and other relevant material considerations when considering an application for planning permission; and that determination of the application must be in accordance with the development plan unless material considerations indicate otherwise. The Planning and Compulsory Purchase Act 2004 defines the development plan as the spatial development strategy (or SDS) and the development plan documents (taken as a whole) which have been adopted or approved in relation to that area.

- 4.1.3 For the proposed development, the relevant development plan therefore comprises the Mayor of London's Spatial Development Strategy for Greater London (the London Plan), the most recent adopted version of which was published in July 2011.
- 4.1.4 Under new provisions brought about by the Planning and Compulsory Purchase Act 2004, UDPs are to be replaced by a portfolio of planning documents called a Local Development Framework (LDF). The LDF will, when adopted, set out the local planning authority's spatial strategy and plan for development.
- 4.1.5 Camden has produced Core Strategy and Development Policies Documents. Both are advanced and have been approved by the Planning Inspector on 13th September 2010 and adopted by the Council in November 2010.

4.2 Government Guidance

- 4.2.1 The relevant national guidance for this proposal is summarised below:
- 4.2.2 PPS1 Delivering Sustainable Development - sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- 4.2.3 PPS3 Housing - underpins the delivery of the Government's strategic housing policy objectives and the goal to ensure that everyone has the opportunity to live in a decent home, which they can afford in a community where they want to live.
- 4.2.4 PPS9 Biodiversity and Geological Conservation - identifies the importance of biodiversity and geological conservation and sets out the broad aim for planning and development activity, that it has a minimal impact on biodiversity and where possible, enhances the natural environment.
- 4.2.5 PPG13 Transport - sets out the objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
- 4.2.6 PPG17 Planning for Open Space, Sport and Recreation - sets out objectives for open space, sport and recreation which are all considered to underpin people's quality of life.
- 4.2.7 PPS22 Renewable Energy - recognises that renewable energy development can contribute to the Government's sustainable development strategy
- 4.2.8 For the reasons set out in Section 5 of this statement, we consider the proposal to be in full accordance with national guidance.
- 4.2.9 The Draft National Planning Policy Framework states that in considering applications for planning permission, local planning authorities should apply the presumption in favour of sustainable development and seek to find solutions to overcome any substantial planning objections where practical and consistent with the Framework. (para 74)
- 4.2.10 Paragraph 75 of the draft NPPF goes on to state:

Planning policies should avoid the long term protection of employment land or floorspace, and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses.

4.2.11 For the reasons set out in Section 5 of this statement, we submit that the protection of this employment floorspace is not appropriate and that considerable weight ought to be given to the market signals and the Council's strategic aim of providing a range of residential accommodation within the borough.

4.2.12 Section 109 of the draft NPPF states that local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies. This largely empty building is clearly capable of contributing to both Camden's and the Government's strategic aim of bringing empty building back in to productive use as residential dwellings.

4.2.13 The proposal is therefore considered to be in accordance with the draft NPPF.

4.3 The London Plan

4.3.1 The London Plan was adopted in July 2011. For the purposes of dealing with planning applications, as opposed to the formulation of local planning policies, the London Plan sets out five strategic themes:

4.3.2 **Policy 3.3 Increasing Housing Supply** states that the Mayor will seek to ensure the housing need is met, particularly though the provision consistent with at least an annual average of 32,210 net additional homes across London.

4.3.3 **Policy 3A.2 Borough Housing Targets** advises that in LDF preparation, Boroughs should seek to exceed the relevant minimum annual average housing targets (which propose the provision of a minimum of 6,650 new homes within Camden over a 10 year period, i.e. 665 new homes annually).

4.3.4 **Table 3.2 Density Matrix** provides guidance on the range of housing densities with regard to location and is a tool for increasing density in situations where transport proposals will change the public transport accessibility ranking. **Policy 3.4** seeks to maximise the potential for sites.

4.3.5 **Policy 3.8 Housing Choice** seeks new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups, all new housing is built to 'Lifetime Homes' standards and ten per cent of new housing is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.

4.3.6 **Policy 3.10 Definition of Affordable Housing** sets out the Mayor's definition of affordable housing. Affordable housing comprises social rented and intermediate housing.

4.3.7 **Policy 3.11 Affordable Housing Targets** states that the Mayor will and boroughs should, maximize the affordable housing provision and ensure an average of at least 13,200 more affordable homes per year in London over the term of the plan. The plan seeks 60% of the affordable housing provision should be for social rent and 40% for intermediate rent or sale.

4.3.8 **Policy 3.13 Affordable housing thresholds** states that Boroughs should normally require affordable housing provision on a site which has capacity to provide 10 or more homes.

4.3.9 **Policy 3.12 Negotiating affordable housing in individual private residential and mixed-use schemes** states that Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual private

residential and mixed-use schemes having regards to their affordable housing targets adopted in line with **Policy 3.11**, the need to encourage rather than restrain residential development and the individual circumstances of the site.

- 4.3.10 **Policy 5.3 Sustainable Design and Construction** – The highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adopt to the effects of climate change over their lifetime.
- 4.3.11 **Policy 7.7 Location and Design of Tall and Large Buildings** - sets out the criteria to assess applications for larger scale buildings. Large scale buildings should be of the highest quality design and in particular, be suited to the wider context in terms of their relationship with other buildings, streets and public and private spaces, contribute to the skyline and set exemplary standards of sustainable construction etc.
- 4.3.12 **Policy 3.9 Mixed and balances communities** states that communities mixed and balanced by tenure and household income should be promoted across London through the incremental small scale and well as larger scale developments which foster social diversity. Redress social exclusion and strengthen communities sense of responsibility for their neighbourhoods.
- 4.3.13 **Policy 6.1 Strategic Approach** states that the Mayor will work with all relevant partners to encourage the closer integration of transport to encourage patterns of development that reduce the need to travel, especially by car.
- 4.3.14 **Policy 6.13 Parking** – the Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking provision that can undermine cycling, walking and public transport use.
- 4.3.15 **Policy 5.7 Renewable Energy** states that the Mayor seeks to increase the proportion of energy generated from renewable sources and expects that the minimum targets for installed renewable energy will be achieved.

4.4 **The Local Development Plan**

4.4.1 The following policies are considered to be relevant to the consideration of this proposal:

4.4.2 The relevant Core Strategy policies are noted below:

CS1 – Distribution of Growth

CS3 – Other Highly Accessible Areas – Explicitly supports the development of homes in highly accessible areas, including the town centres of Kilburn High Road and West Hampstead, as well as appropriate edge of centre locations.

CS5 – Managing the Impact of Growth and Development

CS6 – Providing Quality Homes

CS10 – Supporting Community Facilities and Services

CS11 - Promoting Sustainable and Efficient Travel

CS13 – Tackling Climate Change Through Promoting Higher Environmental Standards

CS14 – Promoting High Quality Places and Conserving Our Heritage

CS15 – Protecting and Improving Our Parks and Open Spaces and Encouraging Biodiversity

CS17 – Making Camden a Safer Place

CS18 – Dealing With Our Waste and Encouraging Recycling

4.4.3 The relevant Development Policy Documents policies are noted below:

Local Development Framework

DP2 - Making Full Use of Camden's Capacity for Housing

DS3 – Contributions to the Supply of Affordable 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

DP19 - Managing the Impact of Parking

DP21 - Development connecting to the highway network

DP22 - Promoting Sustainable Design and Construction

DP24 – Securing High Quality Design

DP26 – Managing the Impact of Development on Occupiers and Neighbours

DP28 – Noise and Vibration

DP31 – Provision of, and improvements to, public open space and outdoor sport and recreation facilities

5.0 Planning Considerations

5.1 Loss of Employment Site

5.1.1 Policy DP13 seeks to retain buildings that are suitable for continued business use and will resist a change to non-business unless it can be demonstrated that a site is not suitable for any business use other than B1(a) offices. In such circumstances, the policy states that the Council may allow a change to permanent residential use or community use.

- 5.1.2 The marketing report provided by Dutch & Dutch demonstrates that, despite extensive marketing over the last five years, there is little interest from office occupiers. Indeed, the occupancy rate of the building has fallen in the same period.
- 5.1.3 The building was been refurbished in 1999 and 2008 to provide office accommodation on the ground floor and modern office accommodation on the first and part second floors. The remainder of the second floor is poor quality second hand office accommodation. Despite this, the building is vacant with the exception of a single tenant occupying approximately 110sqm on the second floor (i.e. less than 10% of the available office floorspace).
- 5.1.4 The offices have been actively marketed since at least 2006 when the anchor tenant, SPSS, gave notice of its intention to vacate the building. Between 2006 and 2009 the building was marketed by Dutch & Dutch and Godfrey Vaughan. The marketing strategy included sending a two page colour brochure to 750 local businesses on two occasions. Copies of the brochure were also sent on two separate occasions to approximately 500 London based office agents via the Estate Agents Clearing House. The property has also been actively marketed on the internet.
- 5.1.5 Ten serious enquiries were received between 2006 and 2009. However, these were from developers who wanted to purchase the freehold with a view to redeveloping the site. The marketing report shows that there were four enquiries from potential office occupiers. Of these four, two committed to renting space. However, one of the companies has now ceased trading while the other is the sole remaining occupant in the building. The other two potential tenants cited the residential nature of the street, lack of disabled access and the dearth of good quality local amenities as the principal reasons why they chose to rent office space elsewhere.
- 5.1.6 As a result of this unsuccessful attempt to let substantial floorspace within the building and the accompanying negative feedback, the building was remodelled to create a more impressive entrance and atrium, the provision of ramped access to the main entrance and the installation of lift access to the first and second floors. These alterations were granted planning permission in March 2009 (ref: 2009/0962/P) and were implemented soon after.
- 5.1.7 Following the refurbishment, Dutch & Dutch and MERJS – based in the West End – were instructed once again to market the building. A four page colour brochure was produced and sent directly to 1,075 local businesses on two occasions. Again, the brochure was circulated to 500 London based office agents and was actively market on the internet. In addition, a banner was displayed on the building, attached between the flag poles on the roof. An 'Offices to Let' board is currently displayed on the front elevation of the building at ground floor level.
- 5.1.8 The marketing exercise generated only four responses, none of whom were sufficiently interested to take out a lease. Consequently, the building was put up for sale in March 2011. All subsequent interest in the building has come from residential developers, with no interest at all from prospective office occupiers.
- 5.1.9 We consider the marketing exercise to have been active rather than passive, and the agent has used all reasonable endeavours to generate interest from potential office occupiers. The rental levels sought have been no more onerous than the prevailing market conditions and this is reflected in the fact that none of the interested occupants has cited excessive or unrealistic rental costs as a reason for declining to take out a lease.
- 5.1.10 It is clear that there is severely limited demand for office space in this area, which is exacerbated by the general decline in market conditions over the last two years. The layout, design and specification of the floorspace lends itself poorly to

office space, having evolved from a purpose built factory. Crucially, the building's location within a predominantly residential area is hampering any attempts to attract occupiers.

5.1.11 Of material importance is the implemented permission for the adjacent site at 59 Maygrove Road which also permitted the loss of a business use. In that instance, the site had been used as a motor vehicle repair garage and had been vacant for two years. The officer's report to committee acknowledged that the key issue was not necessarily whether the applicant had provided sufficient evidence of lack of demand for a Class B1(c) use, rather the issue was how to strike a balance between the competing policy requirements of protecting employment uses and providing much needed homes in the borough. In the case of 59 Maygrove Road, greater weight was ultimately given to the provision of housing, despite the officer concluding that the applicant's argument in terms of insufficient demand was weak and lacking justification.

5.1.12 In contrast with the neighbouring site at No.59, the marketing case for No.65 is compelling. This site is manifestly unsuitable for office use and any insistence that the site should remain in Class B1 use will inevitably result in the building remaining vacant and unused for years to come. This would be in direct conflict with LDF policy DP13 and section 75 of the draft National Planning Policy Framework which requires local planning authorities determine applications for alternative uses of designated land or buildings having regard to market signals and the relative need for different land uses.

5.2 Meeting the Need for Homes

5.2.1 The most recent guidance for housing provision within the Borough is set out within PPS3 (June 2011) which states within Paragraph 9 & 10 that the Governments Housing policy objectives include:

- Achieving a wide choice of high quality homes, both affordable and market housing to address the requirements of the community.
- Widening opportunities for home ownership and ensure high quality housing for those who can not afford market housing, in particular those who are vulnerable or in need.
- Improving affordability across the housing market, including by increasing the supply of housing.
- Creating sustainable, inclusive, mixed community in all areas, both urban and rural.

5.2.2 These housing policy objectives provide the context for planning for housing through development plans and planning decisions. The specific outcomes that the planning system should deliver are:

- High quality housing that is well-designed and built to a high standard.
- A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of housing in all areas.
- A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
- A flexible, responsive supply of land, managed in a way that makes efficient and effective use of land including the re-use of previously development land where appropriate.

5.2.3 The proposed redevelopment of the site maximises the potential for the provision of housing, taking into account the prevailing scale of residential development elsewhere in Maygrove Road and the surrounding streets. The site might

reasonably be characterised as a windfall site, given that it does not fall within any formally designated site allocation. This is an underused site, recognised by policy DP2 as being an ideal site for the delivery of market and affordable housing.

- 5.2.4 The scheme involves the creation of a total of 68 residential units in a highly sustainable location. The mix of units in the market housing provides 14% family sized flats (i.e. comprising three bedrooms) with the affordable housing providing 33% family sized accommodation.
- 5.2.5 The overall quantum of affordable housing as a percentage of the total residential floor area represents a 19% provision.
- 5.2.6 In terms of housing mix, the affordable housing provides six affordable (social rented) and six intermediate units. Three of the social rented units will be four bedroom duplex apartments, meeting the DP5 policy requirement to provide a very high proportion of social rented units with four or more bedrooms.
- 5.2.7 The remainder of the affordable housing will be provided on an intermediate basis with two one-bedroom flats and four two-bedroom flats. Again, this meets the policy aspiration of DP5 to prioritise two bedroom units and provide a minimal number of one bedroom units.
- 5.2.8 Policy DP5 places a very high priority on providing two bedroom units, with the aim that 40% of the units will have two bedrooms. The proposed scheme comfortably meets the policy requirement by providing 24 two bedroom flats. This represents 43% of the market units.
- 5.2.9 As the scheme delivers 56 market units, CPG8 and LDF policy DP3 are both relevant to the consideration of the proposal. Core Strategy policy CS6 sets guidelines of 60% social rented and 40% intermediate affordable housing. However, the policy acknowledges that these are guidelines, not prescriptions, and will be applied flexibly taking into account the financial viability of delivering affordable housing. This flexible approach is restated in LDF policy DP3.
- 5.2.10 The proposed mix of six social rented and six intermediate units represents a mix of 61% social rented and 39% intermediate affordable housing based on floorspace, in accordance with CPG8 and DP3.
- 5.2.11 The proposal exceeds the requirement for 10% of the residential units to be accessible by wheelchair. Five of the ground floor market units (9%) have been designed to allow wide circulation spaces which accommodate the turning circle requirements for wheelchair users. In addition, nine of the affordable units have been designed to be wheelchair accessible, while all three of the duplexes are capable of accommodating through-floor lifts in the event that occupants cannot negotiate the staircase. This means 14 of the 68 units (20.6%) would be wheelchair accessible from day one, in accordance with DP6. While the policy aims to apply the 10% standard to all categories of housing, the reasoned justification for the policy explains that the standard may be applied flexibly. Irrespective of this flexibility, most of the market units are capable of being altered to provide uninhibited wheelchair access should the need arise.
- 5.2.12 Level access is provided to all of the units, with step-free thresholds to the main entrances and lift access to all floors. Without exception, the units are all capable of meeting Lifetime Homes standards, again in compliance with DP6.

5.3 Promoting Sustainable and Efficient Transport

- 5.3.1 The site has a PTAL 5 rating which demonstrates that a good level of public transport is accessible within the vicinity of the site.
- 5.3.2 In accordance with policy DP18, a total of 34 parking spaces will be provided for the overall development, with 32 basement parking spaces beneath the market housing (four of which will be wheelchair accessible) and two disabled compliant parking spaces adjacent to the affordable housing block. Under policy DP18, the disabled parking bays are discounted from any calculation of overall parking provision. On this basis, the proposal delivers 28 standard parking spaces, representing an overall parking provision of 0.5 spaces per dwelling. This is in accordance with the maximum of 0.5 set out in the policy. Furthermore, it represents a net decrease in parking provision when compared with the existing provision of 37 spaces.
- 5.3.3 A total of 86 bicycle parking spaces will also be provided for the market housing and a further 20 for the affordable housing. The bicycle stores will be located in covered, secure and well lit bespoke buildings with level access at ground floor level. This is in accordance with the requirements of policy DP17.
- 5.3.4 The accompanying report from Paul Mews Associates demonstrates that the development of 68 residential units is unlikely to have any significant impact on existing traffic and highways conditions as a result of trip generation.
- 5.3.5 The application site is not in Kilburn Town Centre but it is in a controlled parking zone and is designated as an area for low parking provision. Effectively, this means the development may only provide 0.5 parking spaces per dwelling, compared with one space per dwelling elsewhere in the borough. Hence, the maximum parking provision for the private residential units would be 28 spaces (not including DDA parking spaces).
- 5.3.6 However, based on London Plan policy, the scheme would be permitted to provide up to 73 parking spaces but should aim for 68. Given that the site currently has 37 parking spaces and that the London Plan would permit up to 73 spaces, the provision of 28 parking spaces and a further six disabled parking spaces represents a net reduction in parking spaces and is in accordance with both Camden and London Plan policies.
- 5.3.7 All of the parking spaces in the basement will have power points for the charging of electric vehicles, in accordance with London Plan policy.
- 5.3.8 A total of 106 cycle parking spaces are provided for the market and affordable housing. This far exceeds the requirement for 75 spaces required by Camden policy and the 79 spaces required under London Plan policy.
- 5.3.9 Eleven motorcycle spaces will also be provided at basement level.
- 5.3.10 The basement car park will be accessed via a vehicular entrance from Maygrove Road leading to a car lift. Given that the development is predicted to generate a total of just 65 two way trips between the hours of 07.00 and 22.00, the lift would be used on average once every 7.5 minutes. As a typical car lift can deliver around 30 vehicles per hour, the vehicular movements are highly unlikely to lead to any congestion or backing up of cars on the highway.
- 5.3.11 The swept path drawings demonstrate that the access and egress on Maygrove Road is sufficient and that the parking positions at basement level can be manoeuvred into with ease. The swept path drawings also demonstrate the need to reposition two on-street parking spaces on Brassey Road, in order to facilitate the access and egress of refuse lorries. The applicant undertakes to fund this work via the Section 106 Agreement.

- 5.3.12 The application is accompanied by a Draft Travel Plan which aims to reduce the impact of the proposed development by promoting sustainable modes of transport.
- 5.3.13 The site is situated in an area with good public and sustainable transport links. These links would be promoted as part of the Final Travel Plan.
- 5.3.14 Thorough and regular monitoring of the scheme will identify targets, and assess to what extent they are being reached over the life of the scheme. The reporting of progress will be carried out in consultation with the local authority.
- 5.3.15 It is the aim of the scheme to reduce resident vehicle based trips to and from the site by the target and the timescale to be set as part of the Final Travel Plan. In addition all opportunities will be taken to encourage visitors to make more sustainable trips to and from the site.
- 5.3.16 The Travel Plan will be implemented on the occasion of the new development being brought into use.

5.4 High Quality Design and Landscaping

Height, Bulk and Massing

- 5.4.1 The proposed scheme represents an exemplar redevelopment of this previously developed site. The open market flatted block reflects the height and scale of the previous building along Maygrove Road, taking references from the recently implemented scheme at No.59. The flatted market housing block comprises five storeys (including basement) while the affordable housing duplexes and flats comprises four storeys with no basement in a separate building.
- 5.4.2 The proposed market block occupies the main bulk of the site on a similar footprint to the existing Handrail House, while the affordable block is located to the east. The positioning of the main building has been largely dictated by: planning and site constraints, the required access points to the site and day lighting requirements of adjacent residents. The communal courtyard garden faces north-west and is adjacent to the main building.
- 5.4.3 The fourth floor penthouses are set back from the Maygrove Road elevation in order to reduce the impact of the building as it aligns with the development at No.59. The fifth storey has been removed from the scheme following the detailed pre-application advice with Council officers.

Materials

- 5.4.4 The palette of materials takes inspiration from the neighbouring development, using a light grey brick to complement, rather than slavishly match, the brick used at No.59. This allows the building to read as a separate entity to No.59. The recessed bays and balcony fascias and soffits would be clad with trespa, while the penthouse storey's recessive and subordinate architectural position would be emphasised by being clad in metal with standing seams.
- 5.4.5 The design of the affordable block on the eastern part of the site complements the market housing by using a reduced palette of materials. Window sizes and opening reflect those in the market unit and the architectural language is similar. However, the elevations are formed of light grey brick rather than a mix of brick and trespa. The subtle change in the palette of materials is justified by the intervention of the retained building at 67 Maygrove Road.
- 5.4.6 In contrast to the market block, the affordable block will not have a recessed penthouse storey. This is due to the fact that the affordable block will sit on an already elevated plot relative to the market housing.

- 5.4.7 Both the market block and the affordable block will have brown roofs created from the reuse of demolition and construction waste.

Landscaping

- 5.4.8 Landscaping is a key element in the overall design of the scheme, incorporating soft landscaping to the front and rear of the site as well as brown roofs to the two residential buildings. The Design and Access Statement which accompanies the application demonstrates the quality of the proposed landscaping in greater detail.

5.5 Managing the Impact of Development on Occupiers and Neighbours

- 5.5.1 The massing and orientation of the proposed development takes into account the requirement to respect the amenity of existing residents whose properties lie in close proximity to the application site. For this reason the flank elevations of the market housing block contain no windows or balconies, thereby maintaining a neighbourly relationship with the future occupants of the development at 59 Maygrove Road and protecting the privacy of residents occupying the upper floors of 67 Maygrove Road.
- 5.5.2 Likewise, the western elevation of the affordable housing block contains no windows or balconies that would lead to a loss of privacy to neighbours living on the third floor of 67 Maygrove Road. While the western elevation of the affordable housing block would contain windows, these are to provide a secondary source of light to the bedrooms on each floor and are clearly annotated on the drawings to be obscurely glazed. The eastern side of the affordable housing block does have windows and balconies as this elevation fronts onto Maygrove Peace Park.
- 5.5.3 There will be no adverse effect on the privacy of residents living elsewhere in Maygrove Road.
- 5.5.4 A comprehensive daylight and sunlight report has been carried out which assess the effect of the proposed development on all neighbouring buildings. The report concludes that none of the residential buildings on the south side of Maygrove Road nor any of the houses on Brassey Road will suffer any material loss of daylight or sunlight.
- 5.5.5 However, the report does highlight some transgressions in the BRE tests for windows serving the two third floor flats at 67 Maygrove Road. However, the flats are owned by the applicant and it is therefore within the gift of the applicant to re-plan the layout of the flats to ensure that the losses of daylight and sunlight affect only secondary living spaces and not primary areas, with the aim that adequate daylight is maintained in living rooms and kitchens where natural light is most valued. Such alterations would, of course, not require planning permission provided that the overall quantum of floorspace within each flat remains the same.
- 5.5.6 Notwithstanding the fact that the applicant owns the affected flats, the basic principle of the planning system is that it does not exist to protect the private interests of one person against the activities of another. The critical issue is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the *public interest*. In this instance, we strongly argue that the delivery of 56 market residential units and 12 affordable residential units within an otherwise policy-compliant scheme is a persuasive material consideration which weighs in favour of granting planning permission despite the losses to existing flats. In short, the greater good of delivering much needed housing outweighs the loss of daylight and sunlight to two flats which are, in this case, owned by the applicant.

5.5.7 The daylight and sunlight report demonstrates that all of the rooms within the new development will receive adequate levels of daylight and sunlight.

5.6 Open Space Provision

5.6.1 As the application site is adjacent to Maygrove Peace Park, we propose to make a financial contribution of £120,540 towards future improvements to this important open space. This figure has been calculated using the formula set out in CPG8. This will be secured under the terms of a Section 106 Agreement.

5.6.2 The issue of continued maintenance of the Peace Park and the possibility of contributing to future improvements has been a key strategic aim throughout the development of this proposal and it has gathered considerable public support from neighbours who attended the public exhibition. The allocation of this funding directly and exclusively to the Peace Park is in accordance with the guidance set out in Circular 05/05 on Planning Obligations.

5.6.3 All of the residential units will benefit from private amenity spaces in accordance with the requirement of CPG2 (Housing) to provide amenity space with a depth of no less than 1.5m.

5.6.4 In addition, the development provides communal open space in the form of landscaped gardens planted with a mix of shrubs that will provide year round interest and habitats for wildlife, in accordance with LDF policy DP24. The open space and brown roofs are assessed in the accompany Ecology Report prepared by Environmental Perspectives.

5.7 Sustainability

General Principles

5.7.1 The proposed development seeks to optimise the use of land by developing a previously used brownfield site which will contribute to the regeneration of the borough.

5.7.2 In order to meet the expectations of the borough's policy on energy, consideration will be given to measures such as passive design features using the building fabric. This will help to reduce the energy consumption and associated carbon dioxide emissions from the development.

5.7.3 To reduce pollution associated with increased private car use – such as CO₂, NO_x particulates emissions, noise, and congestion – the excellent local public transport opportunities will be highlighted to all building users. Nearby London underground and bus services provide easily accessible routes from the application site into all areas of London and other destinations. Although the development will include car parking provision, it will also incorporate cycle storage facilities to help encourage alternative forms of transport and limit dependency on private car use.

5.7.4 The proposed development will address waste minimisation at the early design stage to reduce waste arising during both the construction and operational phases.

5.7.5 Potential forms of pollution arising from the construction of the proposed development will aim to be prevented through the use of sustainable construction methods and good site practices. In addition, where possible during construction materials will be selected for their minimal environmental impacts. The application is accompanied by an Air Quality Assessment which concludes that the release of particulate matter (i.e. dust) from the demolition and construction can

be adequately controlled and mitigated. The completed development will not affect the overall level of air quality in this part of the borough.

- 5.7.6 In an effort to meet the Boroughs aims to reduce water consumption, the design of the building will take into account the incorporation of water efficient appliances. Green roofs will also be specified, which will result in a beneficial impact to the control and management of surface water run-off.
- 5.7.7 The ecological impact of the development has also been considered. Due to the re-use of a previously developed site within an urban area, the existing condition is considered to be of low ecological value. Soft landscaping and measures to attract native fauna will help to enhance the biodiversity and ecological value of the site.
- 5.7.8 Finally, the residential nature of the proposed development will integrate well with existing development within the West Hampstead area, will contribute towards the demand for additional housing, and through good design, will help to promote a healthy and comfortable internal environment for its residents.

Biodiversity and Ecology

- 5.7.9 The site has been assessed by Environmental Perspectives in order to establish the ecological value of the site and its potential to support notable and/or legally protected species. Information from the survey was used to identify credits that are likely to be awarded, where possible, for the Code for Sustainable Homes Ecology Category.
- 5.7.10 The application site has areas of building, hardstanding and limited numbers of introduced shrubs. As such, the ecological habitat variety is limited and there is a low potential for nesting birds in areas of scattered scrub and scattered trees bordering the site. The report confirms that, when considered as a single ecological unit, the site cannot be determined as having ecological value as it supports no habitats of significant value other than low potential to support birds and invertebrates.
- 5.7.11 Core Strategy policy CS15 and LDF policy DP22 require development to enhance biodiversity and ecology. The two housing blocks will both have living green roofs. In addition, the buildings will accommodate bird boxes, hedgehog houses and a range of insect attracting measures to provide habitats for native insects. A planting strategy incorporating vertical greening measures such as wall climbing plants will also be implemented.

Energy Strategy

- 5.7.12 Both buildings will conform to the principles of the energy hierarchy that provides a set of guiding principles to reduce energy consumption and associated carbon emissions. Consequently, the energy strategy focuses on incorporating energy efficiency measures into the design of the dwellings before the application of low or zero carbon technologies.
- 5.7.13 Taking into account best practice guidance for passive energy efficient design published by the Energy Savings Trust (EST), the dwellings will exceed the 2010 Building Regulations Part L1A Target Emission Rating (TER). The proposed development as a whole will achieve a 5-10% reduction against the TER through the use of energy efficiency measures alone.
- 5.7.14 In response to the second tier of the Energy Hierarchy, a preliminary investigation into the appropriateness of connection to existing or proposed district heating schemes has been undertaken. Unfortunately, due to the distance between the proposed development and other schemes, installation costs are prohibitive to connection. Additionally, as

part of the second tier of the Energy Hierarchy, a stand-alone communal heating scheme incorporating a Combined Heat and Power (CHP) engine for the proposed development has been undertaken.

5.7.15 As the proposed development is seeking to achieve a Level 4 under the Code for Sustainable Homes it must demonstrate that it has met the mandatory requirement under 'Ene1', which is equivalent to a 25% improvement against the baseline 2010 Building Regulations. However, the CSH does not require unregulated emissions to be included as part of the assessment method. Consequently, when these are removed from the energy calculations using the building compliance Standard Assessment Procedure (SAP), the proposed development meets the 25% target for emissions reduction.

5.7.16 The proposed development can achieve a 32.4% carbon dioxide saving as a result of the inclusion of energy efficiency measures and CHP beyond the energy baseline demand of both regulated and unregulated emissions.

5.8 Safe and Secure Environment

5.8.1 The proposal has been guided by the principles of Secured by Design in order to reduce the opportunity for crime, the fear of crime, and create a safer and more secure environment.

Natural surveillance

5.8.2 The design strikes a balance between creating public and semi-private amenity areas that are readily visible yet do not infringe on privacy. The basement parking is secure and is accessible only to residents.

Access and footpaths

5.8.3 The entrances to the buildings will be clearly defined and well lit. Care has been taken to ensure that there are no dark or secluded areas which would add to the risk of crime, be it actual or perceived. The market housing will have a concierge at ground floor level. The concierge will be responsible for monitoring the safety of the market and affordable housing blocks.

5.8.4 The pedestrian entrance to the affordable housing on Maygrove Road will be gated, with only the residents of this block having access.

5.8.5 The cycle storage will be in a safe, secure and well lit location with access provided only from within the site.

Open space provision and management

5.8.6 The communal garden space to the rear of the development has been designed to be an attractive open space. It is a secure environment, accessible only by residents of the development. It will be maintained by the management company which will oversee the day-to-day management of the whole site.

5.9 Section 106 Planning Obligation

5.9.1 In accordance with the guidance set out in CPG8, we propose heads of terms for the Section 106 agreement to include the following contributions:

- Education: £103,688

- Community: £120,540 (for allocation to Maygrove Peace Park)
- Employment: £87,285
- Highways and Public Realm: A commitment to pay all reasonable costs in relation to Camden's approved contractor carrying out the necessary works of repair to the public highway
- Commitment to pay for the repositioning of two on-street parking bays on Brassey Road

6.0 Statement of Community Involvement

6.1.1 A meeting was held with the Ward Councillor Flick Rea and the Sidings Community Centre on 4th October 2011. At the meeting the proposed scheme was explained. The Community Centre identified at the meeting a number of areas in the park which required additional investment and it was agreed that the applicant would discuss with officers targeting Section 106 contributions to the Peace Park to benefit local residents. The suggested improvements included:

- A new Café/kiosk adjacent to the community centre
- Improved landscaping to the car parking area and new seating new close to the cafe
- New surfacing for the all weather pitch
- New fencing

6.1.2 A public exhibition was held on site on 14th and 15th October 2011. Over the two days more than 40 residents visited the exhibition. Residents from a wide geographical area were invited and almost all residents warmly supported the scheme. The benefits the development would bring to the Peace Park through Section 106 contributions were welcomed.

7.0 Conclusion

7.1.1 The redevelopment of 65 Maygrove Road will replace a principally redundant and vacant site with an attractive residential scheme providing high quality apartments with a provision of open market and affordable housing.

7.1.2 The proposal is provides two attractive buildings of a scale in keeping with the surrounding townscape

7.1.3 In summary the development will:

- Deliver 68 residential units, the provision of which is at the heart of national strategic and local government objectives.
- Provides 56 open market and 12 affordable homes to meet the Council's housing targets.
- Provides 3 four bed family affordable social rented units with gardens

- Include a wide range and mix of residential accommodation comprising one, two, three and four bed apartments.
- Provides the opportunity to create high quality designed residential units which integrate and relate to the existing townscape, and embodies the principles of good urban design respecting both scale and character of the adjacent buildings.
- Seeks to maximise the use of a previously developed site, increasing the potential beneficial use of the site without caused detriment to the townscape or neighbouring properties.
- Meet high sustainability criteria including Code 4 CSH and achieving a 32% reduction in carbon generation
- Provide 38 car parking spaces including 6 disabled parking spaces and 86 cycle spaces.
- Retain a large amount of landscaping on the site including trees and communal areas.

- 7.1.4 The development will enhance the biodiversity and ecological value of a site that is currently bereft of usable green space and soft landscaping. It will provide an exceptionally designed communal open space and a wildlife habitat at roof level with the incorporation of brown roofs and wildflower planting. In turn, the greening of the site will reduce surface water run off.
- 7.1.5 All of the residential units are designed in accordance with the daylight and sunlight requirements set out in the LDF, namely by avoiding the creation of single aspect north facing flats. The submitted daylight and sunlight report demonstrates that all of the flats will enjoy good levels of natural light.
- 7.1.6 The scheme will contribute towards improvements in Maygrove Peace Park and make significant contributions to the Council's pooled funds for investment in education and employment.
- 7.1.7 Overall the development proposal strongly reflects national policy objectives for effective and efficient use of land, achieving a mix of housing and for sustainable development. The application scheme meets strategic policy objectives set out in the new London Plan and the proposals within Camden's adopted policies, particularly in terms of providing additional housing and affordable family accommodation throughout London through the re-use of vacant previously developed land.

Appendix 1