

PLANNING, DESIGN AND ACCESS STATEMENT

on behalf of

Fairfax Mansions LLP

**173A Finchley Road
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Background

- 1.1 Planning permission is sought to convert the upper floors of 173A Finchley Road to 2 x self-contained flats, with an associated extension at first floor level.
- 1.2 The proposed conversion to flats would enable the property to be brought back into permanent residential use providing much-needed homes for the borough.

The site and surroundings

- 1.3 173A Finchley Road is a four-storey mid-terrace property with attic storey and basement situated on the south-west side of Finchley Road near its junction with Fairfax Road. The building is part of a block of similar properties collectively known as Fairfax Mansions which extend from 167-175 Finchley Road. 173A Finchley Road is also known as “Block 8, Fairfax Mansions” but like each other property in the block is entirely self-contained, and is in a separate title to the other properties in Fairfax Mansions. All properties in Fairfax Mansions are in the same ownership.
- 1.4 Other separate applications will shortly be made for other properties in Fairfax Mansions, for conversion of the upper floors of some properties to flats and for Certificates of Lawful Use for their existing residential layouts. Works are also being carried out to refurbish some other properties in Fairfax Mansions, and works have been recently carried out to the exterior of most of the properties.
- 1.5 The ground and basement floors of 173A Finchley Road are occupied by a retail unit (Class A1) fronting Finchley Road. The shop unit is not affected by this planning application. Due to the slope from Finchley Road to the southwest, the basement opens out to a parking and servicing area to the rear of the property.
- 1.6 To the rear, the ground floor is elevated on an access podium that provides access to the residential properties in the upper floors via an entrance lobby at ground floor level. There is no garden space or ground floor amenity space on the site.
- 1.7 The building was originally built for residential use, but the first, second and third floors have most recently been used as offices. Only part of the space on the upper floors is currently occupied as office.
- 1.8 The quality of the offices is very poor. The existing tenants have not allowed the property to be updated and did not allow the exterior of the property or the windows to be renewed as part of the recent refurbishment works that took place to all properties from 167-175 Finchley Road.

- 1.9 The site is within the Finchley Road Town Centre but does not have any other policy designations. It is not within a conservation area, and the buildings are not listed.
- 1.10 Finchley Road is a TLRN route and carries a heavy volume of traffic. In the Finchley Town Centre properties are typically shops on the ground floor with flats and some other secondary commercial uses on the upper floors.
- 1.11 The site has an excellent PTAL rating of 6b, putting it among the most accessible locations in London. The high PTAL is owed to the proximity to Finchley Road Underground Station (Jubilee Line, 250m), Finchley and Frognal Overground Station (500m) and numerous bus routes that travel along Finchley Road and nearby streets.
- 1.12 There are 20 unallocated car parking spaces to the rear of the site. No change to the parking area is proposed.

The proposals

- 1.13 The upper floors and ground floor entrance lobby would be converted from office (Class B1(a)) to residential (Class C3) use. Two new dwellings would be created:
 - 1 x one-bedroom flat 1st floor
 - 1 x two-bedroom flat on the 2nd and 3rd floors
- 1.14 The ground floor entrance lobby would provide a secure storage cupboard for each of the upper floor dwellings, which could be used for bicycle storage.
- 1.15 A small extension is proposed to the rear addition at first floor level. The extension would provide a stair link enabling the rear room at first floor level to be connected to the main habitable space. Without the link the rear room at first floor level would be cut off from the rest of the building.
- 1.16 The exterior wall of the proposed first floor extension would be designed to match the existing brickwork and window design.

2 Planning History

2.1 The following planning applications are relevant to the site, or to the other buildings in Fairfax Mansions.

2.2 Planning permission was **refused** on 5 September 2011 (ref: 2011/2725/P) for erection of an extension at rear first floor level and change of use of first to third floor from offices (Class B1) to 4 x self-contained residential flats (2 x studios and 2 x one-bedroom) (Class C3). The application was refused for two reasons:

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.

The proposed development, by virtue of its failure to provide an appropriate mix of homes, would fail to contribute to the creation of mixed and inclusive communities, contrary to policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP5 (Homes of different sizes) of the London Borough of Camden Local Development Framework Development Policies.

2.3 The current application is a resubmission intended to address the previous reasons for refusal, which are discussed below in more detail.

2.4 Planning permission was **refused** on 23 August 2011 for use of land to rear of Fairfax Mansions as 27 bay car parking area providing 10 spaces for the commercial units on Finchley Road and 17 spaces for visitors to the commercial uses and/or the residential flats above together with landscaping, bicycle storage cage and bin storage areas (ref: 2011/2533/P).

2.5 Planning permission was **refused** on 4 March 2011 for replacement of existing timber and uPVC windows at upper floors to all elevations with uPVC framed sash windows (ref: 2010/6962/P).

2.6 **No Objection** was made to works to trees in a conservation area at the rear of 167-175 Finchley Road, on 2 December 2009 (ref: 2009/5529/T). The works involved felling 1 x ash and 1 x sycamore. It is noted that the site is not within a conservation area.

2.7 Consent for works to TPO trees was **part granted/part refused** on trees to the rear of 167/167A Finchley Road on 27 September 2004 (ref: 2004/3774/T). The felling of 3 x

sycamore trees was refused consent. The felling of 1 x sycamore and works to 1 x ash tree were granted.

- 2.8 Planning permission was **granted** in October 1980 for erection of a single-storey extension for light industrial purposes (ref: 30982). A further permission for the same development was granted in December 1982 (ref: 35430).
- 2.9 No planning permission has ever been granted for the use of no.173A as office space.

3 Pre-Application Consultation

- 3.1 The applicant sought advice from London Borough of Camden's Planning Service.
- 3.2 The application is a resubmission following a previously refused application. Officers expressed no objection to the principle of the proposals and confirmed that the reasons for refusal can be readily addressed.
- 3.3 Officers consider that a s.106 agreement to make the development "car-free" would address the first reason for refusal.
- 3.4 Officers have considered the proposed mix of dwellings and consider it complies with policy DP5, addressing the first reason for refusal.
- 3.5 Officers are satisfied that the creation of new residential units outweighs the loss of the office space on the site, particularly given the location and quality of the office space.

4 Planning Policy Context

- 4.1 All planning applications are judged against adopted development plan policies in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004. The proposals must, therefore, be considered in light of the planning documents relevant to the site. These are the London Borough of Camden Local Development Framework, and the London Plan.
- 4.2 Other instruments including national Planning Policy Statements and Guidance Notes, and local instruments such as Supplementary Planning Guidance must also be considered.
- 4.3 Relevant Local Development Framework policies from the adopted Core Strategy and Development Policies documents (both adopted November 2010) are discussed in further detail below.
- 4.4 Adopted guidance from Camden Planning Guidance on Housing (CPG2) and Employment (CPG5) are also discussed below.

5 Assessment of the Proposals

5.1 *Principle of Redevelopment*

- 5.1.1 The priority use of the Local Development Framework is housing; specifically to make full use of the borough's capacity for housing. The proposals would bring the floorspace back into residential use, providing two new dwellings. The proposals therefore are in accordance with the Development Plan, in particular policies CS6 and DP2.
- 5.1.2 The proposed development would involve the loss of 165m² of Class B1(a) office space, which must be considered under policies CS8 and DP13. Only part of the 165m² of office space is currently occupied. This change of use was considered acceptable under the previous application.
- 5.1.3 Policy DP13 presumes retention of buildings in business where the use has the potential for continued use. However the Council will allow a change to non-business use where it can be convinced that the site is no longer suitable for business use and it cannot be redeveloped for another business use. The policy also states that where a site is not suitable for any business use other than B1(a) office space, the Council may allow a change of use to residential.
- 5.1.4 In this case the site can only be used for B1(a) office use. It has restricted access which is along a narrow external elevated podium and very narrow internal corridors. It has no level loading or servicing or servicing access. The space therefore meets the tests for change of use to residential.
- 5.1.5 Policy CS8 also states that there is a good supply of offices in the borough, whereas policy CS6 makes clear the severe need for housing. CS8 therefore reflects DP13 in stating that the Council will consider proposals for other uses of older office space if they involve the provision of permanent housing.
- 5.1.6 It should also be recognised that the office space is not in a prime office location or a Growth Area as designated by policy CS2. The office space is also not suitable for on-going use in that the B1(a) use class. The quality of the accommodation has been allowed to degrade by the existing tenant to such a degree that it would not be attractive to future tenants. The amount of investment required to make the space usable for a future tenant would be significant and would not be viable given achievable office rental levels.

- 5.1.7 Furthermore, CPG5 on employment uses states that it will not be necessary to provide marketing evidence to justify a change of use in these circumstances.
- 5.1.8 In summary, the Council's up-to-date and adopted policy and emerging policy is clear that the loss of office space in circumstances such as this is considered acceptable and appropriate given the contrasting supply of office space and housing in the borough.

5.2 *Proposed mix of dwellings*

- 5.2.1 The proposed mix of dwellings should be assessed against Policy DP5 and the relevant Camden Planning Guidance (CPG) on Housing.
- 5.2.2 Policy DP5 relates to the mix of dwellings in residential developments. Broadly, the policy seeks to ensure mixed and inclusive communities are created by ensuring a range of self-contained homes is provided. It refers to the Dwelling Size Priorities Table on page 38 of the Development Policies document, which seeks two-bedroom as the borough's highest priority for private housing. Studios and one-bed flats are given a lower priority. This priority is reiterated in the Core Strategy under Policy CS6 (para 6.39).
- 5.2.3 Particular regard was given to the Dwelling Size Priorities Table in configuring the proposals, and a range of options considered that would best meet the aspirations of the table. The proposals put forward, for 1 x two-bed and 1 x one-bed is the best achievable configuration in terms of the Table. It provides a two-bed unit on the uppermost floors, which is the highest priority. The first floor proved very difficult to configure due to the presence of two cores, changes in levels and limited circulation space, but a one-bed flat has been configured.
- 5.2.4 In terms of proportions of each dwelling type, the overall mix is 50% two-bedroom, and 50% one-bed. This exceeds the Table's aspiration for 40% two-bedroom flats, although we acknowledge that in a small development the proportions are less significant. In floorspace terms the two-bedroom flat would take up around 60% of the development.
- 5.2.5 No large family homes are proposed in the development. DP5 states the Council will consider features that make a development particularly suitable for large dwellings. These features include space for children to play either on-site or nearby, direct access to the street, no direct access to a major road, a limited number of homes served from each internal corridor and the potential to provide a broad range of dwelling sizes appropriate for families with children, young and older.

- 5.2.6 There is very limited for play space or amenity space in the development. There is no direct access to the street, but there is a very busy road (Finchley Road) nearby. Three homes would be served from the internal corridor and very limited potential to provide a broad range of dwelling sizes. Overall, the environment is not considered suitable for families with children. The non-provision of family-sized dwellings is therefore considered reasonable under policy DP5.

5.3 *Development standards*

- 5.3.1 Camden's CPG2 (Housing) sets out residential development standards that apply to new residential developments. The CPG is a guide to ensuring that policy CS6 (Providing quality homes) is complied with.
- 5.3.2 The residential development standards include a series of general principles, which the development complies with, and residential space standards. The space standards set out the amount of internal floorspace a dwelling should have. The proposed dwellings all comply with the minimum space standard set out in CPG2. Each dwelling also has private storage in the ground floor entrance lobby.

5.4 *Affordable housing*

- 5.4.1 None of the proposed dwellings would be offered as affordable housing.
- 5.4.2 Policy DP3 seeks a contribution to the supply of affordable housing on developments with a capacity for 10 dwellings or more to provide affordable housing. The development clearly does not have the potential to provide that amount of housing.
- 5.4.3 We are aware from discussions with officers that should other properties within Fairfax Mansions come forward for conversion in future, that the Council would consider them as a single development, and the overall number of dwellings created would be considered against policy DP3. That is, if more than 10 dwellings came forward in total, a contribution to affordable housing would be sought.
- 5.4.4 We acknowledge that Policy DP3 seeks to ensure that where two or more development sites are adjacent and related, or where development sites are split or phased, the appropriate affordable housing is comprehensively assessed for all the sites together. Paragraphs 3.10 and 3.11 explain that the policy is intended to prevent a succession of developments from a single developer where the number of dwellings is just below the 10-unit threshold. Such a tactic, if unabated, could result in dozens of dwellings being developed without any contribution to affordable housing.

- 5.4.5 The situation here is very different. That the sites are in the same ownership and adjoin each other is not a relevant consideration. Each is in a separate title. The properties have not been split or the development phased to avoid contributions. The proposals in this instance are akin to a series of houses in a terrace applying to be converted; in such an instance there would be no requirement that they be considered as a single development, regardless of their ownership.

5.5 *Design and Access*

- 5.5.1 The proposals involve a small extension at first floor level to the rear addition. The extension is necessary to provide a link between the rear addition and the main building. The rear addition is currently isolated from the main building by a stair case.
- 5.5.2 The new extension would be the minimum size necessary to enable the link to be formed. It would not protrude from the line of the existing rear addition and would be made from materials – including window design – to match the existing building.
- 5.5.3 Access to the property by public transport is excellent. No new car parking would be proposed.
- 5.5.4 All of the proposed flats are located on the first floor or higher, and only accessible by stairs. It would not be practicable or reasonable to provide new disabled access.

5.6 *Parking*

- 5.6.1 The first reason for refusal of the previous application related to impacts of parking. A s.106 agreement for car-free housing would address this and the applicant is willing to enter into such an agreement.

6 Summary and Conclusions

- 6.1 173A Finchley Road is a former residential property that has been in office use. The proposals would result in the loss of office accommodation but as the Council' adopted makes clear, this would be considered acceptable given the need for housing in the borough, and the relative good supply of office accommodation.
- 6.2 The building is in a highly-accessible busy town centre location. The residential floors are located above shops with access via a raised podium deck. The suitability of the building for family occupation is extremely limited. The building is also unusually laid out, with two stair cores making conversion unusually difficult. Nevertheless, the proposed mix of dwellings accords well with the Council's priorities for the sizes of new dwellings.
- 6.3 The development would not accuse any impacts on the amenity of neighbours or the local highway network.
- 6.4 The small extension proposed would be modest in scale and amount, and would be built to match the appearance of the existing building.