

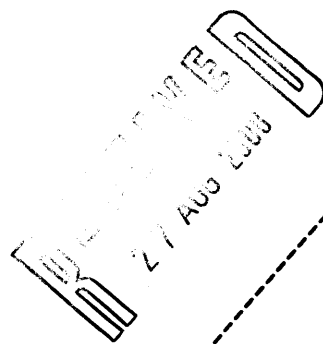
PLANNING STATEMENT

on behalf of

SLLB Ltd

In support of a planning application for the demolition of an existing building and erection of a new development comprising 40 flats with associated car and cycle parking, amenity space and landscaping at:-

**1-7 Mill Lane
West Hampstead
London, NW6**



CTP ref:
Date:

ITP/4819/CJ/Mill Lane/PS
August 2008

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1.0 INTRODUCTION

- 1.1 Cunnane Town Planning LLP have been instructed by SLLB Ltd to prepare and submit a planning application for the development of 40 residential units comprising one, two and three bedroom flats and two four bedroom houses with car parking, access, landscaping and open space on land at Mill Lane, West Hampstead.
- 1.2 A large part of the site has been cleared by the current owners of most buildings and vegetation, but one building remains in the south-west corner. It should be clarified that the applicant has an option to purchase the site from the current owner, and does not condone the actions of the current owner. The one remaining building on the site would be demolished to make way for the new building which will stand on the Mill Lane frontage of the site, with the remaining land to the rear laid out as open/amenity space.
- 1.3 This Statement is submitted in support of the application and details the nature of the site and the surrounding area, site history, and relevant development plan policies, followed by an assessment of the scheme against those policies. It is concluded that the proposals accord with the adopted Development Plan and a recommendation to grant planning permission is therefore justified.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is located on the north side of Mill Lane, between Cricklewood and Kilburn in north-west London. This is shown on the Ordnance Survey extract enclosed at Appendix 1.
- 2.2 The site is an irregularly shaped parcel of land with an overall area of 0.4027 hectares. The land slopes gently downwards from south to north. The main frontage of the site is on to Mill Lane, with a width of approximately 55 metres, narrowing at the northern end of the site to 18 metres. The main body of the site is approximately 100 metres in depth, but there is a further "tongue" of land some 8 to 10 metres wide which affords access onto Minster Road.
- 2.3 There is a single vacant building on the site and this is situated in the south-west corner fronting onto Mill Lane. It is a substantial four storey red brick house with a pitched and hipped roof above, probably constructed during the early part of the last century. The site is otherwise mostly clear of buildings and trees/vegetation although a number of trees are situated along the embankment that forms the north-west margin of the site.
- 2.4 The site is currently enclosed by timber hoardings approximately 2.4 metres high on the Mill Lane and Minster Road frontages, and along the west boundary by fences and walls belonging to the properties that front Fordwych Road. Along the north-east boundary of the site there is a high boundary wall which demarcates the edge of the railway cutting.
- 2.5 With the exception of the railway lines to the east, the application site is adjoined by residential development on all sides. Fronting Fordwych Road to the west, the existing development is characterised by very substantial semi-detached Edwardian villas, the majority of which are believed to have been converted into flats. These properties mostly have accommodation at semi-basement, ground, first, second floors and roof level. The properties are arranged with fairly uniform front and rear building lines and limited off-street front garden car parking. The rear gardens are approximately 23 metres deep, backing onto the application site.

- 2.6 The notable exceptions to this would appear to be Mill Court on the corner of Fordwych Road and Mill Lane which is a four storey post-war style block of flats and Nos. 100 to 104 Fordwych Road which also appeared to be purpose built blocks of flats of similar age.
- 2.7 Fordwych Road continues to the south of Mill Lane and the road is similarly characterised by substantial semi-detached dwellings arranged on four levels including roofspace accommodation.
- 2.8 To the south of the application site, and on the opposite side of Mill Lane, there is an arc of terraced houses, dating from the 1890's, which are mostly two storeys in height but including accommodation in the roofspace. There is further residential development along Mill Lane beyond the railway lines to the east, and standing on higher ground there are residential properties fronting onto Westbere Road.
- 2.9 Photographs of the application site and its surroundings are included in Appendix 2.
- 2.10 The application site has good accessibility to public transport services. Mill Lane itself is a bus route and there are other services passing along Shoot-Up Hill approximately 150 metres to the west. Rail services on the London Underground Jubilee Line are situated at Kilburn Station some 600 metres from the site, and Brondesbury Station on the North London Line is 230 metres further south.

3.0 PLANNING HISTORY

- 3.1 It is clear from research undertaken on behalf of the applicant, and as illustrated by historical mapping of the area, that this site was first developed more than 100 years ago, initially with buildings along the Mill Lane frontage, but subsequently with additional development at the rear, believed to be in the form of glasshouses reflecting its use at that time as a nursery. However, the Ordnance Survey maps published in the mid 1950s show that some of the frontage development had been removed by that time. Research has established that Nos. 5 and 7 Mill Lane were demolished in 1941, possibly as a result of bomb damage, although the existing building at No. 1 clearly remains, whilst No. 3 Mill Lane was demolished in the late 1980s. A copy of an Ordnance Survey extract dating from the mid 1930s is included at Appendix 3.
- 3.2 The above history probably accounts for the limited planning records for the site as research has established only one planning record dating from July 1968 when planning permission was granted for the conversion of No. 1 to provide three self-contained flats on the ground, first and second floors, with a separate flat in the basement.

4.0 THE APPLICATION PROPOSALS

4.1 This application entails the demolition of the remaining dwelling on the site and the construction of a new building comprising 38 apartments and 2 houses ranging from 1 to 4 bedrooms and incorporating private as well as affordable housing.

4.2 The accommodation is arranged on 6 levels as follows:

- (i) Basement – provision of 20, including 5 disabled, car parking spaces and 11 motorcycle parking bays, with access via a car lift, and a cycle store room providing 23 cycle parking spaces.
- (ii) Ground floor – 6 apartments are proposed within the main building and 2 terraced houses to the rear. All of the ground floor units are social rented, and 4 of the units are full wheelchair units, with every room designed to disabled standards. Four of the units to the rear of the main block incorporate private patios, and a communal garden is also proposed. 22 cycle parking spaces, refuse storage and recycling are also included on this level. An area of 101 sq m is also included adjacent to the main entrance, and this area would act as the lobby/entrance for the apartments on the upper floors. The vehicular access to the site, wide enough for two cars to pass each other clear of the public highway, is included in the south-west corner of the building.
- (iii) Floors 1 to 3 – each floor incorporates 9 apartments ranging in size from 54 sq m to 91 sq m. On the first floor 5 units (Nos. 13 to 17) are shared ownership units.
- (iv) Fourth floor – at this level there are 5 units of accommodation, 1 of which extends over the fourth and fifth floor levels. The units range in size (including the total floor area of the 1 split-level apartment) from 47 sq m to 165 sq m, with the overall floor area reduced in comparison to the floors below as the flank walls are inset on each side.
- (v) Fifth floor – accommodation at this level is confined to the eastern side of the building only, comprising the 1 split-level apartment referred to in (iv).

A schedule of accommodation and floorspace is included at Appendix 4.

- 4.3 The residential development described above is confined to the Mill Lane frontage of the site and it is proposed that the remainder of the land to the north, including the access onto Minster Road will be laid out as open space.

5.0 CONSULTATIONS

- 5.1 Preliminary sketch proposals for the development of part of the site were considered at a pre-planning meeting with Council Officers on October 8th 2007. At that meeting SLLB presented sketch ideas for a development of the Mill Lane frontage of the site, entailing a “land swap”. This would entail rationalising the areas of the site that are identified as open space in the UDP in order to create an area that can be developed and an area that can be restored as open space. Drawings illustrating the proposed “land swap” can be found in Appendix 5. Officers recognised the potential benefits from this approach and undertook to consider it further internally before responding formally to SLLB.
- 5.2 The Officers also explained the Council’s policies on affordable housing, building design and car parking, emphasising the need for a comprehensive package of proposals to accompany any application.
- 5.3 Following an indication from Council Officers that the concept of developing the site and retaining an area for open space would be acceptable in principle, a further meeting was convened on December 12th 2007 to discuss the nature of the open space proposals. Officers explained that initial feedback from local residents indicated that public access to the open space was not preferred, but the Council was concerned to achieve a space of high quality and usability. It was agreed that three alternative proposals for the use of the open land would be presented to the Council for evaluation and comment, including one option with no human access at all.
- 5.4 The meeting also touched upon the relationship between the proposed new building and existing residential accommodation fronting Fordwych Road with particular reference to privacy, light and outlook. These were identified as critical matters to be addressed in the planning application.
- 5.5 Under the auspices of the local planning authority, a development control forum was convened on Tuesday 19th April 2008 to afford an opportunity for local residents and interest groups to receive a presentation by SLLB on the development proposals and an overview by Planning Officers. The meeting was well attended and a copy of the notes taken at the meeting is included at Appendix 5.

5.6 A further meeting with Local Authority Officers was convened on 1st May 2008 to discuss the details of the scheme and, in a wide range of discussions, the following key points were raised:-

- i) the site is designated as Private Open Space and a Site of Nature Conservation Interest and, if the application proposals are to be considered acceptable, the Council require that the scheme should include at least as much open space land as currently exists. On a related point, the open space needs of the occupiers of the new development should preferably also be met on site at a ratio of nine square metres per person, although officers acknowledged that achieving this figure would be difficult on this particular site.
- ii) Officers expressed concern about the current (at that time) provision of 22% affordable housing based on floor area and indicated that an amount closer to 50% should be provided. The applicant team explained that there are constraints in this development that limit the extent to which affordable housing can be provided and a financial assessment would demonstrate what is feasible.
- iii) Discussions about the design of the building included various points of view from either side.
- iv) The Council's preference is for a car free development and it was suggested that a car club could be introduced and cycle parking in accordance with standards. The applicant team confirmed that car parking would be provided on site, along with cycle parking, and a car club could be investigated.
- v) Energy use in the new building was discussed and the proposals should achieve a minimum of level 3 in the Code for Sustainable Homes with a 10% renewable energy component. This may increase to a 20% requirement. The applicant team confirmed that the architects are designing to meet these requirements and green/brown roofs are proposed.
- vi) Officers advised that Section 106 requirements would include education contributions, a construction management plan, and highway works to upgrade the pedestrian environment in the locality.

- 5.7 The applicants also had a meeting with the Crime Prevention Design Advisor for the area in June 2008, and prior to the submission of this application had further meetings with both Planning and Housing Officers of the Council.
- 5.8 As a result of a further meeting with local residents on 8th July 2008 the proposals were amended to address specific concerns relating to massing on the 5th floor and allowing the provision of more landscaping by moving the western facade further away from the boundary.
- 5.9 Also, in July 2008, following receipt of comments from the Council's Senior Design and Conservation Officer, the design and style of the proposal was revised in order to address his comments.

6.0 PLANNING POLICY & GOVERNMENT GUIDANCE

The Development Plan

6.1 The Development Plan comprises the London Borough of Camden Unitary Development Plan (UDP), adopted in 2006, and The London Plan, adopted in 2004, and amended in February 2008.

6.2 The London Plan provides a spatial development strategy for Greater London through to the year 2025/26. The introduction to the Plan includes the Mayor's objectives for the City, including the following objectives that are of relevance to this appeal.

Objective 1: To accommodate London's growth within its boundaries without encroaching on open spaces, through policies to make the most sustainable and efficient use of space in London and to achieve an urban renaissance through higher density and intensification in line with public transport capacity.

Objective 2: To make London a better city for people to live in through policies to improve the quality of Londoners' lives and the environment through better designed buildings and spaces, to achieve targets for new housing and to create a cleaner, healthier and more attractive environment.

Objective 6: To make London a more attractive, well designed and green city through policies to protect and enhance the quality of the townscape, to achieve the highest quality of urban design and to re-use buildings and brownfield sites rather than developing on green space.

6.3 The overall strategy of the Plan is set out in Chapter 2, wherein the principal policy of relevance sets out sustainability criteria. This policy (2A.1) seeks to optimise the use of previously developed land by using a design-led approach and ensuring that development occurs in accessible locations in terms of public transport, town centres, employment, etc. Other relevant policies are as follows:

Policy 3A.1 is a London-wide policy that seeks to achieve additional housing provision with a minimum of 30,500 homes per year from all sources, with individual Borough targets set out in Table 3A.1.

Policy 3A.2 relates to the individual Borough housing targets and specifies that UDP policies should seek to exceed the figures in Table 3A.1 and identify new sources of supply through, amongst other things, change of use of unneeded industrial/employment land to residential or mixed use development and intensification of housing provision through development at higher densities particularly where there is good access to public transport.

Policy 3A.3 seeks to maximise the potential of sites by achieving the highest possible intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. An accompanying matrix links Public Transport Accessibility Levels (PTAL) with character areas to provide density guidelines.

Policy 3A.5 encourages the provision of housing choice with particular regard to a mix of housing sizes and types, and adaptable for use by those with disabilities.

Policy 3C.1 seeks to achieve the integration of transport and development by, amongst other things, encouraging patterns and forms of development that reduce the need to travel, especially by car.

Policy 3C.23 sets out the Mayor's parking strategy which seeks to ensure that on-site car parking at new developments is the minimum necessary and that there is no over-provision that could undermine the use of more sustainable non-car modes. The standard for 1 and 2 bed units set out in Annex 4 is 1 to less than 1 space per unit, for 3 bed units it is 1.5 to 1 space per unit, and for 4 bed units it is 2 to 1.5 spaces per unit.

Policy 4A.3 promotes sustainable design and construction in future major developments by, amongst other things, measures to make effective use of land, efficient use of water and resources, minimising energy use, renewable energy, sustainable drainage, recycling, etc.

Policy 4A.4 requires an assessment of energy demand and carbon dioxide emissions from proposed major developments.

Policy 4A.6 seeks to ensure that heating, cooling and power systems in new developments have been selected to minimise carbon dioxide emissions.

Policy 4A.7 encourages Boroughs to adopt a presumption that developments will achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation unless it can be demonstrated that such provision is not feasible.

Policy 4B.1 provides a series of design principles that should be sought in all developments. These include maximising the potential of sites, providing or enhancing a mix of uses, respecting local context and character, and be attractive to look at.

6.4 The UDP was adopted in 2006 and its relevant strategic policies are as follows:

- S1 - to ensure all development is sustainable.
- S3 - developments shall adequately consider resource consumption, energy and waste.
- S4 - housing shall be provided to meet strategic needs and is the priority use of the UDP.
- S5 - provision shall be made for affordable housing.
- S6 - a range of housing sizes and types shall be required.
- S7 - development should be designed to the highest standards and protect and enhance its surroundings.
- S8 - the Council will seek to protect and enhance open space and conserve biodiversity.
- S9 - the need to travel will be managed and reduced.

There are a number of detailed policies relevant to these proposals and these are summarised overleaf :

- Policy SD2 -** Where necessary, planning obligations will be sought to secure improvements or provision of infrastructure/services necessitated by a development.
- Policy SD4 -** Permission will be granted for development that makes full use of the potential of a site subject to seven criteria.
- Policy SD6 -** Protects the amenity of occupiers and neighbours with regard to various matters including visual privacy and overlooking, sunlight and daylight, artificial light levels, noise and ventilation levels, and the storage and recycling of waste.
- Policy SD9 -** Developments shall have due regard to potential air pollution, water and energy use. An assessment of energy demand will be required for major developments.
- Policy H1 -** Promotes house building and states that the Council will seek to secure the fullest possible residential use of vacant and underused buildings and sites.
- Policy H2 -** Seeks to achieve provision of 50% affordable housing on suitable sites subject to six criteria.
- Policy H7 -** Encourages the provision of accessible housing all built to lifetime homes standards and 10% designed to be wheelchair accessible.
- Policy H8 -** Seeks to achieve an appropriate mix of unit sizes, dependent upon site conditions and locality.
- Policy B1 -** States that planning permission will be granted for development that:
- a) respects its site and setting
 - b) is safe and accessible to all
 - c) is sustainable
 - d) improves the attractiveness of an area and does not harm its appearance or amenity.

In assessing this, the Council will consider:

- a) building lines and plot sizes in the surrounding area
- b) the existing pattern of routes and spaces
- c) the height, bulk and scale of neighbouring buildings
- d) the design of neighbouring buildings
- e) the quality and appropriateness of detailing and materials
- f) the impact on views and skylines.

Policy N2 - States that permission will not be granted for development on public or private open space.

Policy N4 - Seeks to ensure that areas of open space deficiency are not created or made worse by a development, and any development likely to increase usage of open space should make an appropriate contribution.

Policy N6 - States that development likely to cause harm to a Site of Nature Conservation Importance will not be permitted.

Policy N8 - Seeks to protect trees within the Borough.

Policy T3 - Requires that new developments make satisfactory provision for pedestrians and cyclists.

Policy T7 - States that permission will be granted for development that complies with the Parking Standards, which specify at Appendix 6 a maximum of one space per dwelling.

6.5 The UDP Proposals Map shows that part of the site is identified as open space, and specifically as a Site of Nature Conservation Importance. The remainder of the site is not designated, identified nor scheduled in any way or land use.

6.6 The Council published Supplementary Planning Guidance in December 2006, and this guidance contains many sections that are of relevance to this proposal, including sections on affordable housing and housing in mixed use development, design

considerations, landscaping and trees, overlooking and privacy, planning obligations and public open space.

Government Guidance

- 6.7 Planning Policy Statement 1 – Delivering Sustainable Development (published 2005) seeks to foster sustainable development via, among other aspects, the efficient use of land through higher densities, mixed use development and the use of accessible previously developed land and buildings. Paragraph 23 recognises the potential for conversions and new development to contribute to providing sufficient, good quality homes in suitable locations thus supporting sustainable economic development. Paragraph 36 identifies the key role of design in optimising the potential of sites to accommodate development, sustain a mix of uses and create visually attractive places.
- 6.8 Planning Policy Statement 3 – Housing was published on November 29th 2006. It seeks to maintain the momentum of earlier statements from the DCLG. Indeed the Housing Minister confirmed in the accompanying letter that the Government's intention is to ensure the delivery of more and better homes, and to require local authority's to plan their housing strategies much further ahead and identify suitable sites more quickly, to prevent much needed houses being held up by unnecessary delays in the planning system. Paragraph 2 confirms that a principle aim of the new PPS 3 is to achieve the necessary "step change in housing delivery" through a new, more responsive approach to land supply at the local level. The key policies contained in PPS 3 are as follows:
- Local authorities will need to identify more appropriate sites for housing over the next fifteen years in order to prevent much needed new homes being held up by unnecessary delays in the planning system.
 - There is a significant emphasis on improving the quality of design of housing.
 - Attention should be paid to achieving higher environmental standards particularly the need to cut carbon emissions.

- The focus will continue on brownfield land and local authorities will set their own targets to ensure brownfield land is prioritised and brought back into use.
- There is greater flexibility for local authorities to determine how and where new homes should be built and also greater responsibility to ensure that the homes are built.

6.10 Advice in paragraph 41 of PPS 3 reiterates the target that 60% of new housing should be provided on previously developed land, and guidance at paragraphs 45 to 51 encourages efficient use of land by adopting local density policies having regard to a number of criteria including infrastructure capacity, accessibility, the characteristics of an area and the desirability of achieving high quality, well designed housing. In particular, paragraph 50 advises that:

“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”

6.11 Planning Policy Guidance 13 – Transport (published April 2001) requires the linking of planning and transport decisions. This translates to a general preference for development in sustainable locations which are easily accessible, particularly by non-car modes of transport.

6.12 Planning Policy Guidance 17 – Planning For Open Space, Sport and Recreation (published July 2002) emphasises the importance of open spaces in urban areas in creating environments that are attractive, clean and safe; performing vital functions such as areas for nature conservation and for improving air quality. The maintenance of open space can also play a major part in improving people’s sense of well-being in the place they live, act as a focal point for community activity, and improve health and well-being. PPG 17 advises local authorities to protect areas of open space through appropriate policies, and this includes areas that benefit wildlife and biodiversity, whether publicly accessible or not.

6.13 PPG 17 also states that development may provide an opportunity to exchange the use of one site for another to substitute for any loss of open space, with the aim of achieving qualitative improvements to open space provision. However, the quality of

open spaces should not be eroded by insensitive development either within or adjoining it. Authorities should consider the extent to which development may erode the function or character of open space, encroachment through overlooking or traffic, or any impact on biodiversity or nature conservation. Local authorities also have a general remit to enhance existing open space, and this might include encouraging better accessibility, subject to the avoidance of any significant loss of amenity to residents, or to biodiversity. In assessing planning applications local authorities should seek opportunities to improve the local open space network, for example, by creating public open space from vacant land, or procuring public use of privately owned land.

- 6.14 Planning Policy Statement 22 – Renewable Energy (published August 2004) sets out how new development is required to contribute to the Government’s sustainable development strategy by facilitating renewable energy developments, by reducing a development’s predicted carbon dioxide emissions by at least 20%.

7.0 PLANNING ASSESSMENT

- 7.1 The application proposals have been devised, and have evolved, over the last six months following extensive pre-application consultations with Council Officers from numerous departments, external organisations, local interest groups and local residents. In this section of the report the proposals will be evaluated against the development plan policies set out above, and it will be concluded that the proposals comply with adopted policies and government guidance thereby justifying a recommendation to grant planning permission subject to a Section 106 Agreement and planning conditions.

Principle of Development

- 7.2 Although it is not entirely clear when the existing house on the site was vacated, nor when the other buildings on the frontage and those at the rear were cleared, there is no doubt that the whole site constitutes previously developed land or brownfield land within the definition set out in PPS 3. Its location within an urban area and with good access to shops, services and public transport strongly supports proposals for residential development since it is clear from the advice in PPS 3 that this type of site should be prioritised and brought into beneficial use in the most efficient manner possible consistent with other planning objectives.
- 7.3 What is also clear from aerial photography is that, with the exception of the one remaining house, the site was until recently largely covered in trees and undergrowth which must have taken many years to become established. Coupled with the absence of development, this led the Council to identify parts of the site as Private Open Space and more specifically as a Site of Nature Conservation Importance (SNCI) graded Borough 1. Quite why only part of the site was so identified remains unclear, but the designated areas are protected by virtue of Policy N2 (a) and N6 (a) to the effect that planning permission will not be granted for development of a public or private open space, or development that would cause harm to the SNCI.
- 7.4 The applicants do not in any way condone the actions of the current site owners who undertook wholesale clearance of the site approximately one year ago, but it is considered that the effect of this action is to render the site of very little value for nature conservation purposes, and considerably more open than in its former state. In