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TOWN & COUNTRY PLANNING ACT 1990

PLANNING STATEMENT

in support of

**APPLICATION FOR CHANGE OF USE FROM HOSTEL TO APARTHOTEL
ACCOMMODATION ON FIRST, SECOND AND THIRD FLOORS
CONSISTING OF 38 SELF-CONTAINED UNITS, AND 12 FLATS ON
FOURTH FLOOR**

at

34a-36 KILBURN HIGH ROAD, LONDON NW6

1.0. INTRODUCTION

- 1.1. This report is presented in support of the revised proposals and use for the newly constructed building at 34a-36 Kilburn High Road. It has been prepared in the light of the fact that the internal arrangements in the upper floors differ from those the subject of the approved application and, following discussions and negotiations with the Housing Department of Camden and Kensington & Chelsea Councils, the realisation that the original hostel concept for the upper floors is not a viable proposition and appears no longer required by the two councils in the manner originally envisaged.
- 1.2. The applicants accept that, in terms of the layout of the upper floors, there is a need to regularise the planning permission, and in terms of the use of the building, achieve a permission for the alternatives set out

the use of the building, achieve a permission for the alternatives set out with the new application. It is accepted that, due to the re-forming of the accommodation in the upper floors to create a total of 50 units in place of the 40 originally approved, technically, the planning permission which was granted, subject to a Section 106 Agreement under Council Ref: PWX0302236R2 has not been implemented and the building itself remains "unauthorised".

- 1.3. Having stated this, it is important to point out at the outset that the building as constructed, in terms of mass, appearance, use of materials and overall floor area does not vary from that approved and the only difference between the former scheme and that now submitted is in terms of the specific layout, size and number of units in the upper floors of the building.

2.0. BACKGROUND

- 2.1. Proposals for the development of the application site go back many years and have been subject to much and frequent negotiations with the Council in terms of different uses and different forms of development. Most prominent among these past proposals is one for an hotel, which was approved by the Council subject to the signing of a Section 106 Agreement which, it is understood, never occurred. Nevertheless, the Council accepted that the site was appropriate for hotel use, subject to conditions and restrictions.
- 2.2. More recently, in 2003/4, proposals for the construction of a 5-storey building containing basement health and fitness club, ground floor Class A1 retail and upper floor hostel use were considered in detail and approved in association with a Section 106 Agreement. The hostel accommodation provided within the upper floors of the building was laid out in accordance with the then negotiated needs of the Housing Departments of Camden Council and Kensington & Chelsea Council.

The scheme involved 40 otherwise self-contained dwelling units together with communal facilities in the form required by the two councils. The units would have been available for two and three person occupancy. In the light of the fact that the Councils' Housing Departments required self-containment of each unit and concern that this may take the building out of hostel use in planning terms, the applicants agreed, through a Section 106 Agreement, to tie the upper floor use to that of hostel, with the units managed accordingly.

- 2.3. Although no formal agreement had been reached with the two Housing Departments over how the hostel accommodation would be managed and by whom, development has taken place in the expectation that the differences between the parties associated with the hostel use could be resolved. In this respect, also, the internal layout of the upper floors was varied during the course of negotiations with the housing authorities in an attempt to provide exactly the accommodation that was required to assist in reaching a mutually acceptable solution and therefore agreement to the hostel use in anticipation that it would be utilised directly by the two authorities concerned for housing homeless persons and families. Unfortunately, it is now apparent that, with the building modified in expectation that it would be utilised for hostel purposes in precisely the manner originally required by the authorities, there is now no prospect of the use proceeding, as neither council is willing to block-book or manage the accommodation. Accordingly, the applicants have been forced to look at alternative uses which are viable and which meet the current, newly adopted policies of the Council, as contained in the Camden Replacement Unitary Development Plan.

3.0. THE PROPOSAL

- 3.1. The application now submitted is, in part, retrospective insofar as the internal arrangements in the upper floors have varied from that

whereas previously 40 were envisaged. The development is laid out as follows:-

Basement and ground floor – as previously

First floor – 11 one-bed units and 2 two-bed units

Second floor – 11 one-bed units and 2 two-bed units

Third floor – 11 one-bed units and 1 two-bed unit

Fourth floor – 11 one-bed units and 1 two-bed unit

- 3.2. In the light of the difficulties the applicants have experienced in providing the hostel accommodation, alternative use for the upper floors is sought in a manner which complies with council policy. In this respect, there is a reversion to the previously accepted use of the site for tourist-type accommodation but, this time, in the form of an aparthotel providing self-contained serviced units of accommodation. This proposed use will extend over the first, second and third floors but, in the light of Policy SD3 of the Camden Replacement UDP, fourth floor accommodation will be for general housing purposes. In the light of the internal layout of the building and the provision of stairs and lifts, both the proposed aparthotel and the top floor residential accommodation will have to be accessed from the same entrance and by the same stairs and lifts. However, the internal arrangements will allow security for top floor occupiers through the introduction of security doors on the landings adjacent to the stairwells and lifts.

4.0. POLICY CONSIDERATIONS

- 4.1. Clearly, with the building already constructed and with its massing, height, appearance and overall floor area in accordance with a consent recently granted by the Council, there are no issues of policy relating to the overall size of the building and its impact upon the surrounding

area. However, in the light of the proposed change of use of the upper four floors, policy considerations in this respect are relevant. Two areas of policy require consideration. The first is that related to the provision of tourist accommodation, and the second is the policy concerning mixed-use development, with specific reference to Kilburn High Road.

4.2. Tourist accommodation

4.2.1. In many respects, the proposed use of the upper floors is a reversion to a type of accommodation already considered appropriate by the Council through consideration of an earlier application for straightforward hotel accommodation. However, in the light of the form and layout of the upper floors, such hotel accommodation is not appropriate within the building. However, it is now the applicant company's wish to utilise the accommodation for serviced apartments, or what is described in the London Plan as an **aparthotel**.

4.2.2. In terms of the principle of the appropriate use, Policy C5 of the Replacement UDP, although somewhat limited in its scope and interpretation, is applicable to the proposed development. Section B deals with hotels, bed and breakfast and youth hostels and it will be noted that such types of development will be permitted in Kilburn High Road. Also included in the policy is a proviso concerning the provision of off-highway pick up and set down points for taxis and coaches. This matter was previously an issue at the time of consideration of the hotel proposal and was to be subject to the Section 106 Agreement in respect of the prevention of coaches from visiting the hotel, as this was considered to be detrimental to the free flow of traffic and safety on the highway. No such problem was envisaged with taxis and it should be pointed out that the building is very close to a multiplicity of public transport routes, both buses and trains. Furthermore, the type of use envisaged is such that it is unlikely that there would be a propensity for its use by coach parties. It is anticipated that the accommodation will be utilised by individuals and family groups, independent of organised tourist activities.

4.2.3. It is noted that Policy C5 does not refer to serviced apartments or, as more commonly described these days, "aparthotel". The UDP, in both policy and supporting written text, fails to recognise the range of tourist accommodation now considered necessary within London to provide for the varying needs of a wide range of tourist/visitor activities, including those related to business. Whilst the current Camden Replacement UDP may not recognise the provision of serviced apartments in this context, there is specific reference in the London Plan. Furthermore, the applicants are aware that neighbouring boroughs accept the type of serviced accommodation to be provided as supporting the tourist/visitor industry in a favourable way. Such recognition comes through policies in their UDPs. One borough specifically is referred to below.

4.2.4. In order to identify and demonstrate in more detail the relevance of considering the proposed use within a tourism classification and not general housing, I will refer first to the London Plan. Policy 3D.6 concerns visitors' accommodation and facilities. This policy contains a number of bullet point provisions related specifically to how the boroughs in Greater London should manage visitors' accommodation and facilities overall. I would refer specifically to the bullet point on page 140 of the Plan which states that boroughs should:-

- *Support the provision of a wide range of tourist accommodation, such as **aparthotels**, bed and breakfast accommodation, self-catering facilities, youth hostels and camping and caravan sites.*

(my highlighting)

4.2.5. No definition of aparthotel is given in the London Plan but it is generally recognised that it refers to the type of accommodation now proposed at 34a-36 Kilburn High Road. That is, small, self-contained "apartments", made available to tourists and visitors in the same way that hotel rooms provide for guests, etc. Thus, it can be seen that the London Plan encourages the type of accommodation to be provided.

4.2.6. To give further proof of the recognised identity of this type of accommodation in terms of UDP policy generally in London, reference is now made to the City of Westminster UDP, where the matter is specifically dealt with under the heading "Visitor Accommodation and Facilities". I wish to make reference first to two paragraphs within the UDP as follows:-

Paragraph 8.7.

Throughout this section, the term "hotel" is used to include all hotels, guests houses, **aparthotels**, bed and breakfast accommodation and other similar tourist accommodation.

Paragraph 8.21

The policies for hotels also cover newer types of visitor accommodation, such as **aparthotels** and other purpose-built short-term accommodation for visitors. Aparthotels incorporate greater amounts of self-contained and self-catering accommodation than traditional hotels. They may operate in different ways from traditional hotels and therefore their impact may be different. Hotel developments are usually promoted with an operator in mind and specific details of their expected operation will be required to assess their impact. Aparthotels normally have less on-site management. They will be considered on their merits and restrictive conditions or agreements may be applied in appropriate cases.

4.2.7. Thus, reference to the London Plan and the City of Westminster UDP gives validity to the applicants' contention that the proposed accommodation to be provided at Kilburn High Road falls within the overall classification of hotel-type uses or, as alternatively described, serviced apartments. Although the use may not fall strictly within Class C1, it is very closely allied to it and recognised as having the potential to make a reasonable and necessary contribution to visitors' accommodation within London. As Policy C5 of the Camden

Replacement UDP considers tourist accommodation appropriate in Kilburn High Road, then it follows that the proposals for 34a-36 Kilburn High Road are in accordance with policy.

4.3. Mixed-use development

- 4.3.1. The applicants' attention has been brought to Policy SD3 of the Replacement UDP which seeks an element of residential accommodation in any mixed use scheme which would increase total gross floorspace by more than 500 sq metres in certain areas of the Borough, including Kilburn High Road. It is noted that the policy states that the Council "where appropriate will seek to negotiate up to 50% of the additional gross floorspace as housing...". It is noted also that this refers to general housing, as there is alternative reference in the policy to provision of affordable housing in the event of the number of units to be provided within the scheme exceeding 14.
- 4.3.2. In presenting the application, the applicants have assessed the scheme against this policy and accept that its terms generally will apply, notwithstanding the fact that the building has been constructed generally in accord with an earlier planning permission which, although for mixed development, did not require a specific general housing content. Indeed, the Section 106 Agreement associated with that previous proposal specifically excluded use of any of the accommodation for general housing purposes.
- 4.3.3. Notwithstanding this, it is accepted that policy matters have moved on and that application of new Policy SD3 would anticipate some housing within the scheme. In this respect, the applicants have looked at the four upper floors in terms of the viability of the proposed principle use and economies of scale in the provision of services, etc associated therewith, and also analysed how best to provide residential accommodation in association with efficient management of the building as a whole and the serviced apartments in particular.

- 4.3.4. In the expectation that segregation of the different types of accommodation is a pre-requisite to a successful scheme mixing tourist-type accommodation with general housing, it is considered that the most appropriate way of providing such an accommodation split is on a floor by floor basis. The form of construction of the building and the internal layout with central corridors leading off the principal stairway and lift shaft, means that the only sensible split between serviced apartments and residential accommodation is on this basis.
- 4.3.5. It will be recalled that discussions over the form of building associated with the hostel/retail permission concentrated, to a degree, upon the amenity achieved in those units of accommodation which faced onto the central courtyard, particularly those on the lower floors. Questions were raised concerning outlook and sunlighting and daylighting issues. Ultimately, the Council accepted the scheme on the basis that, as this was not to be long-term residential accommodation, the more limited amenity embodied in the scheme was acceptable.
- 4.3.6. The Council particularly highlighted the problems of sunlighting and daylighting to units on the lower floors of the building. It seems appropriate, therefore, to consider providing general purpose housing at the top of the building, which would obtain the most sunlighting and daylighting and therefore provide a better internal residential amenity. Furthermore, adequate security and privacy is essential for the residential units which, in this case, means placing them above the serviced apartments
- 4.3.7. The next issue is the appropriate level of provision of residential accommodation within the scheme. In this respect, the applicants have considered carefully how best to achieve a viable and reasonable mix. Experience of serviced apartments demonstrates that economies of scale apply and that the building needs to contain a reasonable proportion of serviced units to ensure management and provision of facilities associated therewith can be provided economically. In this respect, it is proposed that the first, second and third floors should be

utilised as serviced accommodation, with the fourth floor reserved for general residential purposes. As already stated earlier in this report, the layout of the accommodation in this newly constructed building is such that separate access for the different users in the upper floors cannot be provided. Therefore, the intention is that the top floor will be made secure for residents who will, nevertheless, be required to use the stairwells and lift in common with visitors to the building utilising the serviced apartments. This, in itself, creates some management problems but those problems are containable with the ratio of mix considered.

- 4.3.7. Accordingly, the applicants propose to introduce the mixed use development considered by the Council necessary through Policy SD3 in a manner which will provide twelve self-contained residential units on the fourth floor of the building. Eleven of those units will be 1-bedroom/2-person flats and the twelfth will be a 2-bedroomed/4-person unit. In the light of the past history of development on the site and the particular circumstances which prevail today, it is considered that this is a reasonable mix, achieving residential accommodation within Class C3 in Kilburn High Road where, hitherto, none has existed and where none has been required by the Council up to now.

5.0. CONCLUSION

- 5.1. Although, for technical reasons, the application before the Council is effectively retrospective in terms of the building itself, this is, to all intents and purposes, a technicality brought about by revisions to the internal layout of the building during a period of discussion/negotiation with Council Housing Departments over the type of accommodation to be provided.
- 5.2. With the failure of the parties to agree on the provision of the accommodation for the homeless within the building, demonstrating the

- 5.2. With the failure of the parties to agree on the provision of the accommodation for the homeless within the building, the applicants have had to seek alternative use appropriate to the location.
- 5.3. In the light of the acceptability of the previously proposal resolved for approval by the Council for hotel purposes, the proposed use of the majority of the upper floor space as serviced apartments or "aparthotel" fits council policy and is supported by policy in the London Plan.
- 5.4. In submitting the scheme, the applicants accept that it is appropriate to consider a mixed use development now incorporating some general purpose housing in order to comply with the recently introduced requirements of Policy SD3. For the reasons given, a proportion of residential accommodation is provided in the application scheme, the level of provision being assessed through careful consideration of the viability of the various uses, efficient management thereof and provision of residential accommodation with a reasonable standard of internal amenity.
- 5.5. The new application therefore embodies an element of general housing in the form of 12 flats on the fourth floor of the building, with serviced units in the form of "aparthotel accommodation on the 1st, 2nd and 3rd floors. Such arrangements for the building comply with UDP policy and the application is commended to the Council.

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