

254 Kilburn High Road, London, NW6 2BS

London Borough of Camden

APPEAL STATEMENT

LBC Ref 2014/3244/P

March 2015



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1.0 INTRODUCTION

- 1.1 This Appeal Statement has been prepared on behalf of 254 Kilburn High Road LLP in relation for proposals for a mixed use development at 254 Kilburn High Road comprising the demolition of the existing buildings and the erection of a replacement building to provide 62 residential units and three commercial units with a total floorspace of 989 sqm. The application was recommended for approval by Planning Officers, but was refused at Committee for the following reasons:

"The proposed development, by reason of its scale, bulk and associated deep floor plan would result in an unacceptable proportion of the habitable rooms providing a poor standard of accommodation for future occupants by way of daylight amenity, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

The proposed development, by reason of the small proportion of family sized affordable units in the residential mix, would fail to contribute to the creation of mixed and inclusive communities, contrary to 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."

- 1.2 The appeal is against the decision by London Borough of Camden to refuse planning permission, contrary to Planning Officer advice, on 19th January 2015. This Statement addresses the reason for refusal of the application to justify the granting of this appeal.

2.0 THE SITE AND SURROUNDINGS

2.1 A full description of the site and surrounding area is provided in the Design & Access Statement prepared by Claridge Architects, the Planning Statement prepared by CMA Planning and other application documents, along with the Application Committee Report and draft Statement of Common Ground.

2.2 In summary, the site extends to 0.2 hectares and has a small frontage onto Kilburn High Road comprising an access route to the wider site located to the rear of four storey Victorian buildings along Kilburn High Road and which backs onto Kilburn Grange Park, as shown below.



2.3 The site itself comprises a vacant single storey double height warehousing for storage, with some 3.5 storey buildings adjacent to the park boundary which are occupied by office facilities at ground floor and are vacant above. Existing useable space on site comprises the following,

- B1a office - 357 sqm (183 sqm at ground and 174 sqm on upper levels)
- B1c light industrial - 253 sqm
- B8 storage - 860 sqm

2.4 As such, this total 1470 sqm, of which 1296 sqm is on the ground floor

2.5 The site is not in a conservation area and there are no listed or locally listed buildings in close proximity, with the exception of the Black Lion Public House, which adjoins to the north east. This is Grade II listed and details are set out in the Design & Access Statement (page 47).

- 2.6 The site lies on the eastern side of Kilburn High Road and is adjacent to the identified town centre of Kilburn High Road.
- 2.7 In terms of public transport, the site has excellent public transport accessed as evidenced by its PTAL rating of 6a as set out in the Transport Statement. The site is located in between Kilburn Park and Kilburn Underground stations. It is also close to Brondesbury Overground Station. Kilburn High Road is also a major bus route. The future end users of the development would therefore benefit greatly from the easy connection to the public transport network.
- 2.8 The site is located on Kilburn High Road and the local area is mixed in character with a range of uses, including residential, retail, restaurants, offices and galleries. Kilburn Grange Park is adjacent to the site's eastern boundary, as shown below, but only accessible via Kilburn High Road.



3.0 SUMMARY OF THE PROPOSED DEVELOPMENT

The Proposal

3.1 A full description of the proposed development is provided in the Design and Access Statement prepared by Claridge Architects which supports this proposal, along with the Planning Statement and other application documents, as well as the Application Committee Report and draft Statement of Common Ground. The application proposed the following,

Redevelopment of the site (following demolition of existing buildings) to provide a mixed use development, comprising the erection of six storey building (with set back top floor) to provide 989 sqm of commercial space (Classes B1 and B8) and 62 dwellings plus cycle parking, 2 disabled car parking bays, refuse/recycling facilities and access together with landscaping including outdoor amenity space.

3.2 In summary, the proposals range in height from five to six storeys. The application proposes the creation of a high-quality residential development, to provide 62 flats.

3.3 The commercial space proposed could be used for a range of purposes, to include B1 uses (ie offices, light industrial such as workshops) and B8 uses (such as storage and distribution). The space comprises three units of 508 sqm, 306 sqm and 175 sqm (to total 989 sqm) and associated plant, amenity and servicing areas.

3.4 The development would accommodate the 62 dwellings (187 habitable rooms), with the mix and tenure split being as follows.

	Core	1 bed	2 bed	3 bed	Total
Market Sale	All	10	20	19	44
Affordable Rent	C	6	6	3	15
Intermediate	C	1	1	1	3
Total Units	-	17	27	18	62

3.5 In terms of affordable provision, as can be seen, this is proposed to be within Core C. Part of the top floor of Core C would be provided as intermediate (3 units) with the three floors below being provided as affordable rent (15 units).

This results in an affordable provision, in floorspace terms, of 27% affordable, with a split between the affordable tenures of 83:17, in favour of affordable rent.

- 3.6 Family provision of three bed homes is 18 units (29%), which is felt to be a good level given the location of the site. There is also a reasonable split between 1 bed units (17 units) and 2 bed units (27 units).
- 3.7 All the flats are orientated east-west with most habitable rooms getting direct sunlight and daylight at some point in the day. The flats are generous in area, exceed the statutory minimum areas as set out in both the London Plan and supplementary planning guidance (ie the London Plan Housing SPG). All flats would have access to a good size balcony. Each core serves no more than five flats per floor on the lower floors while Core B serves eight flats on the top floor.
- 3.8 The scheme has been innovatively designed to optimise the mixed use redevelopment of this sustainable brownfield site and the design concept is justified within the accompanying Design & Access Statement.
- 3.9 The scheme has been sensitively designed to ensure that the proposed height is in keeping with the character of the area and is not an intrusion in the streetscene, the redevelopment of the site would result in a significant enhancement in the appearance of this part of the area. The building has been designed to respect adjacent buildings and residential windows to ensure that there will be no impacts upon the amenity of surrounding area.
- 3.10 In summary, the proposal comprise:
- A total of 62 housing units comprising: 17 x 1, 27 x 2 and 18 x 3 homes.
 - Large private balconies or terraces to each new flat.
 - Secure cycle parking spaces (min 1.1 ratio per new flat)
 - All new homes are to be designed to Lifetime Home standards.
 - All new homes to achieve Code for Sustainable Homes Level 4 and the commercial units to achieve BREEAM Excellent.
 - 989 sqm of modern B1 / B8 commercial floorspace contained within three units.
 - A range of landscaped areas including private gardens and communal amenity space for the commercial units.
 - 10% of new homes (six units) designed to be suitable for disabled residents.

Application History

- 3.11 Following extensive and detailed pre-application discussions, on 8th May 2014, 254 Kilburn High Road LLP made a detailed planning application (ref 2014/3244/P) to the London Borough of Camden for the proposal as set out above.
- 3.12 On the 18th December 2014 the application was considered at the Council's Development Control Committee with a recommendation for approval from Planning Officers, as per the Committee Report attached at appendix CMA1. Despite this, the Committee refused the application, for the reasons set out above, as per the decision notice, also attached at appendix CMA1. The actual decision was issued on 19th January 2015.
- 3.13 Following on from the decision, the design team extensively studied the floor plan to see where improvements could be made to improve daylight levels to address the first reason for refusal. The following changes were proposed,
- Depth of some bedrooms reduced by increasing bathroom size. The area of the bedroom is still above the minimum area as described in the London Plan Housing SPG.
 - Adjustment made to the position of internal walls creating a less deep open living/kitchen room. The area still complies with the London Plan Housing SPG standards.
 - Fixed wardrobes introduced which reduces the depth and area of the bedroom. The bedroom area remaining still complies with the London Plan Housing SPG.
 - A stack of balconies have been removed on the south west elevation. These are secondary balconies to these particular flats, with the first / main balcony overlooking the Park.
 - Introduction of a small side slot window to flat 111 and above. The window would be obscure glazed and fixed.
 - The depth of open living/kitchen room reduced by an increase in the area of a storage cupboard. The room area still complies with London Housing SPG.
- 3.14 The amended plans are attached at appendix CMA2.
- 3.15 It should be noted these minor amendments involve no changes to the number of dwellings or level of floorspace proposed, nor the scale/bulk/massing or overall appearance of the scheme, neither do they raise any new issues not considered

previously, or would prejudice any adjoining neighbours. As such, it is considered the changes can be classed as minor amendments.

- 3.16 It is also worth noting that on 9th March 2015, the Council granted prior approval for demolition of all buildings on site (reference 2015/0733/P).

4.0 PLANNING POLICY BACKGROUND

- 4.1 The local plan for the London Borough of Camden consists of the Core Strategy (adopted 2010) and the Development Policies document (also adopted 2010) and as such this appeal statement will refer to policies contained within those documents.
- 4.2 The details of relevant national and local planning policies will be referred to in the assessment of the reason for refusal as set out in section 6. Details of other relevant policies can be found in the Planning Statement, Committee Report and draft Statement of Common Ground.

5.0 WIDER BENEFITS OF THE SCHEME

5.1 As detailed in the original planning statement the redevelopment of the site will meet a number of positive planning objectives in accordance with national, regional and local level. The redevelopment of the site will create a high quality mixed use development, with commercial uses at ground floor and residential on upper floors. This proposal would:

- Make the most efficient use of a brownfield land, bringing a vacant site back into use;
- Maximise the provision of new homes;
- Meet the need for flexible commercial accommodation;
- Encourage further regeneration of the wider area; and
- Provide development of good design that positively contributes to the appearance of the area.

5.2 It is considered that some of these points are worthy of expansion, as set out below.

The Principle of Redevelopment

5.3 The general thrust of national, regional and local policies is to secure sustainable patterns of development and the re-use of previously developed urban land. This objective is the common thread running through Government Guidance, the London Plan and Camden Local Plan which all encourage mixed use redevelopment to result in sustainable development and sustainable communities.

5.4 Both Government Guidance and the London Plan encourage residential development on non-strategic employment land in order to make optimum use of valuable urban land and achieve increased levels of residential development on brownfield sites to contribute towards urban renaissance and sustainable development.

5.5 Policy CS3 states that Kilburn High Road is a suitable location for the provision of homes and Policy CS6 (Providing quality homes) states that housing is the priority land-use of Camden's Local Development Framework.

5.6 In this context, residential development is considered appropriate for this site, given the scale of development and the central location, as outlined by planning policy and the need to create vibrant sustainable communities. Higher density

residential developments such as this are becoming increasingly important in urban locations where they can breathe new life into formerly neglected areas, transforming them into vibrant communities.

- 5.7 The London Plan specifically encourages residential uses on vacant or underused sites to stimulate regeneration and as a valuable source of housing and other much needed uses upon brownfield sites. The site is not identified / designated for any employment use and is well located being adjacent to Kilburn town centre and is therefore considered appropriate in principle for redevelopment in accordance with Local Plan Policies, the London Plan and Government Guidance.

Loss of Commercial Use

- 5.8 The principle of redevelopment for this site is strongly supported by planning policy. The need for regeneration within London is a main focus of planning policy at both a regional and national level. Furthermore the existing site is brownfield in an urban, accessible location, where redevelopment is encouraged, in particular in the London Plan.
- 5.9 The existing site is not suited to the long term needs of businesses that could operate from the site and a redevelopment will contribute towards the long-term well being of the area. The existing buildings are of poor quality and their reuse would not be either viable or sustainable and therefore without new development proposals the fabric of the site would deteriorate.
- 5.10 The proposal seeks to provide the maximum level of commercial space possible, whilst ensuring it is good quality space and comes as close as possible to meeting the Category 1 criteria. This does result in a relatively small loss of space when considered on a sqm basis, but would see a significant improvement in the quality. As such, it is felt that the overall employment 'offer' would be enhanced. In addition, the previous occupiers of the site have provided a letter setting out their view of the commercial viability and suitability of the site for continuing commercial use (Appendix CMA2 of the Planning Statement).
- 5.11 Policy DP2 seeks to make a contribution to housing provision on sites that are underused or vacant. As set out above, the site is underused and the current employment use is unviable and unsustainable. As such, the reuse of this site for residential, with some commercial space, is considered an appropriate use of the site and in accordance with Policy DP2.

- 5.12 In terms of the existing buildings on site that would be demolished, they contain 1470 sqm of employment / commercial space. The proposal would result in the creation of 989 sqm of new flexible business/commercial floorspace, ensuring there is 67% reprovision of space. The proposal would result in the creation of high quality business accommodation designed with modern businesses in mind and given this, it is felt that the level of commercial floorspace proposed is acceptable.
- 5.13 Clearly a key feature of commercial space is to deliver jobs, and the existing commercial units are not used that intensively, with many used for storage purposes, for example. Using English Partnership employment density figures, it could be estimated the existing commercial units have the potential to employ 29 people (based on 'general storage' figure of 1:50 sqm), but the new space could employ 49 people (based on 'general office' at 1:20 sqm), an increase of 69%.
- 5.14 The development would result in the delivery of a significant proportion of modern commercial floorspace in the area and improve the quality of accommodation available whilst developing a site within an area in urgent need of regeneration. The new units would be high quality and would be light, airy and sustainable.
- 5.15 It is considered that this would give a good balance between the differing uses on the site. Given the above, and the identified need for regeneration, new homes and new commercial space, the principle of redeveloping this site for a comprehensive, high density mixed use development should be supported.
- 5.16 The proposal would result in the loss of poor quality employment space and the provision of new better quality employment floorspace thereby providing sustainable / permanent jobs and contributing towards the London Plan's and the Council's strategic employment objectives with regard to employment sites.

Housing Need

- 5.17 A combination of the growing demand for new homes and an increasingly buoyant local housing market mean that housing prices are rising quickly resulting in many local residents being priced out of the market. This presents a challenge to the creation of sustainable, cohesive communities in the Borough. Demand for private sector housing in the Borough is insatiable and, given the relatively little development land available, can never be met. For that reason, the Borough must make the best use of available sites.

- 5.18 In accordance with the general objectives of national planning guidance, Camden's Local Plan seeks to encourage residential developments on windfall sites and recognises the increasing importance of recycling brownfield land in order to meet the growing demand for housing in the Borough. New homes will need to take into account the vibrancy and diversity of the community and address the shortage of affordable accommodation.
- 5.19 The London Plan recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners with Policy 3.3 seeking the maximum provision of additional housing and Policy 3.4 requiring boroughs to ensure developments optimise the potential of sites.
- 5.20 To help tackle some of these issues, Policy CS6 from the Core Strategy states the Council is seeking to deliver 5,950 additional homes from 2007-2017 in line with the housing targets set out in the London Plan. Policy DP3 seeks to maximise the delivery of affordable housing.
- 5.21 The latest London Annual Monitoring Report was published in July 2014 by the GLA, and covers the period from 2012 to 2013. KPI indicator 4 covers the delivery of new homes, as shows that for the last year, Camden only achieved 33% of its target, ie a shortfall of 444 homes, as the extract from Table 2.7 below shows.



TABLE 2.7 NUMBER OF NET HOUSING COMPLETIONS BY BOROUGH 2012/13						
BOROUGH	NET CONV	NET NON-CONV	LONG-TERM EMPTY HOMES RETURNING TO USE	TOTAL	LONDON PLAN TARGET	% OF TARGET
Camden	564	-21	-322	221	665	33

- 5.22 This is confirmed by the Borough's own Annual Monitoring Report for the same period, which also shows a shortfall of 120 homes. It is acknowledged that the longer term performance is better, due to a large number of homes delivered in 2008/09, but the performance since then has not been so good, with three out of the last four years missing target.



- 5.23 The shortage of housing is a national issue and it is clear that there is increasing pressure upon the London Borough of Camden to provide for additional new homes in order to meet the needs of the Borough and contribute towards the needs of London as a whole. Furthermore, the need to provide for new

development in a sustainable manner has highlighted the need to make the most efficient use of valuable urban land in order to reduce pressures upon other resources.

- 5.24 The proposed development would provide 62 new dwellings, with a mix of unit sizes, which would contribute towards the above need and improve the quality of the housing stock, contributing towards Camden Council's housing targets in a sustainable way. The London Plan Policy 3.12 is clear on the need to encourage rather than restrain residential development, whilst considering individual circumstances including development viability.
- 5.25 In terms of residential quality, none of the units solely face north and all amenity space faces either east or west. All dwellings have separate storage areas. The scheme has been designed to exceed the London Plan minimum dwelling size requirements and in general, it is considered that the scheme would work well. All flats enjoy good aspect from their living rooms and offer good standards of amenity.

Design & Massing Issues

- 5.26 In terms of design, this application includes a Design & Access Statement produced by Claridge Architects, which summarises the design rationale. But in summary, National Guidance in the NPPF places considerable emphasis on the importance of achieving high quality design. The London Plan also emphasises the need for high quality design to ensure that new developments are in-keeping with the local character of established areas of townscape.
- 5.27 The proposals have been carefully designed to ensure they respond positively to the site's location and setting. The scale and massing of the proposals is considered to respond positively to the prevailing urban form and would improve the character and appearance of the area. This is especially so given the poor quality of the existing buildings on the site.
- 5.28 As set out in the Design & Access Statement, the scheme achieves a high architectural quality, with innovation in the design of the building. These reports set out the consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces and show how the proposal works within its context.

- 5.29 The scale and massing has been designed to achieve the highest appropriate density for the development, given its highly sustainable location, whilst responding to and respecting the nature of the surroundings. The visuals and analysis of the proposal contained in the Design & Access Statement submitted with the application illustrates this, as does the sketch image below.



- 5.30 National Guidance places considerable emphasis on the importance of achieving high quality design. The London Plan and the Local Plan also emphasises the need for high quality design to ensure that new developments are in-keeping with the local character of established areas of townscape. As set out in the Design & Access Statement submitted with the application, the proposal meets these key objectives.
- 5.31 In summary, the proposals have been carefully designed to ensure they respond positively to the site's location and setting. The scale and massing of the proposals is considered to respond positively to the prevailing urban form and would improve the character and appearance of the area. Due to the poor quality of the existing buildings on site, it is considered the proposal would enhance the character and appearance of the area.
- 5.32 Given the Central setting and the accessibility level of the site, the London Plan Density Matrix gives a density range of 650-1100 habitable rooms per hectare (hrph) and 215 to 405 dwellings per hectare (dph).
- 5.33 Given the 0.2 ha site area and the 187 habitable rooms / 62 dwellings proposed, the scheme has density figures of 935 hrph or 310 dph is within the density ranges set out in the London Plan. Having regard to this and the design based approach taken, as in the Design & Access Statement submitted with the

application, and the quality of the residential accommodation proposed, as set out earlier, is entirely appropriate for the site.

Section 106 / CIL Matters

- 5.34 As part of the application proposal, Section 106 Planning Obligation Heads of Terms were agreed, as set out in the Committee Report. However, since the application was considered at Committee, Camden Council will have adopted their own local CIL (with rates being £250 per sqm for the residential element and £25 per sqm for the commercial element), which will replace some of the items set out and could impact on the affordable housing levels proposed. As such, this list is subject to potential change. The issue of affordable housing viability review also needs to be discussed further with the Council.
- 5.35 Equally, since the application was submitted originally, the Vacant Building Credit scheme has been introduced, which could be relevant, given there are vacant buildings on site. Again, this will be considered and it could impact on the affordable housing levels proposed.
- 5.36 The appellant is continuing to discuss with the London Borough of Camden the appropriate contents of a section 106 obligation and the relevant level of CIL payment, and it is anticipated that these will be resolved before the appeal is heard.

6.0 REASONS FOR REFUSAL

Reason 1 - Internal Daylight

The proposed development, by reason of its scale, bulk and associated deep floor plan would result in an unacceptable proportion of the habitable rooms providing a poor standard of accommodation for future occupants by way of daylight amenity, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 6.1 In terms of this reason, the following was also noted in the minutes of the Committee meeting,

"Members expressed serious concerns about the number of rooms that did not meet the Building Research Establishment guidelines on daylight and felt that many of the flats were of an inferior quality as a result."

- 6.2 As set out, the reason cites two policies, with details as follows. Policy CS5 (Managing the impact of growth and development) seeks to ensure that development meets the full range of objectives of the Core Strategy and other Local Development Framework documents in particular meeting the needs and protecting amenity of existing and future residents.

- 6.3 The supporting text, at paragraph 5.8 adds that protecting amenity is a key part of successfully managing growth in Camden and the Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts.

- 6.4 The second policy referenced, Policy DP26 (Managing the impact of development on occupiers and neighbours) is more detailed. This seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that does not harm amenity including, visual privacy, overlooking overshadowing and outlook, sunlight, daylight and artificial light levels, noise, odour etc. It also requires developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space.

- 6.5 The supporting text at paragraph 26.3 adds the followings,

“A development’s impact on visual privacy, overlooking, overshadowing, outlook, access to daylight and sunlight and disturbance from artificial light can be influenced by its design and layout, the distance between properties, the vertical levels of onlookers or occupiers and the angle of views. These issues will also affect the amenity of the new occupiers. We will expect that these elements are considered at the design stage of a scheme to prevent potential negative impacts of the development on occupiers and neighbours. To assess whether acceptable levels of daylight and sunlight are available to habitable spaces, the Council will take into account the standards recommended in the British Research Establishment’s Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice (1991)”.

- 6.6 An independent daylight and sunlight assessment, based on the guidance and methods contained in the Building Research Establishment (BRE) report “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice” (October 2011), accompanied the application. This assessment, by GL Hearn, outlines the tests undertaken, including the Average Daylight Factor (ADF) and the Annual Probable Sunlight Hours (APSH) tests for the proposed flats.
- 6.7 As noted in the Committee Report, the assessment sets out that all of the rooms within the development have been tested for using Average Daylight Factor (ADF). BRE guidelines state that kitchens should have a minimum ADF of 2%, living rooms 1.5% and bedrooms 1%. 78.6% of the proposed rooms would meet or exceed the BRE standards. Generally the rooms which fail are the open plan kitchen/living rooms, however, the majority of the fails are marginal.
- 6.8 Examples of some of the worst fails are an ADF of 0.76 for a bedroom serving a first floor level dual aspect 3 bed units and an ADF of 1.15 for an open plan living room/kitchen serving a first floor level dual aspect 2 bedroom flat where the other rooms received good daylight levels. This room suffers largely due to the depth of the room. Therefore, the part of the room closest to the window would receive a good standard of daylight and whether as the rear part of the rooms would receive a lower standard of daylight. The units at upper floor levels would generally receive high levels of daylight, in excess of the requirements set out in the BRE guidelines.
- 6.9 All rooms which face within 90 degrees of due south have been tested for Annual Probable Sunlight Hours (APSH). 73% of the rooms would be fully compliant in terms of annual sunlight access and 96.5% would be fully complaint in terms of

- winter sunlight amenity access. Where transgressions occur they are minor in nature.
- 6.10 As the Committee Report sets out there are some failures, but most of the failures are relatively minor and the overall level is low.
- 6.11 Notwithstanding this, following on from the decision, the team looked at how this could be addressed and have made a series of minor amendments to the internal arrangement and the external fenestration to improve the daylight levels. This would include minor alterations to the internal layouts of the flats, to make the habitable rooms less deep and minor changes to the fenestration to increase some window sizes, as set out earlier. These amended plans are attached at appendix CMA2. It should be noted they involve no changes to the number of dwellings or level of floorspace proposed, nor the massing or appearance of the scheme, so it is considered the changes can be classed as minor amendments.
- 6.12 To accompany these amended plans, Claridge Architects have produced an Addendum to the original Design and Access Statement attached at appendix CMA3 which sets out details of the amendments made. It also provides further information on the internal layouts of typical flats, showing areas and key dimensions, to show how they meet or exceed the standards as set out in London Plan Housing SPG (and also, the London Housing Design Guide).
- 6.13 Following on from these minor changes, GL Hearn have undertaken a further daylight study attached at appendix CMA4 to assess these amendments, which also provides additional analysis of the internal daylight levels. This report addresses this reason for refusal directly.
- 6.14 It shows that the overwhelming majority of rooms assessed (91%) would meet or exceed the guideline values given in the British Standard for daylight amenity (up from 79% before) and the majority of windows serving the rooms would meet the BRE Report criteria for sunlight amenity. It concludes that the minor amendments undertaken have improved the daylight amenity beyond a level already considered acceptable in urban areas and by Planning Officers and commensurate with most modern developments in urban areas such as this.
- 6.15 Given this, GL Hearn consider that their analysis demonstrates the residential accommodation within the proposed scheme (both as considered and as amended) would receive adequate and appropriate light, when assessed in accordance with the guidelines given in the London Borough of Camden's

planning polices and, more specifically, with the guidelines set out in the BRE Report.

- 6.16 It terms of how this compares to other schemes considered acceptable in the Borough, a recent example is that at the Liddell Industrial Estate, 1-33 Liddell Road (ref 2014/7651/P), which was approved at Committee on 3rd March 2015 and contained 106 dwellings. The daylight sunlight report for the scheme stated that “*154 rooms in total have been modelled and analysed, of which 135 (88%) fully meet or exceed BRE and British Standard internal daylight amenity guidelines*”. The migrating factor put forward to address this was that the affected rooms have the benefit of a private outdoor area, which also applies to the Kilburn High Road scheme. The adjoining scheme at 248 Kilburn High Road, as approved, gives an interesting comparison. In that scheme, 41 rooms were tested, of which 30 pass (ie 73% pass rate).
- 6.17 These two examples show that the levels achieved within the scheme are good, and above those considered acceptable recently and elsewhere in the Borough.

Reason 2 - Housing Mix

The proposed development, by reason of the small proportion of family sized affordable units in the residential mix, would fail to contribute to the creation of mixed and inclusive communities, contrary to 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.

- 6.18 In terms of this reason, the following was also noted in the minutes of the Committee meeting,
- “There were also concerns about the mix of affordable housing, which did not meet the target for the number of family sized social rented units.”*
- 6.19 Policy CS6 (Providing quality homes) aims to make full use of Camden’s capacity for housing by maximising the supply of additional housing over the entire plan period. It goes on to state that housing is the priority land-use of Camden’s Local Development Framework. The policy also states that the Council will aim to secure high quality affordable housing available for Camden households.
- 6.20 In terms of housing mix, the third part of the policy sets out the relevant requirements, as follows,

“The Council will aim to minimise social polarisation and create mixed and inclusive communities across Camden by:

- j) seeking a diverse range of housing products in the market and affordable sectors to provide a range of homes accessible across the spectrum of household incomes;*
- k) seeking a range of self-contained homes of different sizes to meet the Council’s identified dwelling-size priorities;*
- l) seeking a variety of housing types suitable for different groups, including families, people with mobility difficulties, older people, homeless people and vulnerable people; and*
- m) giving priority to development that provides affordable housing and housing for vulnerable people.”*

6.21 Other than the general point about seeking a variety of housing types, it contains no guidance on housing mix. The supporting text (paragraph 6.36 onwards) does add some further detail at 6.39 as follows,

“The Council’s dwelling size priorities are as follows:

- for social rented housing - homes with 4-bedroom or more are the highest priority, 3-bedroom homes have a high priority, 2-bedroom homes have a medium priority;*
- for intermediate affordable housing - homes with 3-bedrooms or more are a high priority, but homes of all sizes are required;*
- for market housing - homes with 2-bedrooms are the highest priority, homes with 3-bedrooms and 4-bedrooms or more each have a medium priority.*

The dwelling size priorities will guide the mix of housing sought across the borough overall, but do not provide a prescriptive basis for determining the mix of homes on individual sites. Details of how the priorities will be used to guide development proposals are set out in Camden Development Policies (see policy DP5).

6.22 In terms of the proposal, and for social rented housing, 60% of the homes within that tenure would be classed as high or medium priority, so clearly these would help address the need that exists. For intermediate housing, all sizes are required, and the scheme includes homes of all sizes (ie one of each type, 1 bed, 2 bed and 3 bed). For market housing, the largest number provided are 2 beds, which is the highest priority group. In overall terms, 77% fall within the highest and medium priority categories.

- 6.23 The supporting text states it is not to be used on a *prescriptive basis*, but in any event, it is considered the proposals meets the requirements of paragraph 6.39, and complies with the requirement of Policy CS6.
- 6.24 Policy DP5 (Homes of different sizes) seeks to secure a mix and range of self-contained homes. The policy goes on to state that in considering the mix of dwelling sizes appropriate to a development, the Council will have regard to the different dwelling size priorities for social rented, intermediate affordable and market homes, and will take into account:
- a) the character of the development, the site and the area, including the impact of the mix on child density;
 - b) site size, and any constraints on including homes of different sizes; and
 - c) the economics and financial viability of the site, including the demand for homes of different sizes.
- 6.25 It is considered that the proposal meets the requirements of this Policy.
- 6.26 The supporting text then notes the Council has identified different dwelling size priorities for social rented housing, intermediate affordable housing and market housing, which is reflected in the dwelling size priority table set out, and shown again below. This shows there is a very high need for 2 bedroom market houses / flats, a lower need for 1 bedroom market properties and medium need for 3 bed and 4 bedroom market properties.

Dwelling Size Priorities Table					
	1-bed (or studio)	2-bed	3-bed	4-bed or more	Aim
Social rented	lower	medium	High	very high	50% large
Intermediate affordable	medium	high	High	High	10% large
Market	lower	very high	medium	medium	40% 2-bed

- 6.27 Paragraph 5.5 then adds,

“The Council acknowledges that there is a need and/ or demand for dwellings of every size shown in the Priorities Table. We expect most developments to include some homes that have not been given a priority level, and some homes that are identified as medium priority. However, the Council has prioritised some sizes as high or very high priority (primarily on the basis of a high level of need relative to

supply). We will expect proposals to include some dwellings that meet the very high priorities wherever it is practicable to do so.”

6.28 Paragraph 5.6 continues as follows,

“Having regard to criteria (c), (d) and (e) in policy DP5, the Council acknowledges that it will not be appropriate for every development to meet the aims set out in the Priorities Table. However, we consider that each development should contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes overall, in accordance with criterion (b). Where possible a mix of large and small homes should be included within each category of housing provided (social rented, intermediate affordable and market). This will help ensure that each development provides some dwelling sizes that are high priorities and some that are not.”

6.29 In overall terms, the scheme has been designed to provide a good mix of housing sizes and dwelling types to meet a variety of needs. The current proposals comprise 62 homes, with family provision, units of 3-beds or more, being 18 units (29%). Given the location of the site it is considered this is a good provision and there is also a reasonable split between 1 (17 units) and 2 (27 units) bed units.

6.30 In terms of the specific tenures, and the social rented element units (the concern of the Committee), this equalled 20% (3 units out of 15), compared to the DP5 supporting text table priority of 50%. However, as the table states, the 50% requirement is merely an 'aim'. Furthermore, the supporting text confirms that the Council acknowledge it will not be appropriate for every development. In this case, because the proposal is a relatively high density, it is not felt to be suitable for higher levels of family units. In addition, whilst it is located next to a park, it does not have direct access to it, accessed instead via the busy Kilburn High Road, again not considered a location suitable of higher levels of family units.

6.31 The table in the supporting text to Policy DP5 also aims for the provision of at least 40% of market units to contain 2 bed homes, whilst the scheme contains 77% (34 out of 44). For intermediate units the priority is for 1 and 2 bed, which again the scheme complies with, with 66% of intermediate units being of this type. The aim for intermediate units is for 10% to be larger, again, a point the scheme complies with, with 33% being of the larger, family size. In summary, the scheme complies fully with two of the three aims set out, but as set out above, these are just 'aims' and it is accepted that it will not be appropriate for every development to meet every aim.

- 6.32 It must also be highlighted that the supporting text does require developments to contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes overall. The scheme does this. It also states that where possible a mix of large and small homes should be included within each category of housing provided. Again, the scheme does this. The supporting text also says the Council will expect proposals to include some dwellings that meet the very high priorities, wherever practical. Again, the scheme does this.
- 6.33 The supporting text also adds that it is important to ensure that each development provides some dwelling sizes that are high priorities and some that are not. As such, it is clear that the objective is not to blindly provide only the highest need, but a wider mix, which the scheme does. The policy is flexible, not prescriptive.
- 6.34 Given the above, it is considered that the scheme complies with both Policy CS6 and Policy DP5, that the Officer's original recommendation was sound and that the reason for refusal is not justified.

7.0 SUMMARY AND CONCLUSIONS

- 7.1 This Appeal Statement is submitted in support of proposals to regenerate this site. The proposal is to provide commercial floorspace along with residential accommodation, which would provide a genuine contribution to the regeneration of the area.
- 7.2 As it currently stands the existing site represents an inefficient use of land that is indefensible in light of current planning guidance. The proposed development offers the opportunity for a “win win” outcome whereby new, high-quality homes and commercial space can be provided in a highly sustainable, high quality mixed-use manner.
- 7.3 Mixed-use developments and sustainability are at the forefront of current planning policy. Mixed-use developments are becoming increasingly important in urban locations where they can breathe new life into neglected areas transforming them into vibrant communities.
- 7.4 The London Plan is a strong advocate of this approach, pushing for the redevelopment of this type of site to encourage more efficient use of land. The Plan seeks to ensure that densities of development in appropriate locations be maximised and encourages mixed use developments such as this proposal.
- 7.5 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. There are three dimensions to sustainable development: economic, social and environmental. In terms of economics, the proposal would create many jobs during construction and operation, a good proportion of which could be filled by local people and could include new training facilities as well. The social role benefits are clear cut - the provision of new homes, including many family and affordable homes, to meet the needs of present and future generations. By creating a high quality built environment, the environmental element would be provided for as well. As such, the presumption in favour of development would hold.
- 7.6 The proposal represents a significant opportunity and the redevelopment of this site in a sustainable manner would send out a clear message that regeneration is taking place and continuing, acting as a catalyst for further investment in the area. The design of the proposal is of a high quality and has been formulated in

response to the site's location next to Kilburn Grange Park. It would enhance the character and appearance of the area.

7.7 As set out above, the proposed scheme would receive adequate and appropriate light, when assessed in accordance with the guidelines given in the London Borough of Camden's planning policies and, more specifically, with the guidelines set out in the BRE Report. The scheme also provides a mix of homes, across all tenures, in compliance with adopted policies. The application was originally recommended for approval by Planning Officers, with that recommendation overturned by Members. It is considered that the Members decision cannot be justified.

7.8 In summary the scheme would deliver the following benefits:

- the redevelopment of an under-utilised and unattractive site and the provision of a high-quality new building that would enhance the local environment;
- a sustainable mix of uses that makes the best use of a unique brownfield site in accordance with the prevailing planning policy and guidance;
- provision of a new commercial space which would deliver significant long-term benefits; and
- provide 62 new homes, that would meet a recognised need in the borough and also serve to enliven and strengthen the existing community.

7.9 It is intended to develop the existing site with modern, high quality building, which would enhance the area and assist with the continuing regeneration. It would provide much needed new commercial space and would also provide much needed new homes.

7.10 It is considered that the application proposal represents an exciting opportunity to deliver a sustainable residential scheme within a high-quality development which would provide a significant benefit to the local area. For these reasons, it is considered the scheme is acceptable in planning terms, and therefore that planning permission should be granted, in line with the original Planning Officer's recommendation for approval.

APPENDIX CMA 1

APPENDIX CMA 2

APPENDIX CMA 3

APPENDIX CMA 4