

24th July 2015

Mr. David Fowler
Planning Department
London Borough of Camden
5 Pancras Square
London
N1C 4AG

Dear Mr. Fowler,

Re: Planning Application 2015/3148/P – 11 Blackburn Road, London, NW6 1RZ

We write on behalf of our client, West Hampstead Investments, in order to object to the above planning application.

Our client owns the building known as Asher House (soon to be known as the Clockwork Factory) which contains 29 apartments and is directly adjacent to 11 Blackburn Road. I attach a plan to this letter showing the land in our client's ownership. Whilst our clients are supportive of the redevelopment of this site, they nevertheless are obliged to object to the above application for the reasons set out below in this letter.

The proposal is piecemeal development of a small, compromised site, prepared in isolation of the surrounding sites. Development of this site in isolation as proposed delivers a low quantum of dwellings, whilst at the same time impinging upon the residential development potential of a much larger site. This site can only be developed in a meaningful manner if it is comprehensively developed as part of a larger site.

1. Conflict with strategic policies contained within the Local Plan and the London Plan

The application site is located within the West Hampstead Interchange area which is designated within the London Plan as an Area for Intensification described as *"A significant inner London transport interchange with potential to improve connections between rail, under-ground and bus and to secure an up-lift in development capacity through intensification."*

The designation is also reflected within the London Plan. Policy CS1 which concerns distribution of growth provides that the Council will, in order to focus growth in the most suitable locations, promote a concentration of development within the designated Growth Areas such as West Hampstead Interchange.



To distribute growth most effectively, Policy CS1 states that Camden will promote the most efficient use of land by seeking development that makes full use of its site, resisting development that makes inefficient use of land and expecting high density development in locations well served by public transport. Policy CS2 provides that West Hampstead Interchange will be expected to provide a minimum of 2,000 new homes and new business floorspace. This is a substantial uplift on the number of homes (800 minimum) that are expected within the London Plan.

It is therefore absolutely clear that in order for Camden to achieve the objectives within its Core Strategy, and sustainable development across the Borough in general, the significant majority of new development must be apportioned to locations which can accommodate major intensification. If sites within the Growth Area are developed to their full capacity, then development pressure on other areas, which are unable to accommodate significant extra growth, will be lessened.

Policy 3.4 of the London Plan concerns the optimization of housing supply. Higher densities should be encouraged relative to higher rated PTAL areas. Using the area schedule submitted with the application, it is possible to take account of the replacement commercial floorspace and generate a net site area in order to calculate just the residential density of the scheme (the Greenwich method). This reveals that the residential density of the scheme is just 480hr/ha. This is well below what is considered by the London Plan to be an appropriate density for a PTAL 6a location (between 650-1100hr/ha) in order to ensure the optimal use of land. It could be possible that in an Area for Intensification, an even higher density may be appropriate.

The strategic importance of the Growth Area/Area for Intensification as a reservoir of developable land for significantly contributing towards both the borough's and London's housing supply must therefore be of paramount importance in considering the appropriateness of the proposals. Piecemeal development of this site, and the Growth Area/Area for Intensification as a whole, will not enable the optimum use of land.

The application also makes no reference to the Fortune Green & West Hampstead Neighborhood Plan, which was approved in a referendum on 9th July, or the policies contained within it.

2. The proposal will impinge upon the meaningful redevelopment of the Asher House site

With no street frontage to Blackburn Road the application site is, in relation to Asher House, a cramped backland site. Officer's comments referred to within the Design & Access Statement also evidence this fact. The proposed development, by virtue of locating low-level habitable windows in the southern elevation of the terrace, near the site boundary, facing directly towards Asher House, which is located to the immediate south of the site, will impinge upon the meaningful redevelopment of the Asher House site in the future.

Asher House is a larger and more prominent site that has more importance in completing the street scene along Blackburn Road and due weight should be given to protecting its development potential. Given the existing number of residential units within Asher House, any re-development of the Asher House site in the future is likely to yield significantly more residential units, commercial floorspace, affordable housing, CIL monies and other S106 contributions to improving the Growth Area/Area for Intensification,

3. The design of the proposed terrace is considered poor

We believe that the design of the proposed terrace is poor. In particular, the external appearance of the building does not successfully relate the residential use of the building. The floor plate of each townhouse is excessively deep and narrow, which is likely to result in cramped, narrow rooms and spaces which are unlikely to translate to successful residential amenity. It appears that the proposal requires extensive use of mitigating design features, such as the louvers. The site cannot accommodate the design as proposed

without such features and this demonstrates that the proposed design does not successfully respond to the site or its constraints.

4. Detrimental impact upon the residential amenity of the occupiers of Asher House

The proposal would cause direct and harmful overlooking of residential windows in Asher House. The southern elevation of the proposed terrace of townhouses is located in extremely close proximity to the site boundary and to the northern elevation of Asher House which contains 29 residential units across the ground, first and second floors. A number of flats within Asher House are single-aspect, north-facing units which directly face the application site.

Although the terrace is stepped, all of the houses would be located within 18m of the northern elevation of Asher House. The shortest distance, between Asher House and the western-most house in the terrace would be less than 11m. The southern elevation of the terrace includes windows to habitable rooms including kitchen and dining room (ground floor) and living room (first floor). Additionally, the houses each feature an outdoor terrace at third floor level. The distance between the terrace in the western-most house would be less than 11m and all would be within 18m.

To try and compensate for this, the proposal includes louver screens across the entire southern elevation but given this visual obstruction, outlook from the houses is likely to be poor. No evidence has been supplied to analyse the impact upon the residential windows within Asher House or to demonstrate the houses would receive adequate daylight/sunlight. Given the extensive depth of the floor plan this is particularly relevant.

The presence of these windows and terraces, in such close proximity to existing residential windows is likely to give rise to harmful overlooking and loss of privacy between the proposed houses and Asher House and a loss of privacy to occupiers of both buildings. We also note that there are no section drawings provided showing this relationship which suggests that the applicant's agent was aware of this conflict.

5. The application does not provide adequate justification for the provision of an amount of affordable housing that is short of policy requirements

The Council considers that a site with a gross floor area of 1,000m² is capable of accommodating 10 family dwellings, with a further dwelling per each additional 100m². Camden policy DP3 requires all residential development sites with a capacity for 10 units to make a contribution to affordable housing. The site area is 1,154.93m² with 9 dwellings proposed. Even taking in to account the small amount of replacement employment floorspace, the residential density of the scheme has been shown to be low, especially in this location.

The applicant acknowledges that the site can accommodate 12 dwellings. This calculation does not reflect the low density proposed and that the townhouses (3b6p) which at 205.8m² are excessively large, are more than twice the Mayor's minimum standard for a 3-storey, 3-bedroom house. The applicant has not successfully demonstrated that the development capacity of the site has been optimised to provide an appropriate number of dwellings consistent with the Area for Intensification designation. Therefore it has not been demonstrated that the site is delivering an appropriate contribution towards provision of affordable housing.

Policy DP3 provides that the Council expects that affordable housing is provided on-site, but may accept an off-site contribution, or *exceptionally* a payment in-lieu, where it *cannot practically be achieved on site*. The applicant has not demonstrated that the development capacity of the site has been optimised and therefore there are no exceptional circumstances proven as to why a payment in lieu of on-site provision

would be acceptable in this case.

The houses also feature a separate kitchen on the third floor, away from the rest of the living and dining rooms two floors below, which may indicate the applicant's intention for future sub-division of the houses into a greater number of units.

6. The application does not comply with the Council's policies relating to the protection of employment floorspace

Policy DP13 seeks to retain land and buildings that are *suitable for continued business use*. The Council will resist change of use to a non-business use unless it can be demonstrated that:

- a) A site or building is no longer suitable for its existing business use; and
- b) There is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.

Unless both parts of the policy are satisfied, the Council should not allow the change of use.

The applicant states that the existing modern warehouse building has limitations with its form and structure. A letter from an agent is supplied stating that the property is not lettable due to its condition, despite the fact it is let currently by two businesses. The building's physical condition is not relevant to the consideration of the application in respect of the policy tests. The building is appropriate for the type of employment that goes on there, or other types of business that may seek to occupy the building if it were vacant. That is the objective of the policy.

The building is not vacant. Both businesses employ others. When it was inspected by my client some 18 months ago there were between 8-10 employees working on the site. One of the tenants evidences in their correspondence that they have occupied the site for 10 years. This is evidence that the existing building and the existing amount of floorspace is useful, suitable and appropriate for certain business and employment uses. The objective of policy DP13 is to prevent the loss of such buildings that provide a meaningful employment function. Since the building is let, the applicant has been categorically unable to demonstrate that the building is no longer suitable for its existing business use. The first policy test has therefore not been met. The default position of the policy is to protect the existing employment floorspace.

Assuming that the warehouse was vacant, the second test would require addressing. There is no evidence presented that the applicant has explored the possibility of retaining, reusing or redeveloping the site for a similar or alternative use over an appropriate period of time. Policy DP13 may allow mixed-use schemes but only where the level of employment floorspace is maintained, or increased. The existing amount of employment generating floorspace is 2,645m². The replacement employment floorspace of 210m² represents less than 8% re-provision.

Summary

To conclude, we object to the proposal on behalf of our clients on several substantive grounds.

The application fails to meet fundamental tests of the Council's adopted policy regarding the principle of the site's change of use from employment to residential uses. The impact of the proposal would be detrimental to the residential amenity of the existing occupiers of Asher House. The application does not adequately justify the proposed level of contribution towards affordable housing, nor the method of contribution.

The design is poor and would be prejudicial to the future redevelopment potential of the Asher House site, which is a larger, more important site within the context of the site's designation as an Area for

Intensification. Redevelopment of the Asher House site would enable substantially greater planning benefits to be realised including larger employment floorspace, provision of a significantly far greater number of homes and other financial benefits such as increased CIL monies and S106 contributions towards enhancing the Area for Intensification. Piecemeal development of small sites such as this will not enable the Council to achieve the objectives within its Plan or those of the London Plan.

We trust that the material planning considerations raised within this letter are clear and warrant due consideration by officers in assessing the current application.

Yours sincerely

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