
Planning Statement

369-377 Kentish Town Road, NW5



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1. Introduction

- 1.1. This Planning Statement is submitted in support of an application for planning permission made on behalf of KTR Carwash Project Ltd (the Applicant) for the following development:

Replacement of existing car wash use with new building of part six and part seven storeys over basement to provide 14 residential (Class C3) units at first floor and above and retail (Class A1) or restaurant (Class A3) use at ground and basement level incorporating widened pavement to Kentish Town Road to enhance usability of existing bus stop.

- 1.2. This statement provides the background information relating to the site and a detailed assessment of the proposals in relation to relevant planning policy. Specifically, it sets out that the proposals will result in a development that responds appropriately to the specific characteristics of the site context and the Development Plan.
- 1.3. The application has been formulated following extensive engagement with the Local Planning Authority and other stakeholders over a considerable period of time. The application now submitted is as a direct consequence of these detailed discussions.
- 1.4. The proposed development presents an immediate and deliverable design response for this prominent site and will act as a vanguard for the expected future major developments within Kentish Town.
- 1.5. This document is divided into the following further sections:
- **Section 2** describes the existing site and surrounding area;
 - **Section 3** outlines the planning history of the site and pre-application discussions;
 - **Section 4** gives an overview of pre-application discussions and public consultation;
 - **Section 5** provides a description of the proposed development;
 - **Section 6** outlines the relevant Planning Policy Framework;
 - **Section 7** analyses the main planning and design considerations in the determination of the application; and
 - **Section 8** draws together our conclusions in respect of the overall proposals.

2. Site and Surroundings

- 2.1. The site is located at a prominent position within the townscape of Kentish Town. The site and the surroundings are readily viewed and there is a sense of openness across the road junction from outside of the station. The openness of the railway cutting allows longer views to Hampstead Heath and significant sky views. The development site is located to the side of this longer vista.
- 2.2. This wider townscape context has defined the form, massing, height and detailed design of the proposed development. The varied character of both Kentish Town and the area immediately surrounding the site have been taken into careful consideration in preparing the development proposals.
- 2.3. The site has an area of approximately 0.34ha, is triangular in shape and is bounded to the south by the mainline railway passing through Kentish Town towards St. Pancras Station.
- 2.4. The existing site is currently in use as a car wash with a number of single and two storey sheds and buildings and is located approximately 25m south of the signalled controlled junction of Fortress Road and Highgate Road. The site is currently accessed directly from the northbound carriageway of Kentish Town Road immediately adjacent to the existing bus stop.
- 2.5. The boundary to the railway is defined by the substantial brick retaining embankment wall, with track level sitting approximately 10m below the site on its route under the road bridge and through Kentish Town Station.
- 2.6. The site boundary to the street has for many years been hoarded with advertisement billboards fronting the highway. The wall onto Kentish Town Road is regularly fly posted. As a consequence, the premises presents a very negative and dilapidated appearance to the street. At this location, the streetscene is open and wide and this serves to accentuate the visual eyesore presented by this site in such a prominent location. It is a detracting feature within the townscape of Kentish Town and the site presents an obvious opportunity for comprehensive redevelopment and improvements to environmental amenity.
- 2.7. The site has been essentially in this condition for some thirty years and is subject to a number of restrictive covenants in favour of Network Rail. The site's position adjacent to Network Rail land provides a significant constraint to development in terms of engineering parameters. As well as the environmental factors associated with being adjacent to a railway line, it is also required to provide clear maintenance access to the entire length of the brick embankment. This pushes the development envelope back by 1 metre at ground level reducing developable area in this plane.
- 2.8. A bus stop is immediately adjacent to the site and at this location the pavement is narrow in width. This also conflicts with the access to the car wash which is in continual use. The combination of the bus stop and the cross over to the car wash at this narrow part of the footway, leads to congestion and conflicts with pedestrian movements. It is not a pleasant or comfortable passage along this stretch of footway at busy times of the day for pedestrians and those waiting at the bus stop.

- 2.9. The area is mixed use in character and the site lies within the Kentish Town Centre. The site also lies within an Archaeological Priority Area and within the Designated View from Kenwood House to St Paul's Cathedral, however the intended development will sit significantly below the lower plane of the viewing corridor and will be well within the existing built form of the Kentish Town area.
- 2.10. The site is not located within any designated Conservation Area, nor are the areas to the south and north of the site. However, the Kentish Town Conservation Area lies to the east on the other side of Kentish town Road. The Grade II listed public house "The Assembly Rooms" almost opposite the site can be considered to be an attractive and well known building within the townscape at this location. This same status can also be applied to other listed buildings to the north such as the 'Bull & Gate' public house, a nearby Georgian residential terrace, The Forum and the Christ Apostolic Church which step northwards from the site.
- 2.11. There is no one prevailing architectural form or style and no sense of cohesion within the immediate area. That said, at the junction of Regis Road and Kentish Town Road, the townscape has a wide and open character due to the road bridge crossing the main rail line and the absence of the built form over the railway bridge.
- 2.12. The adjoining street block immediately to the north (Nos.387-389 Kentish Town Road) has a dilapidated appearance, with retail and food and drink units projecting forward to the rear pavement edge. The upper floor massing within this block, is set back, and rises to between 3 and 5 floors, with some residential use within these upper floors.
- 2.13. The site is accessible by a range of transport modes. It is located less than 100m north of Kentish Town station which provides Northern Line Underground services to central London and the City. National Rail trains are operated by Thameslink with northbound trains running to Luton and St Albans and southbound trains to Sutton and Orpington via St. Pancras and Blackfriars.
- 2.14. The site has a PTAL of 5, although must be considered as having excellent and highly accessible transport facilities. London Overground services are also available within a short walking distance of the site at Kentish Town West station.
- 2.15. The site is also noted within two planning documents, namely the Kentish Town Neighbourhood Plan (KTNP) and the proposed Kentish Town Planning Framework.
- 2.16. With regard to the KTNP, the site is designated (ref: Policy SSP1) for a mixed use development to provide residential units over retail or restaurant uses at street level. As an adopted part of the Development Plan, the content of the Neighbourhood Plan must be given significant weight in determining any planning application submitted. Indeed, the KTNP site allocation has the same equivalent weight as any other site allocation within the Local Plan.

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2.17. The Kentish Town Planning Framework is currently in draft form only following consultation that closed in December 2018. Once adopted, this will form a Supplementary Planning Document (SPD) and sit alongside the main Development Plan. Whilst the focus of the proposed Framework is the nearby Regis Road Growth Area and the Murphy site to the north, the application site will sit within the wider area of the Framework.

2.18. Further discussion of these documents is provided within Section 5 of this statement.

3. Planning History

- 3.1. A review of the Council's online planning records has not revealed any recent decisions that are of direct relevance to the current proposals.
- 3.2. However, historically a number of applications for the site have been considered which are of relevance as noted below.

Reference Number	Description of Development	Date Registered	Decision
8903167	<i>Erection of a five-storey development to contain a car showroom a flat and a maisonette with ancillary parking for the showroom and residents at ground floor level as shown on drawing nos. 968/001A 002A 003A 004 005 006A. revised on 24th July 1989.</i>	21 March 1989	<i>Allowed on Appeal</i>
8700068	<i>In outline; the development of the site by the erection of a motor car showroom as shown on drawing nos.968/1 and 3 and as revised on 23rd April 1987</i>	12 January 1987	<i>Approved</i>

- 3.3. There have been several abortive attempts to develop the site in recent years. These proposals have not progressed beyond the pre-application stage. The complexities and constraints of the site are reasons why the site has remained undeveloped for so long, when there is an obvious and accepted comprehensive redevelopment opportunity here.

4. Pre-Application Discussions and Public Consultation

- 4.1. The proposed development has been the subject of significant pre-application discussions, consultations and assessment with the various stakeholders.
- 4.2. In addition to meeting planning and design officers from the Council in discussing the design evolution, the scheme has been subjected to review by the Kentish Town Neighbourhood Forum (KTNF) Camden's independent Design Review Panel and during open public consultation in early 2019.

Pre-Application Discussions

- 4.3. Design development has been taking place since mid-2017. Considerable efforts and a significant number of iterations have been prepared and considered during this period.
- 4.4. In terms of formal engagement with the Borough, the design team first met with planning and design officers at Camden for pre-application discussions in August 2017. Prior to that first meeting, engagement had taken place with the KTNF who have continued to show considerable support for the principles and design idiom of the emerging development throughout the pre-application phase.
- 4.5. Subsequent to a first meeting with planning and design officers in August 2017, further meetings have taken place as follows:
 - *Pre-application meetings were held in both December 2017 and February 2018;*
 - *A separate meeting took place with Camden's Placeshaping team in January 2018 to discuss the development of the proposed Kentish Town Framework and the role of the site in respect to the framework;*

-Both before and during this meeting officers were reluctant to consider detailed proposals for the site in the context of the emerging Framework. Officers wanted to see how the Framework would emerge before committing to a response to the immediate and deliverable development proposals at this site.

-This approach resulted in delay and was contrary to the approach of the adopted site allocation within the KTNF. It was also contrary to the expressed wishes and aspirations for the Kentish Town area set out by the KTNF itself who wished to see the application site developed in the short term to act as a vanguard for new development in the Kentish Town Area.

- *In June 2018, we were invited to meet once more with senior planning officers, to discuss how the scheme could progress now without waiting for the emergence or adoption of the Framework. This was a very welcome and positive shift from planning officers and the discussion centred on how the site could be developed to produce a new vanguard building of exemplary design and quality.*
- *This key meeting took place in early August 2018 and officers presented a number of townscape studies prepared by the Council's Placeshaping team. These options encouraged a reduction in the building footprint and to follow a stepping sequence to relate better to the adjacent terrace to the north. Officers also suggested that a smaller footprint could mean that a taller building would be more acceptable in design and massing terms, particularly given the prominence and triangular shape of the site.*
 - *Officers also acknowledged the importance of good design and how this particular planning issue would be given significant weight in the overall assessment and determination of any planning application.*
- *This was followed by two further design workshops between the design team and Camden's officers took place in October and November 2018; and*
- *A further meeting with design and planning officers was held in January 2019 following the Design Review Panel session (discussed further below) in order to consider the final proposal prior to submission.*

4.6. These meetings have resulted in significant evolution in the proposed design, discussed further overleaf.

Design Review Panel

- 4.7. In January 2019 the intended development design was subjected to review by Camden's independent Design Review Panel (DRP). Comprising a number of experience architects, urban designers and landscape architects, the DRP provides a third party opinion on a development prior to its formal submission for planning.
- 4.8. The response from the DRP was very positive with the formal written response noting the proposals as being '*...of a very high quality*' which should '*...result in an exceptional building suited to its prominent location*'.
- 4.9. Further comments from the DRP response noted:
- *'The panel feels that the designs are developing very well and that the clarity and assurance of the architecture will result in an exceptional building.'*

- *'The panel considers, given the context and high quality design...that the overall height of the buildings is acceptable, and that the stepped elements work well in views south along Highgate Road.'*
- *'Increasing the width of the pavement by the Highgate Road bus stop is an important public benefit.'*

4.10. The DRP also suggested some minor adjustments which have been responded to in establishing the final design, most notably seeking a review of the massing at the uppermost part of the northern elevation and a simplification of the design for the building's main elevations. These changes are noted further below.

Responding to Discussions and Consultation

4.11. Townscape analysis undertaken by the design team initially demonstrated that a larger footprint of development could be supported on this site to deliver up to 4 flats per floor. Through the direction of officers noted above, this has moved the proposal towards a development with a smaller footprint but with an increase in height compared to options originally proposed. This additional height at the point of the triangle was seen as a positive step by both Council officers and the KTNF.

4.12. Nevertheless, in responding to officer's comments relating to building line and massing, the already very small developable area was reduced further, delivering a scheme that can now only deliver 3 flats per floor as opposed to the 4 originally proposed.

4.13. Specifically, the following changes have been made through these discussions:

- *A stepping back of the elevation to Kentish Town Road, resulting in a smaller development footprint but greater alignment with nearby buildings;*
- *An increase in height at the southern end of the building to provide a stronger element and greater vertical emphasis;*
- *At upper levels, alignment of the massing with the built form of buildings to the north, most particularly the Bull & Gate public house;*
- *The adoption of a predominantly brick material for the building; and*
- *Increased design detail in the main elevations.*

4.14. As noted above, comments from the DRP have led to final design changes. Specifically:

- *The massing to the northern elevation has been stepped down by 200mm compared to the previous proposal;*
- *The facades have been simplified through removal of vertical stone details and more consistent fenestration;*

- *The corner retail entrance has been lightened through the use of more glazing;*
 - *The ground floor elevation has been set back by a further 300mm in order to enhance the pavement width;*
 - *A security gate has been added along the setback western elevation adjacent to the retained railway embankment wall; and*
 - *The width allowed between the western elevation and the retained railway wall has been increased to 1200mm.*
- 4.15. Further details of the evolution of the proposed design across the various rounds of pre-application discussions and public consultation are set out within dMFK's Design & Access Statement.
- 4.16. A fuller description of the development as now submitted is set out within Section 5 of this statement below.

Public Consultation

- 4.17. Following the significant design development that took place alongside the ongoing pre-application discussions with officers, the proposed scheme was presented for public consultation in January 2019. Consultation was held across two afternoon and early evening sessions at the Kentish Town Library within close proximity to the application site.
- 4.18. Following a letter drop to 1,100 addresses in the local area as well as direct notice to local residents' groups and ward councillors, 53 people attended the exhibition across the two sessions. This resulted in 30 feedback response cards being completed.
- 4.19. Overall, responses were positive with the majority of those in attendance pleased to see that the site is to be redeveloped. It was recognised as an opportunity to enhance what is currently very negative looking property and many parties were keen to see both the removal of the existing pavement crossover and the widening of the pavement to facilitate the bus stop and pedestrian movements.
- 4.20. Feedback on the proposed design was generally positive, though some respondents commented on the need to further step down to meet adjoining buildings. This reflects comments made by the DRP and the final development proposal has been able to incorporate further changes to respond to this.
- 4.21. More widely, those who attended were also interested in the KTNF's and the Framework's wider proposals for enhancing the public realm in this area and welcomed the fact that the proposed development would accord with this longer term aspiration. In this case, the public square that would raft over the railway cutting and also to ensure the deliverability of the "The Heath Line" in terms of a public link from Kentish Town to the Hampstead Heath.
- 4.22. A full outline of the public consultation undertaking is provided within the Statement of Community Involvement prepared by Four Communications, submitted as part of this application.

5. The Proposed Development

- 5.1. It is proposed to remove the existing car wash use from the site and all existing buildings and structures. This will be replaced with a new building of part six and part seven storeys above ground level. The building will incorporate a mix of residential and retail uses.
- 5.2. A unit for either retail (Class A1) or restaurant (Class A3) use will be provided at basement and ground floor levels. The basement will be fully contained within the footprint of the proposed building and will not extend beyond the building itself.
- 5.3. The retail / restaurant unit will incorporate active frontages facing both onto Kentish Town Road and towards the current retaining wall to the railway cutting adjacent. This will allow for any future development of this area in accordance with the Neighbourhood Plan's aspirations by offering an active frontage to any public space that may be created in this location.
- 5.4. Access to the retail / restaurant unit will be at the southern tip of the site, facing onto Kentish Town Road, in order to provide best visibility to the unit from the surrounding area.
- 5.5. Adjacent to the retail façade on Kentish Town Road, an entrance to the residential part of the building will be provided at the north of the building. This area will also incorporate bin stores for both residential and commercial use.
- 5.6. A total of 14 residential units will be provided on first to part-sixth floors. First, second, third and fourth floors will all provide 1 x 1-bed and 2 x 2-bed units. A further 2 x 2-bed units will be provided across fifth and part-sixth floor levels to offer a total of 4 x 1-bed and 10 x 2-bed units.
- 5.7. Separate and secure cycle storage for both residential and commercial uses will be provided within the building. At roof level, a blue roof and photovoltaic panels will also be incorporated.
- 5.8. Externally, the building has been designed to be a prominent addition at a site that is highly visible within the immediate local area. Given its triangular shape, additional prominence has been given to the southern 'tip' of the building through inclusion of an additional sixth floor level in this location only. This will be visible in views looking north when viewed from Kentish Town Station.
- 5.9. The building's massing has been designed to align with local building lines, particularly the Bull and Gate public house and the terrace of properties to the north. At ground level, the building is set back from the extended retail frontages on Kentish Town Road but at upper levels the massing steps towards alignment with the terrace buildings.

- 5.10. Also within the elevation to Kentish Town Road, the significant setting back of the ground floor elevation allows for an increase in the width of the pavement. This will support the relief of pressure between those waiting at the adjacent bus stop and those walking along the street.
- 5.11. A set back ground floor has also been proposed on the western elevation, in response to a requirement of Network Rail to maintain clear access to the full railway retaining wall. In order to optimise as far as possible available massing for development, upper floor levels have been cantilevered out over the space that is maintained.
- 5.12. Significant attention has been given to ensuring that both primary elevations of the building have been treated equally. This equates to the elevation onto Kentish Town Road and the western-facing elevation that looks across the adjacent railway cutting.
- 5.13. Taking cues from local buildings, the overall design proposes distinct base, middle and top elements. Built predominantly in brick, these elements will be highlighted through the use of stone detailing and the proposed fenestration.
- 5.14. The overall design rationale is to provide two layers of texture and pattern within the facades. The brickwork offers the overall pattern with details accentuated through stone inserts and the fenestration.
- 5.15. The overall driver for the appearance of the building is to ensure a design of very high quality. This means that extraneous elements have been avoided where these do not sit within the overall design concepts; this is particularly relevant in terms of external amenity space with balconies only provided where these do not impinge the overall building design. Those units without balconies have been provided with additional internal floorspace to increase overall amenity levels.
- 5.16. Other normal elements to access and service the building have been provided, including refuse and recycling stores for residential and commercial users, internal secure cycle parking, level thresholds and lift access to all levels to support accessibility, provision of plant within a dedicated space at roof level and inclusion of elements such as photovoltaic panels and biodiverse roof treatments.
- 5.17. These elements have all been fully integrated into the design and the overall rationale for the building.

6. Planning Policy Context

- 6.1. In addition to the specific requirements of regional and local policies, any proposal for development should also be considered in the context of national guidance.

The National Planning Policy Framework

- 6.2. The development that is the subject of this application has been considered in light of the National Planning Policy Framework (NPPF, adopted July 2018), which provides a direction for planning on a national scale and the expectation that all local planning documents will be in general conformity with the NPPF and decisions made on that basis.
- 6.3. One key parameter running through the NPPF is that the purpose of the planning system is to contribute to the achievement of sustainable development. In putting this in to practice, paragraph 8 of the NPPF notes that the planning system has three overarching and interdependent objectives as follows:

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

- 6.4. To reach these three objectives, the NPPF details how to address these. Chapter 6 sets out how planning should support Building a Strong, Competitive Economy, with paragraph 80 stating:

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

- 6.5. With regard to design, Chapter 12 of the NPPF addresses Achieving Well-Design Places. Paragraph 128 specifically notes:

Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

- 6.6. For decision-taking, paragraph 11 of the NPPF is clear that this means:

*c) approving development proposals that accord with an up-to-date development plan without delay;
or*

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 6.7. This application should therefore be assessed in this context and its ability to deliver economic, social and environmental improvements.

The Development Plan

- 6.8. Section 38(6) of the Planning & Compulsory Purchase Act (2004, as amended) requires that determination of any planning application must be in accordance with the development plan unless material considerations indicate otherwise.

- 6.9. In this case the development plan comprises:

- *The London Plan (as amended since 2011, including by the Minor Alterations to the London Plan (MALP) published in March 2016);*
- *The London Borough of Camden Local Plan (adopted July 2017);*
- *The London Borough of Camden Policies Map (adopted June 2017); and*
- *The Kentish Town Neighbourhood Plan (adopted June 2016).*

- 6.10. The documents are also supported by a range of supplementary planning documents sitting alongside both the London Plan and local policies.
- 6.11. A draft of the New London Plan was published in November 2017 and was subject to consultation until March 2018. A revised draft incorporating minor suggested changes was published in August 2018 and has been taken forward to a formal Examination in Public which commenced in January 2019. Reference has been made to relevant draft London Plan policies where appropriate.

Kentish Town Neighbourhood Plan

- 6.12. In addition to the borough wide Local Plan, this location is also subject to assessment in the context of the Kentish Town Neighbourhood Plan which was adopted in September 2016 following a neighbourhood referendum that took place in June 2016.
- 6.13. The Neighbourhood Plan is administered by the Kentish Town Neighbourhood Forum (KTNF). Originally designated as the neighbourhood planning body for Kentish Town in April 2013, the KTNF's status was reconfirmed for a further 5 years in June 2018. The KTNF and its adopted Neighbourhood Plan therefore maintain their status for neighbourhood planning in Kentish Town.
- 6.14. A Neighbourhood Plan attains the same legal status as the Local Plan once it has been agreed at a referendum and is made (brought into legal force) by the local planning authority. At this point it becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.15. On this basis, substantial weight must be given to the Neighbourhood Plan when determining a planning application on a site within its boundaries. The content of the Neighbourhood Plan must be assessed and considered in the same way as the content of Camden's borough wide planning policies and the London Plan's citywide document.
- 6.16. The application site has been allocated for development by the Neighbourhood Plan. There is therefore a presumption in favour of development that accords with the provisions of that allocation.
- 6.17. Specifically, the site is addressed by Policy SSP1 within the KTNP which states:

"KTNF will support proposals for the sustainable redevelopment of this site for mixed use. Development will be supported that includes an agreement with L B Camden and Transport for London to relocate the bus shelter to increase safety for passengers and passing pedestrians alike. This policy will be subject to assessment of viability on proposals coming forward".

- 6.18. The policy also states the following with regard to the site:

- *It has been regarded as an eyesore for most of the public for many years;*
- *Its redevelopment as a mixed use building will benefit the community; and*

- *It is in a very suitable position for restaurant or retail use on the ground floor and will provide much-needed residential accommodation above.*

6.19. The Neighbourhood Plan also sets out that the KTNF will support change of use and development of the site subject to the criteria listed below:

- There will be intensification of use of the site through a building of mixed use development including retail or restaurant on ground floor and residential on upper floors.*
- The design of the new building will respect and be sensitive to the height of existing buildings in their vicinity and setting.*
- The building will be of high architectural quality (meeting the criteria set in Policy D3).*

6.20. With specific reference to the public realm, the bus stop and waiting area on the public highway immediately in front of the site the Neighbourhood Plan notes:

The width of pavement in front of the Car Wash site is too narrow – 2.59 metres. Large numbers of passengers wait here to catch buses to Parliament Hill, Highgate, Archway and Muswell Hill. Pedestrians try to get past to walk along the pavement. When there is an event at the Forum, just a few blocks away, crowds of people walk along here, on the pavement and in the road. In addition, during the day, cars go back and forth in and out of the Car Wash site. The situation is very dangerous, therefore the widening of the pavement and the relocation of the bus shelter through the adoption of land within the site will be supported but any relocation will need to be assessed for optimal safety and pedestrian flow.

6.21. Further, the Plan also noted how Transport for London had commented on this policy in the KTNF Reg 15 Consultation:

“Policy SSP3 [sic; this policy has been superseded in the more recent Local Plan] relates to the car wash site at 369-377 Kentish Town Road, and the requirement to widen the footway to provide for better pedestrian facilities is supported. However, for the avoidance of doubt this policy should refer to the relocation of the bus shelter rather than the bus stop, and that the pavement would be widened through the adoption of land within the site as highway rather than through building out into the carriageway.”

6.22. The above offers a clear set of parameters for development which are set out within the Neighbourhood Plan. Due reference has been made to these parameters in the development of the proposals for this site.

6.23. In accordance with the amendments to the Planning & Compulsory Purchase Act set out within the Localism Act (2011), the content of the Neighbourhood Plan is placed on an equal weighting with those documents adopted by Camden as the local planning authority. The Neighbourhood Plan must therefore be fully considered in the determination of this application.

Kentish Town Planning Framework

- 6.24. As previously noted, initial consultation has taken place with regard to a proposed Kentish Town Planning Framework. To be adopted in the future as a Supplementary Planning Document, this Framework will focus upon guiding development and regeneration of the Regis Road Growth Area whilst also considering that development in the context of integration with wider Kentish Town.
- 6.25. At this stage, little weight can be given to the draft Framework in determining any planning application. Nonetheless, the development proposed for this site will sit comfortably in the context of the overall enhancement of the Regis Road Growth Area and enhancing wider Kentish Town. Any development that proposes high quality design in advance of the adoption of the Framework will be appropriate within its intended context.

7. Planning Assessment

7.1. Consideration and assessment of the proposed development with regard to local and national planning policies and guidance is set out under the following headings:

1. *Land Use*
2. *Design and Heritage*
3. *Quality of Residential Accommodation and Accessibility*
4. *Neighbouring Residential Amenity*
5. *Subterranean Development*
6. *Affordable Housing*
7. *Sustainability and Energy*
8. *Transport and Cycle Parking*
9. *Servicing and Waste Management*
10. *Community Infrastructure Levy*

1. Land Use

7.2. The proposal for the provision of residential accommodation on the upper floors of this building over retail / restaurant uses at ground floor level not only responds to the allocations and requirements of the Neighbourhood Plan policies but is also a reflection of the common mix of uses in Kentish Town. As reflects the area's town centre status, Kentish Town enjoys a mix of both retail and residential units to maintain active frontages to the street but support residential uses on the upper floor levels.

7.3. This proposal is therefore in clear accordance in terms of proposed land uses with parameter a) of Policy SSP1 of the Neighbourhood Plan.

7.4. The site is formally allocated by the KTNP for residential and retail development. This allocation has the same weight as a Local Plan allocation. The development proposals in land use terms are explicitly supported by prevailing planning policy.

a) Residential

7.5. A mix of units has been proposed that responds to the expectations of Policies H6 and H7 to offer homes that are of different sizes and accessible to the widest range of potential occupiers.

7.6. Specifically, the proposed development provides for 4 x 1-bed and 10 x 2-bed units. This responds to the expectations of the Local Plan policies which note higher demand for 2-bed units.

7.7. The development does not include larger units on the basis that the limitations of the site make it difficult to provide suitable family-sized units including appropriate amenity space. This is further limited by the drive to ensure that the building's design is not compromised by extraneous balcony features within key views.

7.8. Significant residential accommodation is found in the immediate local area and is clearly appropriate in this location. Further detail in regard to amenity matters are set out later in this section.

b) Retail / Restaurant Use

7.9. It is specifically noted within supporting text to Policy SSP1 of the Neighbourhood Plan that retail or restaurant uses at ground floor level would be appropriate in this location. This is a clear reflection of the character of the surrounding area and the range of existing restaurant and retail uses across nearby buildings. Both retail and restaurant uses therefore reflects the expectations of both Local Plan and Neighbourhood Plan policies.

7.10. Policies TC1, TC2 and TC4 look to drive additional provision of retail and associated services within designated town centres. Given the site's location in Kentish Town it is an appropriate and positive proposal to offer the ground floor of the development as commercial space with direct access from the street.

- 7.11. In this instance, the development proposes that the ground and basement floors will either be used as retail within Class A1 or a restaurant within Class A3. Either use will complement the existing run of commercial premises found on Kentish Town Road, Highgate Road and Fortress Road immediately surrounding the site. These roads are characterised by a mix of local shops, convenience retailers, local services, pubs, cafes and restaurant. The town centre is not dominated by one use over all others and can accommodate the additional provision of one or more of any of the normal town centre uses found in Kentish Town.
- 7.12. The application for an either / or use allows for full flexibility in the letting market. This commercial space has not been pre-let and there is no operator on board at present. By applying for an either / or the developer stands the best possible prospects of letting the premises in the future and delivering the commercial active frontage to the streetscene.
- 7.13. The Class A3 use will be fully serviceable in terms of plant and extraction. The building has been designed to ensure that any future kitchen flue will rise through the building and terminate at roof level. No external flues will therefore be necessary to serve this use.
- 7.14. This proposal will therefore result in the introduction of an active frontage to the street in a location that is currently a closed element given the barrier created by the existing fencing and large advertising hoardings. The provision of a use that will enliven the streetscene, extending the activity that already exists both to the north and south of the site, is a positive addition to the local area.
- 7.15. The proposed layout, with active frontage on both of the building's primary elevations, means that this building is future-proofed in the event that an enlarged public square is created where current the retaining wall to the railway cutting is found as set out as an aspiration of the KTNP.

2. Design and Heritage

- 7.16. Paragraph 127 of the NPPF sets out a number of parameters that guides the achievement of well-designed places, including:
- *Adding to the overall quality of an area for the lifetime of a development;*
 - *Using good architecture to achieve a visually attractive development;*
 - *Being sympathetic to local character; and*
 - *Establish or maintain a strong sense of place thorough appropriate building types and materials.*
- 7.17. London Plan Policy 7.6 provides general guidance on using architecture to deliver a positive contribution to a coherent public realm, streetscape and wider cityscape.

- 7.18. Within the Local Plan, the overall driver of Policy D1 is to deliver high quality design in all development. This can be broken down further to ensure that design respects local context, incorporates materials that complement local character and enhances inclusive access.
- 7.19. More specific to this site, parameter c) of Policy SSP1 of the Neighbourhood Plan makes clear that development of the site will be supported if the design is of high architectural quality.
- 7.20. The Design and Access Statement prepared by dMFK Architects provides a full analysis of the constraints and opportunities, the design objectives and design evolution that have informed the proposed development. It also explains how the proposals contribute positively to the context of the site, surroundings and local townscape.
- 7.21. In developing a design proposal, it has also been assessed that this site has two primary elevations that are prominent within local views. The eastern elevation faces onto the street and is visible on all street approached from both the north and south. The western elevation, though nominally the rear elevation of the building, is also prominent in views from the south given the openness afforded by its position immediately adjacent to the railway cutting. It is the south-east elevation that is of greatest prominence when viewing from the railway bridge and from outside Kentish Town station.
- 7.22. Therefore, the architectural principles of the proposal are equally strong in both elevations.
- 7.23. The design ensures that both elevations are equally strong in their appearance with common features and also individual detailing that responds to the specific character of each elevation. For example, the majority of the building is proposed to be constructed in brick which responds to the prevailing material used in the local area. On the street elevation, detailing is proposed to ensure that the building has a vertical emphasis that also reflects the character of nearby properties.
- 7.24. The brickwork of the south-east elevation addresses the massing of the railway's retaining wall and the structure of the railway bridge. These are both strong built forms in local views and the building will complement that existing strength.
- 7.25. As such, this is a strong design that significantly enhances what is currently a very poor contribution from a prominent site that is visible in a wide range of local views. Within the boldness offered, significant reference is also given to the existing local built environment to ensure that the building will read as an integrated element of the local streetscape and public realm.
- 7.26. The proposal for this site will also sit in accordance with the intentions of the Neighbourhood Plan to enhance the area between the site and Kentish Town Station.
- 7.27. Given the high quality architectural approach proposed this scheme clearly responds to parameter c) of the Neighbourhood Plan Policy SSP1 as well as the relevant Borough-wide policies.

- 7.28. Where the existing site may be considered as awkward, redevelopment offers an opportunity to offer a positive contribution to the local streetscene.
- 7.29. As has already been discussed, this site is positioned prominently within the heart of Kentish Town and in a location that is visible in a number of long views. Indeed, the flank of the existing building at 379 Kentish Town Road is prominent in views around the road junction and railway bridge despite its modest and somewhat bland appearance.
- 7.30. The majority of buildings adjacent are three or four storeys in height, though No. 379 is a storey higher and prominent buildings on the corners of nearby road junctions also feature sections that project higher. This height continues across the gap created by the railway lines, from 347 Kentish Town Road and continuing southwards. The buildings opposite are smaller but still incorporate up to three storeys.
- 7.31. As such, the existing low-scale and low-lying layout of the site marks it out as an anomaly within the context of the immediate local area.
- 7.32. Given the prominence of this location, there is significant opportunity to address this anomaly and put forward a proposal that adds some additional massing to the site but which also adheres to the general height of neighbouring buildings. As such, due reference has been given to the local streetscene and an overall mass and scale that reflects the existing local environment has been proposed.
- 7.33. This therefore directly addresses parameter b) of Neighbourhood Plan Policy SSP1 that any new building is both sensitive to the heights of the existing surrounding buildings. In achieving this, the proposal also reflects the expectations of Local Plan Policy D1.
- 7.34. With specific regard to heritage assets, paragraph 193 of the NPPF is clear that the value of nearby heritage assets must be assessed when considering development proposals. This is also reflected in London Plan Policy 7.8 and Local Plan Policy D2.
- 7.35. Though this property itself is not a designated heritage asset or within a conservation area, as has already been noted the building is within close proximity to a number of such assets. Additionally, the site is within a relatively prominent location and sits adjacent to a designated view noted within the Neighbourhood Plan.
- 7.36. The key therefore is that the proposed development provides a positive contribution to the setting of those assets. When compared to the existing appearance of the site, where there is essentially nil contribution from the existing low quality built form, the very high quality design proposed will have a significant positive impact upon the setting of nearby heritage assets.
- 7.37. Additionally, the consideration of the wider aspirations for the improvement of the streetscene in this location means that this development has the potential to provide for an even greater positive contribution to the setting of heritage assets in the future.
- 7.38. Given this, the proposed development protects and enhances local heritage assets as required by Policy D2.

3. Quality of Residential Accommodation and Accessibility

- 7.39. Within Local Plan Policy H6, a number of parameters in regard to the size, quality and accessibility of residential units are set out. The proposed development has been designed to reflect these requirements, most particularly in terms of the areas and layouts of the units and the accessibility to them.
- 7.40. With regard to the overall area of each residential unit, these will all meet or exceed the minimum standards set out within the Nationally Described Space Standards. Individual rooms have also been laid out to meet the minimum areas and dimensions noted within those standards.
- 7.41. All units and individual rooms also have good outlook, either looking out and across Kentish Town Road, across the adjacent railway cutting or in some cases both.
- 7.42. Each unit will also support appropriate significant residential amenity such that each unit can be enjoyed by its residents. This is discussed in greater detail below.
- 7.43. With regard to external amenity space, 6 out of the proposed 14 residential have been provided with either balconies or terraces. The areas of these external spaces meet the requirements set out within the Nationally Described Space Standards.
- 7.44. The remaining units do not have external amenity space, although the 4 x 2-bed units without a balcony or terrace are provided with a Juliet balcony within the main living area. Additionally, all remaining units have been provided with additional space internally. This additional space is included within large living spaces and the overall areas of these units are in excess of the minimum level required by the Nationally Described Space Standards to account for the additional internal amenity space.
- 7.45. The decision not to include balconies to all units is underpinned by the desire to ensure that the overall composition of the building is not compromised by extraneous external domestic forms or elements. The building is a fully integrated design where each of the elevations can be read as a single entity. Through design development and pre-application discussions, it was clear that the integration of balconies (particularly to the Kentish Town Road elevation and the southern 'tip') would compromise this approach.
- 7.46. Given the importance of achieving the highest quality design within this building, the approach adopted is to only provide external amenity spaces where these do not compromise the overall design. Therefore, such spaces are provided where they integrate into the elevations, namely within the cutback section to the rear and on the main roof element.
- 7.47. This approach is considered to provide the best balance between provision of external amenity space and ensuring the overall quality of the building as a piece of architecture.

- 7.48. Considering air quality, all units will be served using mechanical ventilation and associated filtration systems. There will be no requirement to rely upon open windows for ventilation which will ensure appropriate quality of internal accommodation. Openable windows will be provided by residents will not be dependent upon these to enjoy appropriate living conditions as required under Policy A1.
- 7.49. With regard to the amenity of new residents, Local Plan Policies A1, A2, A3 and A4 set out a series of expectations of new development. This is discussed further below in regard to neighbouring residents but is considered here with regard to the proposed development.

Noise and Vibration

- 7.50. With reference to noise, it is acknowledged that the close proximity of both the railway lines and the traffic on the local road network will need to be mitigated against. However, residential accommodation is common in these forms in the immediate local area and it is therefore clear that this relationship is an acceptable proposition.
- 7.51. An assessment of the existing background acoustic conditions has been undertaken by Hann Tucker in order to establish the environment in which this development is being proposed. Based upon the conditions recorded, recommendations have been made to ensure that appropriate internal conditions are achieved such that residents can enjoy their homes without noise disturbance.
- 7.52. The submitted Environmental Noise Survey and Acoustic Design Statement sets out the existing background acoustic conditions, how that needs to be taken into consideration in the building's design and then makes some recommendations for specifications of fenestration and ventilation to ensure that the appropriate internal noise environment can be achieved.
- 7.53. The report concludes that with the use of appropriate high-performance glazing and ventilation then this development can meet the relevant World Health Organisation and British Standards on internal acoustic conditions for all residents to achieve appropriate amenity. This will be adhered to during detailed design stages and an appropriately worded condition can ensure that these normal standards can be maintained.
- 7.54. It should also be noted that all plant equipment and ventilation requirements relating to the proposed retail floorspace have been prepared on the basis of a restaurant (Class A3) use within the development. Such a use normally has greater requirements of this type than a Class A1 retailer and this has been taken into account in assessing and mitigating any impact upon residents.
- 7.55. The development therefore supports appropriate residential amenity in regard to addressing noise from plant and ventilation equipment. The continued operation of such equipment within normal limits can be secured through an appropriately worded condition on a planning permission.
- 7.56. Related to this, the site's location adjacent to a railway cutting means that consideration must be given to ensuring that amenity is not impacted by vibration arising from the movement of passing trains (with a smaller secondary effect potentially arising from road traffic). In line with Policy A4, it is necessary to ensure that this

does not affect the residential accommodation.

- 7.57. As such, an assessment of Train Induced Noise and Vibration has also been prepared by Hann Tucker and is also submitted with this application. Based upon measuring existing impacts, this assessment has made some recommendations to be incorporated into the final building design to address this effect.
- 7.58. It is concluded that with the use of appropriate structural solutions which would isolate the impacts, the effects of the vibration can be removed such that these will not be noticeable to residents within the building.
- 7.59. Therefore, with the use of appropriate structural and elevational treatments the proposed residential development can achieve the normal required standards to ensure amenity to all residents in accordance with Policy A4.

Daylight/Sunlight

- 7.60. The development itself is in a very open location with extensive windows to all flats. The southern flats have an exceptional and open aspect across the southern sky. There are no north facing single aspect units. Therefore all flats will have more than adequate internal daylight and sunlight amenity

Accessibility

- 7.61. With regard to accessibility, the proposed residential accommodation fully complies with requirements set out under Part M of the Building Regulations. Within this overall compliance a total of 4 units (out of 14) will be easily adaptable for occupation by a wheelchair user in accordance with Part M 4(3) of the Building Regulations, well in excess of the 10% minimum required by Policy H6.
- 7.62. All common parts also meet the requirements of Part M in regard to matters including corridor widths, the size and capacity of the lift, access to the bin stores and floor to ceiling heights.
- 7.63. It should also be noted that the retail unit will be accessible with level thresholds from the street into the internal space.
- 7.64. Details of accessibility are also provided in more detail within the Design and Access Statement prepared by dMFK Architects which is submitted as part of this application.

4. Neighbouring Residential Amenity

- 7.65. Local Plan Policies A1, A2, A3 and A4 also set out a series of expectations of new development to ensure that the amenity of neighbouring residents is protected. Ensuring a positive outcome for all is integral to any design proposal.

Daylight/Sunlight

- 7.66. As set out by Policy A1, when assessing development in terms of daylight and sunlight this should be considered with reference to the BRE's *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice (2011)*.
- 7.67. As well as the lighting for residents within the new development, the policy also seeks to ensure that appropriate living conditions are delivered not only for new residents of buildings but also for those already living in adjacent properties. As such, a daylight and sunlight assessment of all relevant surrounding buildings has been undertaken by EB7 and their formal report has been submitted as a part of this application.
- 7.68. Assessing daylight and sunlight to neighbouring properties is subject to different testing methods. For daylight, this is measured using both the Vertical Sky Component (VSC) methodology and the No-Sky Line Contour (NSC). VSC is assessed in terms of both the absolute level of daylight enjoyed and the proportion that is maintained following development.
- 7.69. For sunlight, this is measured via Annual Probable Sunlight Hours (APSH).
- 7.70. All neighbouring properties either immediately to the north of the site or on the opposite side of Kentish Town Road were assessed. A full list of properties is noted within EB7's reports.
- 7.71. With regard to daylight, all relevant assessed windows within the following properties fully complied with the relevant BRE guidelines:
- *300 Kentish Town Road;*
 - *304 Kentish Town Road;*
 - *306 Kentish Town Road;*
 - *316-318 Kentish Town Road;*
 - *320 Kentish Town Road;*
 - *379 Kentish Town Road; and*
 - *381 Kentish Town Road.*
- 7.72. At a number of other properties, there will be some very minor shortfalls versus the BRE Guidelines. This applies to windows at 302, 308, 310 and 312-314 Kentish Town Road. In all cases, the shortfalls relative to the BRE Guidelines are such that the change in daylight level will be almost imperceptible versus existing conditions. All windows maintain high absolute levels of daylight and in the majority of cases the windows affected relate to bedrooms where the requirements for daylighting are considerably less than in other habitable rooms.

- 7.73. In a relatively dense urban environment in a context where there is very little existing built form on site then any proposal for development is likely to have some impact upon daylighting to neighbouring properties. Furthermore, as is noted at Paragraph 123 of the NPPF:

'...authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)'

- 7.74. Given the minimal shortfalls suggested, the use of the rooms affected, the context in which the development is proposed and the wide range of other benefits that the proposed development will deliver the final outcomes are acceptable in ensuring an efficient use of the application site whilst also achieving high quality design in accordance with the requirements of the Neighbourhood Plan.
- 7.75. With regard to sunlight, all assessed properties will achieve in full the normal recommendations of the BRE Guidelines. When taken together, the proposed development maintains amenity to all neighbouring residents in regard to daylight/sunlight matters and therefore meets the expectations of Policy A1.
- 7.76. As mentioned above, the development itself is in an open location and thus achieving appropriate levels of light to the new residential properties is not considered to be of material consideration here.

Privacy and Outlook including Noise

- 7.77. A related part of considering impact upon neighbouring residents is to ensure that all residents continue to enjoy appropriate outlook and privacy. Of greatest consideration here is the relationship between any new building and the neighbouring building, particularly those immediately to the north. As such, the building has been designed to ensure that overlooking into the neighbouring buildings to the north is prevented.
- 7.78. With the focus of the building being the east and west elevations (facing onto the street and across the railway lines respectively), residents will instead face either into a natural 'cross street' relationship with neighbouring residents or the more open views across the railway lines.
- 7.79. All new units with the development will therefore enjoy good outlook without impacting upon the privacy of existing residents.
- 7.80. All proposed plant equipment will be attenuated to ensure that these operate below the levels required by Policies A1-A4.

5. Subterranean Development

- 7.81. Any proposal for subterranean development must be considered in the context of Policy A5 which requires an application to satisfactorily demonstrate that the development will not cause harm to the following:

- *Neighbouring properties;*

- *Structural, ground or water conditions in the local area;*
- *The character and amenity of the area;*
- *The architectural character of the building subject to the development; and*
- *The significance of heritage assets.*

7.82. In the context of the proposed development, the proposed basement will not affect the appearance or setting of the local area. There will be no external manifestation of the basement which will be contained entirely below the footprint of the proposed building.

7.83. Policy A5 also sets out a series of physical parameters which most basement development is required to adhere to. This proposal addresses each of these parameters as follows:

- not comprise of more than one storey;
 - o The proposed basement will only be a single storey.
- not be built under an existing basement;
 - o The site is being cleared of existing built form; there is no existing basement to be retained.
- not exceed 50% of each garden within the property;
 - o The basement will be entirely contained below the footprint of the proposed building and will not extend under any gardens or areas of public land or open space.
- be less than 1.5 times the footprint of the host building in area;
 - o The proposed is entirely contained under the footprint of the proposed host building.
- extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation
 - o As noted above, the basement will be entirely contained below the footprint of the proposed building and will not extend under any gardens or areas of public land or open space.
- not extend into or underneath the garden further than 50% of the depth of the garden;
 - o As noted above, the basement will be entirely contained below the footprint of the proposed building and will not extend under any gardens or areas of public land or open space.
- be set back from neighbouring property boundaries where it extends beyond the footprint of the host

building; and

- The basement will not extend beyond the footprint of the host building. Regardless of this, the basement has also been set in from the boundaries to the neighbouring properties.
- avoid the loss of garden space or trees of townscape or amenity value.
 - There is no garden space or trees with townscape or amenity value on the site currently. As such, no value will be lost as a result of the proposed basement.

- 7.84. The proposal therefore meets each of the relevant physical parameters noted under Policy A5. It is a relatively modest proposal in the context of the overall development and will provide the commercial aspect of the proposed development with additional usable floorspace.
- 7.85. In addition to working within the required physical parameters, in order to address the potential cumulative impacts of this development a Basement Impact Assessment has been prepared by CGL. This also incorporates a Ground Movement Assessment and this has been submitted as part of this application. The BIA assesses all of the key matters set out above as required and should also be read in conjunction with the Construction Sequence, Flood Risk Assessment and Drainage Strategy prepared by Elliott Wood.
- 7.86. The submitted documents should be read fully to consider the technical assessment of the proposed basement level. However, the detail provided based upon the testing on-site that has already taken place and the desk-based analysis concludes that this subterranean development can be undertaken without impacting upon either the host building or neighbouring properties.
- 7.87. This is most clearly demonstrated by the findings of the Ground Movement Assessment which confirms that the risk of damage to neighbouring buildings as a result of this development will be at most 'very slight' (Level 1) as measured using the Burland Scale.
- 7.88. As such, the proposed subterranean extension is an appropriate form of development in the context of both the context of the property and the surrounding area. The BIA and other structural documents confirm that all relevant geotechnical and structural matters will be achieved to ensure the protection of drainage, groundwater and stability matters in accordance with the requirements of Policy A5.

6. Affordable Housing

- 7.89. Any development that includes a residential component must also consider an appropriate and viable contribution to affordable housing in accordance with Policy H4 which states that:

We will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. The Council will seek to negotiate the maximum reasonable amount of affordable housing

- 7.90. Policy H4's 'sliding scale' on affordable housing contributions requires 2% of floorspace to be affordable where 1 additional unit (100 sq m GIA) is proposed up to 50% where 25 additional units (2,500 sq m GIA) is provided. In this case, 14 residential units and a total of 1,568 sq m GIA of additional residential floorspace are proposed which equates to 30% (4 whole units) being the target for affordable housing.

- 7.91. The policy also sets out a range of parameters that will form the basis of negotiation for the maximum level of affordable housing that can viably be provided, be this on-site, off-site or via an alternative form of contribution. These parameters are:

j. the character of the development, the site and the area;

k. site size and any constraints on developing the site for a mix of housing including market and affordable housing, and the particular types of affordable provision sought;

l. access to public transport, workplaces, shops, services and community facilities;

m. the impact on creation of mixed, inclusive and sustainable communities;

n. the impact of the mix of housing types sought on the efficiency and overall quantum of development;

o. the economics and financial viability of the development including any particular costs associated with it, having regard to any distinctive viability characteristics of particular sectors such as build-to-let housing; and

p. whether an alternative approach could better meet the objectives of this policy and the Local Plan.

- 7.92. This development is subject to a number of abnormal costs that go far beyond those normally associated with the delivery of development on this site. These impact the potential development both in physical and financial terms:

- *Restrictive Covenants held by Network Rail require that significant financial contribution is made where development is forthcoming on land immediately adjacent to their interests and infrastructure to release these covenants. These costs would not arise on most development sites and will be payable regardless of the final scheme that is approved;*
- *In physical terms, developing next to a live railway line means that what can be built and where is restricted. Below ground level, no piling is allowed within 3 metres of the retaining wall to the railway embankment which significantly reduces the development capability here;*
- *To allow upper floor levels to be maximised despite the limitations on areas noted above, a structural solution of cantilevering over the ground level has been adopted. Though this supports optimising delivery of development of the site, this approach to construction inevitably significantly adds to the building costs.*
- *At ground level, an access of a minimum 1m width must be maintained along the full length of the railway wall to maintain access for Network Rail in this area. Again, this reduces the development area available and thus reduces the total floorspace that can be achieved on-site. The building is also set back 1.5m on the Kentish Town Road frontage to enable the pavement widening.*

7.93. To the above, the following items also add to the site specific circumstances for this development:

- *The drive to ensure that this development provides a design of exceptional appearance to meet the expectations of the Neighbourhood Plan means that the costs of materials and finishes are expected to be higher than an 'average' development of this type and scale. This will not be a building built to a standard BCIS cost indicator. Camden officers, the KTNF, and the DRP have all been insistent on the highest possible quality of materials to respond to this prominent location.*
- *The prominent nature and triangular shape of the site means that the building will have two primary elevations that together entail the majority of the building. Uniquely, given the triangular nature of the site there are two long primary elevations that equally require a significant architectural treatment; and*
- *In addition to the inset to the railway-side elevation to maintain Network Rail access, the development has also been set back from the Kentish Town Road elevation in order to incorporate the widened pavement necessary to upgrade the adjacent bus stop. This is required to respond to the Neighbourhood Plan's requirements but inevitably reduces the quantum of development that can be provided on-site. This has reduced the developable area of the site, as the site must deliver the stated objective of a wider footway. This means a smaller site to build upon, and consequently less floorspace that can be delivered.*

- 7.94. This is the context in which any development proposed on this site must be considered. Through a combination of Network Rail's covenants and strict engineering parameters, the requirement to deliver a scheme of the highest quality design and limitations set out within the Neighbourhood Plan that reduce the potential footprint for development the proposed development will deliver less floorspace than would be possible if the site was able to be fully optimised and with much greater build costs than would accrue within an average development of this scale. We note that this is a site that has been in the same ownership for many years rather than a recent acquisition.
- 7.95. The reduced floorspace available to be developed therefore impacts upon the ability to provide affordable housing on-site. Given the very small footprint of the site and the need for active commercial frontages at street level, it is simply an impossibility to deliver a separate access core. This would reduce the area of floorspace available for residential units and would also impact negatively on the ability to optimise the development of the site, resulting in a further reduction in residential units provided overall.
- 7.96. Additionally, this could also reduce the amount of active frontage to the street that could be provided. The activation of the elevation to Kentish Town Road is a clear benefit of development and reflects the requirements of the Neighbourhood Plan to deliver a mixed use scheme on this site.
- 7.97. Physically therefore, the site is limited in terms of the ability to provide for affordable housing units on-site. This approach would negatively impact upon the overall development and the ability to deliver a scheme of high quality and to best reflect the aspirations of the Neighbourhood Plan
- 7.98. Policy H4 requires that the maximum viable level of affordable housing is provided and we do acknowledge that that policy normally requires this to be on site for schemes of more than 10 units. However, this requirement is always subject to assessment under criteria j – p set out above, including the residual valuation of the development.
- 7.99. Taken together, this is a site of limited area that is further restricted in terms of a development footprint by the effects of adjoining Network Rail interests and needing to respect the requirements of the Neighbourhood Plan to enhance the adjacent bus stop area. Additionally, it must deliver a design of high quality that will be visible from most elevations and inevitably attracts a greater cost in terms of materials and finishes relative to an 'average' scheme.
- 7.100. A requirement to provide a full affordable housing target on-site will prejudice the delivery of a scheme of this site that meets all of these parameters. The realistic alternative is that development will not otherwise come forward. In those circumstances, none of the benefits in terms of improving the appearance of the site, delivering a positive contribution to the local townscape, the provision of 14 additional residential units, an enhanced street frontage with activity, the removal of the existing pavement crossover that is a negative aspect of local road safety and the upgrading of the local pavements and bus stop area in accordance with the expectations of the Neighbourhood Plan will be delivered.

- 7.101. The submitted Viability Assessment prepared by Affordable Housing Solutions demonstrates that the physical on-site provision of affordable housing at this site, given this unique set of site circumstances and costs, is not financially viable and the development would not take place if affordable housing were to be required on site.
- 7.102. If affordable housing cannot viably be provided on-site, Policy H4 then requires the physical provision of affordable housing on an alternative site. However, the applicant and site owner holds no other land interests locally and therefore there is no prospect of this option being brought forward.
- 7.103. In these circumstances, Policy H4 is clear that a financial contribution can be offered and should be accepted by the Council where this allows the development to better meet the objectives of the Local Plan. In this case, the objectives of the Neighbourhood Plan, the Local Plan and the substantial wider planning benefits that the development of this site will deliver must also be taken into account, as well as the unique site circumstance and costs.
- 7.104. In this context, the applicant remains committed to delivering the maximum reasonable financial contribution to affordable housing in accordance with the expectations of Policy H4.
- 7.105. A full Viability Assessment to confirm this contribution has been prepared by Affordable Housing Solutions and is submitted as part of this application.
- 7.106. Overall, the provision of affordable housing forms parts of the consideration of all planning matters relevant to this case and it is necessary to strike the appropriate planning balance. With significant weight given within the Neighbourhood Plan to ensuring that this development achieves high quality design, the viability of that requirement must be accounted for. The same is equally applicable to the other wider public benefits that this development can provide as it offers a vanguard for future development of wider Kentish Town. This range of benefits should not be constrained.

7. Sustainability and Energy

- 7.107. Both Local Plan Policy CC1 and the London Plan Policy 5.2 promote a zero carbon position in regard to the impacts of new development. This is furthered through the commitment to reducing emissions via the energy hierarchy of 'be lean, be clean, be green'.
- 7.108. In real terms, the commitment to zero carbon development is represented by a target to reduce by 35% versus the latest Building Regulations. This has therefore been targeted and a full assessment is set out within the Energy and Sustainability Statement prepared by Peter Deer Associates that forms part of this submission.
- 7.109. Overall, this development proposes a 17% reduction in carbon emissions versus the Building Regulations base target. This is made up as follows:

- In terms of 'be lean', a 7% improvement is achieved through improvements to the building fabric, mechanical ventilation with heat recovery and providing suitably sized windows to utilise winter solar gains and allow good natural ventilation from side hung sliding windows using a combination of acoustic and solar glass. Other energy savings are provided by installing low water use fittings and occupancy sensing LED lighting
- In terms of 'be clean' a 5% improvement is achieved through provision of an energy efficient small-scale communal heating system using ultra low NO_x gas fired boilers
- In terms of 'be green', a 5% improvement is achieved through provision of a 4.2kWp Photovoltaics (PV) array design to produce approximately 2,882 kWh per annum.

7.110. The proposal represents the maximum reduction achievable on-site following extensive consideration during the design process. The nature of the site limits what can be achieved, for example:

- *The site is relatively compact in plan and overall area. This limits the space available internally for heating and cooling equipment, where this can be better used to provide additional living space;*
- *There is also a relatively small area of roof on the site which reduces available area for photovoltaic panels;*
- *The drive for this development to be of the highest quality of design and make a positive contribution to local townscape means that it is not appropriate to location significant plant equipment that would be visible at roof level. This limits potential use of this space and also means that PV panels must utilise a low angle such that they will not be visible; and*
- *The site is a significant distance from district heating infrastructure such that it is not a realistic prospect to be able to connect to this.*

7.111. The drive for sustainability improvements must be balanced against other matters, most particularly the drive to ensure that the development delivers a design of the highest quality and residential accommodation of the greatest standard. Therefore, the use of PVs at a greater angle that would be visible in public views and the provision of individual boilers that would impinge into living accommodation would negatively impact upon the overall quality of the development that can be delivered.

7.112. In order to ensure that the development still addresses sustainability enhancements in full, it is proposed to also make a financial contribution via a carbon offset payment. As noted within the submitted Energy and Sustainability Statement, this has been estimated to amount to £29,125.

7.113. This payment would be secured via legal agreement on any permission granted.

7.114. Therefore, this development makes the maximum viable contribution to reducing energy usage and enhancing sustainability in accordance with the expectations of Local Plan Policy CC1 and London Plan Policy 5.2.

8. Transport and Cycle Parking

7.115. Through Policies T1, T2 and T3 the Local Plan seeks to encourage the use of public transport and walking, minimise the reliance upon the use of private cars and seek opportunities to enhance transport infrastructure. Together, these policies encourage healthier and more sustainable routes to moving around the local area.

7.116. As discussed, this site is highly accessible in terms of public transport and the development can be delivered as car-free development.

7.117. In response to the direction of the Neighbourhood Plan, this proposal incorporates a widened paved area adjacent to the existing bus stop. In accordance with TfL's requirements as noted within the Neighbourhood Plan there is no proposal to relocate the bus stop itself; this will remain in its existing location within the local highway network.

7.118. Instead, the existing bus shelter will be replaced and relocated such that it is directly adjacent to the road carriageway. This addresses the current situation where conflict arises between those waiting for buses to the rear of the pavement and then can clash with pedestrians looking to walk along the pavement from north to south.

7.119. The relocated bus shelter will be supplemented by a widening of the pavement into the application site. The setting back of the ground floor elevation, though reducing the potential development footprint, ensures that this current limitation of the public highway can be rectified. This delivers a clear benefit to the local public realm as a result of the proposed development and directly accords with the expectations of Neighbourhood Plan Policy SSP1.

7.120. This proposal has been discussed with TfL as part of the pre-application process and considered acceptable in principle.

7.121. As such, this area should help to relieve the ongoing concerns over conflicts between pedestrians and those waiting for buses by significantly increasing the area of pavement that is available for all users. This will also begin to open up the site to a much greater extent than currently exists.

7.122. With regard to cycle parking, a dedicated residential cycle store is proposed at basement level which will be accessible using the main lift within the residential core. A total of 32 spaces will be provided, a quantum that significantly exceeds the minimum requirements for development of this scale that are set out within both local policies and the London Plan (and proposed within the replacement London Plan). Separately, storage capacity will also be provided within the retail unit to meet staff requirements.

- 7.123. Finally, in regard to visitor cycle parking there is a commitment from the applicant to provide this within the vicinity of the development. Given the limited external space on the site itself adjacent to the public highway, this cannot necessarily be provided on site. Provision of cycle hoops immediately adjacent to the proposed building would either act as a barrier to the retail entrance or negate the increase in the width of the pavement that can otherwise be created.
- 7.124. Appropriate contributions can therefore be made for the provision of sufficient visitor cycle parking within close proximity to the site. It may be that this can be provided such that it can be incorporated into any future redevelopment of the public realm in accordance with the aspirations of the Neighbourhood Plan.
- 7.125. Given the above, this development can meet the requirements of Policies T1, T2 and T3.
- 7.126. These matters are discussed further within the Transport Statement prepared by Caneparo Associates that forms part of this submission.

9. Servicing and Waste Management

- 7.127. It is acknowledged that the layout of the road network in the vicinity of the site is such that space to accommodate servicing and waste management is at a premium. However, it has been assessed that existing capacity will be sufficient to accommodate the requirements arising.
- 7.128. As set out within the Transport Statement prepared by Caneparo Associates, the size of the residential and commercial floorspace proposed will generate a total of 5-8 deliveries per day on average. Within the limitations of existing restrictions on loading, this capacity can be accommodated.
- 7.129. With regard to the removal of waste, the proposed refuse store will be easily accessed from the highway. The layout of the highway is such that there is sufficient road width for other vehicles to continue to pass even in the short time when a refuse vehicle is servicing the development.
- 7.130. To further support the proposed development, a Delivery and Servicing Management Plan has been prepared by Caneparo Associates as part of this submission. Whilst as noted above there is sufficient capacity within the local highway network to accommodate the modest servicing requirements of the proposed development, the proposed Management Plan suggests additional guidance to support the operation of the building and most particularly the retail floorspace.
- 7.131. Specifically, the Delivery and Servicing Management Plan suggests that the retail manager could inform all suppliers of the existing loading restrictions on the local highway and allocate delivery slots to all suppliers in order to stagger deliveries. This approach would further enhance how the proposed development will operate within the local highway network.

- 7.132. In addition, the removal of the existing car wash use and pavement crossover from the site will significantly reduce the movement of vehicles in and out of the site such that the impact of the servicing for the proposed development will be negligible.
- 7.133. Capacity within the store for waste and recycling has been calculated in order to meet the requirements that are set out within CPG1.

10. Community Infrastructure Levy

- 7.134. The Mayor of London adopted a CIL Charging Schedule on the 1 April 2012. CIL is chargeable on the uplift in floorspace over 100sqm or more of GIA to help meet the cost of delivering Crossrail. The London Mayoral CIL rate in the London Borough of Camden is £50 per square metre (GIA) of net additional floorspace.
- 7.135. It is acknowledged that a replacement Mayoral CIL Charging Schedule, 'MCIL2', is scheduled to take effect in April 2019. After adopted of this, chargeable development in Camden will be liable to pay at a rate of £80 per square metre (GIA).
- 7.136. The London Borough of Camden adopted their Local CIL Charging Schedule in May 2016. The application site lies within 'Zone C' and as such the relevant CIL rates are £500 per square metre (GIA) for residential floorspace and £25 per square metre (GIA) for retail floorspace.
- 7.137. The proposed development will involve an increase in floorspace of over 100 sqm. As such the proposed development will be liable for both Mayoral and Camden CIL.

8. Conclusions

- 8.1. Planning permission is sought for the redevelopment of the existing car wash facility in order to provide a mixed use development incorporating a retail (Class A1) or restaurant (Class A3) unit at street level and 14 residential accommodation on the upper floor levels. The scheme will also offer an enhancement to the public realm through both the quality of the design proposed and the enhanced and widened pavement that supports the use of the existing bus stop in a format that reduces the existing conflict between waiting passengers and passing pedestrians.
- 8.2. The provision of restaurant/retail uses at ground floor levels will activate the street frontage and will add what is currently a closed elevation into the existing street activity to both the north and south. This proposal can therefore assist in plugging a gap within Kentish Town whilst also offering the beginnings of a contribution to the opening up and improvement of the whole area around the station and railway bridge which reflects a longer term aspiration of the Neighbourhood Plan.
- 8.3. The proposal's design responds to many of the prevailing design features found in the local area, including the vertical emphasis found in the nearby terraces of building. The proposal is of a high design quality and acknowledges the prominence of both the front and rear (street and railway) frontages to offer a strong aesthetic on both of these elevations.
- 8.4. In line with guidance and advice provided by both officers and the independent Design Review Panel, achieving the highest quality of architecture and design has led the proposed development. This has guided the overall proposal to ensure that the best possible building is provided to this prominent site.
- 8.5. Overall, this proposal responds to all of the main parameters of Policy SSP1 of the Neighbourhood Plan and the aspirations of the development of this site. As requested by the policy, this scheme will intensify the use of the site with a mix of residential and retail/restaurant uses, it will deliver a building that respects the scale of nearby buildings and proposes a design of high architectural quality.
- 8.6. Additionally, the proposal offers a solution to resolve the existing conflict on the pavement between waiting bus passengers and passing pedestrians. The opening up of the front of the site to the adjoining public realm will offer additional width in the pavement and the incorporation of a sheltered waiting area removes the requirement for a standalone shelter in the centre of the pavement area.
- 8.7. This proposal therefore offers a high quality addition to the streetscene and community of Kentish Town that responds fully to the requirements of the local Neighbourhood Plan and its aspirations for this site.
- 8.8. Though the site is subject to a number of physical and financial constraints, the proposed development is deliverable in the short term. This therefore offers the opportunity to bring forward a vanguard development, offering inspiration and a lead for the wider redevelopment of the adjacent Kentish Town Growth Area in the future.

- 8.9. Given the range of benefits that the proposal can deliver, bringing this forward in place of the existing underused site accords with the overall direction of both the Local Plan and the Kentish Town Neighbourhood Plan.