



551-557 Finchley Road, London, NW3 7BJ

Planning Statement (Including Draft Heads of Terms)

Hampstead Properties Limited C/O Delta Properties

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1. INTRODUCTION

1.1 This Planning Statement has been prepared by DP9 Limited on behalf of Hampstead Properties Limited C/O Delta Properties (the “Applicant”) in support of an application (the “Application”) for the change of use, extension, remodelling and restoration of 551 - 557 Finchley Road, London, NW3 7BJ (the “Site”), within the London Borough of Camden (“LBC”).

1.2 The Proposed Development is as follows:

“Part change of use from Use Class E and F1 and remodelling of the existing building to provide residential apartments (C3) along with flexible commercial (Class E)/pub/wine bar/drinking establishments (Sui Generis) uses, alterations including partial demolition and extensions at the rear at lower ground, ground and first floor levels, extension to provide an additional storey at roof level, levelling of the lower ground floor level, remodelling and restoration of front façade, amenity space, cycle parking and all associated works (Site does not include 1st to 3rd floor of 551 Finchley Road).”

1.3 This submission is the culmination of detailed pre-application discussions with London Borough of Camden planning, design and transport officers. It follows a previous application at the Site made in December 2019 for conversion to an apart hotel (ref. 2019/6405/P).

1.4 This Planning Statement is structured as follows:

- Section 2 - Site Context
- Section 3 – Planning History
- Section 4 – Pre-application Discussions and Public Consultation
- Section 5 – Application Proposals
- Section 6 – Planning Policy Framework
- Section 7 – Planning Assessment

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- Section 8 – S106 Draft Heads of Terms
 - Section 9 – Conclusions

1.5 In addition to this Planning Statement, the application is submitted with the following supporting documents:

- Application Forms (including ownership certificates) (prepared by DP9);
- CIL Additional Information Form (prepared by DP9);
- Site Location Plan (prepared by Peter Barber Architects);
- Existing and Proposed Drawings including Site Plan (prepared by Peter Barber Architects);
- Design and Access Statement including Accessibility Statement, Crime Impact Assessment, Waste Storage Collection Plan and landscaping details (prepared by Peter Barber Architects);
- Transport Statement (prepared by Lime Transport);
- Draft Construction Management Plan (using Camden Proforma) (prepared by Lime Transport);
- Marketing evidence (advert and letter dated 6th November 2020) for existing non-residential floorspace (prepared by Estate Office Property Consultants)
- Viability Appraisal for existing non-residential floorspace (prepared by Dutch and Dutch);
- Noise Impact Assessment (prepared by XC02);
- Energy Statement (prepared by XC02);
- Sustainability Statement (prepared by XC02);
- Air Quality Assessment (prepared by XC02);
- Daylight and Sunlight Assessment including Internal Daylight Assessment (prepared by Point 2 Surveyors);
- Arboricultural Impact Assessment (prepared by Landmark Trees).

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- Rapid Health Impact Assessment
 - Employment and Training Strategy

1.6 This Planning Statement should be read in conjunction with the above documents.

2. SITE CONTEXT

The Application Site

- 2.1. The Site comprises 4 x 4 storey terrace buildings with lower ground floor, located at the west side of Finchley Road, south of the junction with Platt's Lane and Fortune Green Road. The lower ground and ground floors of 551-557 and upper floors of 553-557 Finchley Road were converted into an English language school in 1990. The first floor upwards of 551 Finchley Road has been retained under its original residential use and does not form part of the Site.
- 2.2. The existing lower ground floor level of the property is below street level at the front of the building facing Finchley Road, but due to the changes in levels across the Site, it is at ground floor level at the rear of the building. The lower ground floor extends up to the rear boundary of the property at the centre of the Site, with rear outdoor amenity space either side including a raised patio in the north-west corner of the Site.
- 2.3. The Site was in use as an English language school (D1 Use Class) by Hampstead School of Language until February 2020, serving around 280 students during their peak season and 80 students during their low season. Within the school was an in-house ancillary café, a library and a study centre.
- 2.4. The majority of the historic planning permissions for the Site were personal to the Hampstead School of Language. These were approved on the condition that when this occupier vacates the premises, the use would revert to the original lawful use. Camden Officers have confirmed the original uses comprised a bakery (A1/B1(c) Use Class) at basement/ground floor of 551-553, non-residential institution (D1) use at 1st-3rd floors of 553, retail (A1) at basement and ground floor of 555 and 557, and office (B1(a)) at 1st-3rd floor of 557. There is no planning history for the 1st – 3rd floor of 555. The 1st – 3rd floor of 551 is not within the scope of this application.

2.5. Hampstead School of Language's lease expired in February 2020. Upon their vacation the lawful mix of uses at the property became as set out in the below table at para 2.6. We have added the floorspace for the 1st to 3rd floor of 555 but as there is no planning history for this it has been treated as having a Nil use in planning terms. These categories of uses formed part of the assessment of the previous hotel application.

2.6. From February 2020 the lawful uses at the property became:

Land Use	Existing floorspace (GIA)
Retail and light industrial (A1/B1c)	348sqm
Non-residential institution (D1)	206sqm
Retail (A1)	353sqm
Office (B1a)	197sqm
Nil	233sqm
Total	1,337sqm

2.7. The building has been marketed for this mix of uses since July 2019 but there has been no interest to date meaning the building has been vacant since the language school vacated. The Applicant is therefore seeking to change the mix of uses on site, to bring it back to long-term use and improve the building to maximise the long-term viability of the Site. For a temporary meanwhile period while they work to secure the long-term future of the building, to ensure a presence for security purposes they have allowed a charity/artist called Uthink to occupy it in a rent-free arrangement with a one-month break clause.

2.8. Due to changes to the Use Class Order made by Central Government that came into force on the 1st September 2020, the existing lawful uses on Site are now

as set out in the below table. It is these categories of uses that are relevant to an assessment of this application.

Land Use	Existing floorspace (GIA)
Commercial, business and service (E)	898sqm
Learning and non-residential institution (F1)	206sqm
Nil	233sqm
Total	1,337sqm

2.9. The buildings are bound by Finchley Road to the east and residential mansion blocks to the west. The terrace of buildings continues to the north of 551-557 Finchley Road, with detached three-storey houses to the south. The buildings opposite 551-557 Finchley Road range from three-to four-storeys, with new-build residential development of five storeys to the north. The buildings to the west of the Site, facing Fortune Green Road, are four-to-five-storey mansion housing blocks, and are of the same architectural style as 551-557 Finchley Road.

2.10. The Site is set back from the main road by a pedestrian pavement which contains an existing tree. A Pelican crossing is located in front of 551 Finchley Road.

Site Designations

2.11. The Site is located within the Fortune Green ward in LBC and within the Fortune Green & West Hampstead Neighbourhood Forum Area. There are no site-specific planning policy designations.

Surrounding Context

- 2.12. The Site is not located within a Conservation Area, but the opposite side of Finchley Road marks the boundary of Redington and Frognal Conservation Area. The Site is located to the east of the entrance to Hampstead Cemetery and north-east of a Grade II listed semi-detached house.
- 2.13. Finchley Road/Swiss Cottage is the third largest Town Centre in the Borough after Camden Town and Kilburn High Road. It is designated as a District Centre in the London Plan. The main shopping area of Finchley Road/Swiss Cottage runs from the O2 Centre, with its concentration of food, drink and entertainment uses, to Swiss Cottage Underground Station. The Application Site is located approximately 1400 metres from the Finchley Road/Swiss Cottage Town Centre.

Public Transport Connections

- 2.14. The Site has a PTAL level of 4 (Good) and is served by a number of bus routes to the surrounding areas. The Site is located near to Finchley Road & Frognal, West Hampstead and West Hampstead Thameslink Stations, providing access to the Jubilee and Overground lines and Thameslink services.

3. PLANNING HISTORY

The Site

- 3.1. There have been a number of minor applications associated with the Site and its existing operations. The following applications are however of the most relevance to the proposals.
- 3.2. In December 2019 an application for planning permission (ref. 2019/6405/P) was submitted for *“Change of use from original lawful uses (office, light-industrial, retail and non-residential institution uses - classes B1a/B1c/A1/D1) and remodelling of the existing building to provide 33-room apart-hotel (class C1) and co-working space/cafe (classes B1/A3) and a flexible retail/non-residential institution/assembly and leisure unit (classes A1, A2, A3, A4, A5/D1/D2), associated alterations including partial demolition and extensions at the rear at lower ground, ground and first floor levels, extension to provide an additional storey at roof level, levelling of the lower ground floor level, and remodelling and restoration of front façade (Site does not include 1st to 3rd floor of 551 Finchley Road).”*
- 3.3. The application is pending the Council’s consideration.
- 3.4. Planning permission (ref. E4/12/C/16027) was granted on 24th May 1973 for *“The use of the basement and ground floor of 551 Finchley Road as a bakery and patisserie.”*
- 3.5. Conditional planning permission (ref. E4/12/C/17448) was granted on 5th April 1974 for *“The erection of a two-storey extension at the rear of the basement and ground floors of 551 & 553 Finchley Road to provide additional space for the bakery and shop.”*

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- 3.6. Conditional personal planning permission (ref. E4/12/C/36253) was granted on 27th July 1983 for *“The change of use of the basement and ground floor of 551 Finchley Road to chartered accountants’ offices and building society agency.”*
- 3.7. Conditional personal planning permission (ref. E4/12/C/36254) was granted on 27th July 1983 for *“The change of use of the basement and ground floor of 553 Finchley Road to a school for the teaching of English with retention of part ground floor for retail purposes.”*
- 3.8. Planning permission (ref. 36584) was granted on 12th December 1983 for *“The use of the first and second floors of 557 Finchley Road as offices.”*
- 3.9. Conditional personal planning permission (ref. 9005024) was granted on 21st June 1990 for *“The change of use of the basement and ground floor of 551 Finchley Road from Class A1 and B1(c) use to a school for the teaching of English within Class D1 and external alterations to ground floor frontages of 551 & 553 Finchley Road.”*
- 3.10. Conditional personal planning permission (ref. P9600293) was granted on 23rd May 1996 for *“The change of use of 557 Finchley Road from Class A1 & B1 use to Class D2 use.”*
- 3.11. Conditional personal planning permission (ref. PW9802333R1) was granted on 1st October 1998 for *“The change of use of basement and ground floor of 555 Finchley Road from Class A1 (retail) to D2 (language school).”*
- 3.12. Planning permission (ref. PWX0002327) was granted on 12th October 2000 for *“The erection of a single storey rear extension at the basement level of 555 Finchley Road to provide an ancillary coffee room.”*

Surrounding Planning History

- 3.13. There have been a number of planning approvals for redevelopment in the surrounding area as identified below.

282 Finchley Road, London NW3 7AD

- 3.14. Planning permission (ref. 2019/4111/P) was granted on 6th September 2019 for *“The erection of a single storey rear extension.”*

74 Fortune Green Road, London NW6 1DS

- 3.15. Planning permission (ref. 2018/2812/P) was granted on 19th July 2018 for *“The erection of a mansard roof extension with front and rear dormers to provide ancillary residential floor space (Class C3).”*

100-104 Fortune Green Road, London NW6 1DS

- 3.16. Planning permission (ref. 2018/2014/P) was granted on 15th May 2018 for *“The erection of mansard roof extensions and first floor side/rear infill extensions with associated works to convert the properties from 2 x studios, 3 x 1 bed and 1 x 2 bed flats, to form 3 x studios, 3 x 2 bed and 1 x 3 bed flats.”*

535 Finchley Road, London NW3 7BG

- 3.17. Planning permission (ref. 2017/5777/P) was granted on 17th November 2017 for *“The erection of a single storey rear extension at ground floor level, installation of metal balustrade for a proposed roof terrace at first floor level installation of new window and door to the side elevation and replacement of*

boundary fence to the rear elevation all associated with the conversion of 1 x 3Bed flat into 2 x 1Bed self-contained units."

585 Finchley Road, London NW3 7BS

- 3.18. *Planning permission (ref. 2017/1223/P) was granted on 6th November 2017 for "The erection of single storey ground floor rear and side extension and alterations and extensions to the first-floor rear extension to the existing building to provide additional habitable accommodation to ground and first floor flats."*

Flat 30, Caulfield House, 1 Penrose Gardens London, NW3 7BF

- 3.19. *Planning permission (ref. 2016/7065/P) was granted on 23rd March 2017 for "The erection of a single storey extension at rear roof level of existing dwelling house (Class C3)."*

589 Finchley Road, London NW7 7BS

- 3.20. *Planning permission (ref. 2015/4771/P) was granted on 17th September 2015 for "The demolition of existing rear extensions and erection of one single storey rear extension with rooflight."*

76A Fortune Green Road, London NW6 1DS

- 3.21. *Planning permission (ref. 2014/6528/P) was granted on 13th November 2014 for "The erection of a mansard roof extension with front and rear dormers to provide additional accommodation to existing second floor front flat (Class C3) and use of part rear roof outrigger as terrace including access door and railings."*

328-338 Finchley Road 2-6 Platt's Lane 17A 19-29 Kidderpore Avenue Former Caroline Skeel Library

- 3.22. Planning permission (ref. 2013/0685/P) was granted subject to a Section 106 Legal Agreement on 13th September 2013 for *“Redevelopment of the site to create 128 residential units (Class C3) including affordable housing and a community use facility (Class D1), following demolition and conversion/refurbishment of existing buildings used for student accommodation and ancillary offices (sui generis) and construction of new buildings ranging between 3 - 5 storeys in height, together with associated works to create basements, car parking, landscaping and public realm improvements.”*

328, 330, 332, 334, 336 & 338 Finchley Road 2-6 Platt's Lane 17A, 19, 21, 23, 25 & 27-29 Kidderpore Avenue Former Caroline Skeel Library, London

- 3.23. Conservation Area Consent (ref. 2013/0698/C) was granted on 13th September 2013 for *“The demolition of nos 328, 330, 332, 334, 336 & 338 Finchley Road, 2-6 Platt's Lane and 27-29 Kidderpore Avenue, associated with the redevelopment of the site.”*

4. PRE-APPLICATION DISCUSSIONS & CONSULTATION

- 4.1. The Applicant first engaged in pre-application discussions (email correspondence and a meeting) with LBC officers in November 2017. The proposals at that stage included a rear extension at lower ground floor level right up to the rear boundary of the Site so that the entire lower ground floor was built over. It also included a proposed roof extension and remodelling of the building including replacement of the existing shopfronts. This proposal was for residential use and two flexible retail (A1-A5) units at basement and ground floor level.
- 4.2. Various revisions of the residential proposals were discussed with the Council before the Applicant decided to pursue an apart-hotel scheme due to the residential market conditions at the time. The apart-hotel application was submitted in December 2019 following pre-application discussions. Following consideration of the application, LBC officers confirmed that the architecture, design and massing of the proposals were all considered acceptable. However, they advised that they were unable to support an apart-hotel use in this location and confirmed that if the original residential proposals were submitted, they could be found acceptable subject to resolving outstanding concerns relating to residential unit mix and affordable housing.
- 4.3. A pre-application meeting was held in July 2020 to discuss new residential proposals. The proposals used the same architecture, design and massing as the apart-hotel scheme but repurposed the internal space to provide 15 residential units above flexible commercial (Class E)/pub/wine bar/drinking establishment (Sui Generis) floorspace at part ground and basement. Officers advised that the proposed unit mix was considered acceptable. It was agreed the final proposal for affordable housing would be detailed in the application submission to be considered by Officers. Officers also confirmed the loss of

the current mix and quantum of existing non-residential uses on Site could be considered acceptable subject to sufficient justification being provided with the application to meet the Council's relevant policies. This feedback established that the basic principles of the scheme are acceptable, including the proposed land uses, architecture, design, massing and residential unit mix.

- 4.4. The Applicant has also consulted neighbouring properties by sending them a letter with details about the proposals and an offer to discuss these in further detail.

5. APPLICATION PROPOSALS

5.1. This application is for full planning permission for the following:

“Part change of use from Use Class E and F1 and remodelling of the existing building to provide residential apartments (C3) along with flexible commercial (Class E)/pub/wine bar/drinking establishments (Sui Generis) uses, alterations including partial demolition and extensions at the rear at lower ground, ground and first floor levels, extension to provide an additional storey at roof level, levelling of the lower ground floor level, remodelling and restoration of front façade, amenity space, cycle parking and all associated works (Site does not include 1st to 3rd floor of 551 Finchley Road).”

5.2. The quantum of floorspace proposed is set out below:

Land Use	Proposed floorspace (GIA sqm)
Residential (C3)	1,307
Flexible commercial (Class E)/pub/wine bar/drinking establishments (Sui Generis)	245
Total	1,552

Residential Use

5.3. The development will provide 1,307sqm GIA of residential floorspace, providing 15 units at the following mix:

- 2 x 3 bed units
- 6 x 2 bed units
- 7 x 1 bed units

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- 5.4. The residential units will be accessed from two separate entrances on Finchley Road. Secure cycle parking will be provided on the ground floor of 553 Finchley Road. Secure refuse storage will also be provided on the ground floor of 553 Finchley Road to meet LBC Waste and Recycling Guidance in the LBC Design Planning Guide 2015.
 - 5.5. All units have been designed to meet nationally prescribed space standards where possible, taking into account the constraints presented by the reuse of the existing building.
 - 5.6. Two wheelchair accessible/adaptable units will be provided to Part M4(3) of the Building Regulations standards. Other units have been made accessible as possible within the constraints of the existing building and all meet Part M4(1) as a minimum.
 - 5.7. For further details of the residential proposals including refuse and waste arrangements and accessibility, refer to the Design and Access Statement and proposed drawings.

Flexible Commercial (Class E)/Pub/Wine Bar/Drinking Establishment (Sui Generis) Uses

- 5.8. 245sqm of non-residential floorspace will be provided at the ground and lower ground floor with shop frontages onto Finchley Road. This space is designed to be flexible with the potential to accommodate a wide range of different types of uses within Class E as well as pub, wine bar and other Sui Generis drinking establishment uses.
- 5.9. It is not envisaged that the space will be required for light industrial use which also falls within Class E and it is anticipated a planning condition could be

added to any planning permission granted to prevent the space being used for this purpose.

- 5.10. The reason for applying for the remainder of the spectrum of uses within Class E as well as pub/wine bar/drinking establishment Sui Generis uses is to maximise flexibility and therefore the opportunities for the space to be occupied. This is important given that Site is located away from the CAZ, town centres and railway/tube stations which makes commercial floorspace difficult to let. Further detail on this is provided in the Planning Assessment section of this Statement.
- 5.11. The floorspace has been designed so that it can either accommodate one single occupier/use or could be divided into different units with removable partitions and occupied by more than one occupant for a range of different uses. Up to three units could be provided with their own access from the street and there is potential to link units at lower ground floor level.
- 5.12. Internal waste storage will be provided within each unit and will be collected from Finchley Road under a commercial arrangement. This strategy is the same as the arrangement in place when the building was occupied by the language school, whereby waste was stored internally and placed on the kerbside in the evenings for commercial collection by Camden.
- 5.13. For further details of the proposed non-residential uses, including refuse and waste collection, refer to the Design and Access Statement and proposed drawings.

Partial Demolition, Rear Extensions and Amenity Terraces

- 5.14. At present the rear elevation is characterised by a number of ad-hoc extensions with no particular uniformity. The existing irregular rear extensions are proposed to be simplified and rationalised to provide a regular building line pulled back from the rear boundary.
- 5.15. It is proposed to partially demolish the existing full depth lower ground floor extension at the rear of the building (which due to the change in levels across the site sits at ground floor level) and to remove the raised rear outdoor patio area. A new, shallower full-width lower ground floor extension is proposed that steps away from the boundary edge in response to Officer advice at pre-application stage, creating outdoor space along the boundary to be used as amenity garden terraces for residential units at the rear of the building. Outlook will be protected by planted screening, preserving the privacy of neighbouring properties.
- 5.16. The entire lower ground floor will be levelled to ensure a consistent level across the Site, enhancing the quality of the internal space and enabling step free access to the rear amenity terraces. The increased depth will not exceed 500mm measured by comparing the existing and proposed finished floor level. An existing raised patio at the rear in the garden will be demolished to achieve the same level but this is considered an act of demolition rather than excavation. On this basis Camden Officers have confirmed that a Basement Impact Assessment is not required for the Application.
- 5.17. At ground floor level, a new full-width rear extension is proposed, pulled back from the rear building line of the lower ground floor level. It will contain rooms for the residential units that will have access to amenity garden terraces on top

of the lower ground floor extension. Outlook will be protected by planted screening, preserving the privacy of neighbouring properties.

- 5.18. At first floor level, the existing gap between the closet wings of 555 and 557 would be infilled, to provide a uniform first floor extension spanning the width of the Site. This will remain a full storey below the eaves level as recommended by Camden Design Planning Guidance (March 2019). The gaps between the closet wings will provide amenity terraces for the residential units at second floor level. The terrace closest to the existing residential property at 551 Finchley Road will be screened to preserve the privacy and amenity of the occupants (refer to the proposed drawings and Design and Access Statement for further detail).
- 5.19. These extensions will be subordinate to the host building and will provide a uniform appearance to the rear elevation. The proposed external terraces will sit above flat roofs and will not require alterations to the pitched roofs of the rear closet wings

Roof Extension and Reinstatement of Parapets

- 5.20. A secondary mansard roof is proposed above the existing mansard to provide additional residential units. It will take the form of a flat top double pitch mansard roof. Its design has been developed to respond to pre-application advice and it is an approach that exists further along the terrace at 567-571 Finchley Road.
- 5.21. The shape and size of the proposed dormer windows in the mansard extension have been designed to be subordinate to the windows below. The dormers are to appear symmetrical in relation to the overall building design and will be set proportionately below the roof ridge. Their placement and location is carefully considered to follow the rhythm of the façade.

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- 5.22. Decorative brick gables/parapets over the third-floor dormer windows are proposed to replicate the original ornamental dormer window header, evident on the terrace to the north (559 Finchley Road).

Restoration and Remodelling of Shopfronts

- 5.23. The 1980s glass and metal façade on the ground floor fronting Finchley Road is proposed to be replaced with traditional shopfronts, reinstating the original rhythm of the terrace.
- 5.24. For further details of the design of the proposals refer to the Design and Access Statement and proposed drawings.

Parking and Servicing

- 5.25. The Site is well served by public transport with a PTAL rating of 4.
- 5.26. The development is proposed to be car-free, in accordance with the LBC and London Plan (2016) policies on car-free development in accessible locations.
- 5.27. There are parking spaces available for blue badge holders in the vicinity of the Site. The closest available disabled parking bays are provided on Weech Road (Zone CA-P), approximately 100m to the south of the Site. These are Permit Holders Only bays, subject to Mon-Fri 8.30am-6.30pm restriction, however, blue badge users can park with no time restrictions. There are a variety of other options which are explained in the Transport Statement in more detail.
- 5.28. 28 cycle spaces will be provided at ground floor level for the residential (long and short stay) accessed from Finchley Road. It is anticipated that long-stay commercial space users will be able to store their bikes at the back of the

commercial units on the lower ground floor and one double rack is provided within the commercial unit at 557 Finchley Road.

- 5.29. For further details of parking and servicing refer to the Transport Statement.

Public Realm and Open Space

- 5.30. No works are proposed to the public realm. Where possible, residential units have been provided with their own private outdoor amenity space in the form of a garden or a terrace at the rear of the building.

6. PLANNING POLICY FRAMEWORK AND OVERVIEW

- 6.1. This section provides a brief summary of the key planning policies relevant to the Site and the proposed development.
- 6.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that any determination under the Planning Acts should be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.3. In this instance, the Development Plan for the Borough comprises:
- The London Plan (March 2016); and
 - Camden Local Plan (2017).
- 6.4. The Development Plan is supported by a suite of Supplementary Planning Documents which form a material consideration in the determination of planning applications.
- 6.5. Of relevance to the Proposed Development, Camden have the Design Camden Practice Guidance (CPG) (March 2019); Amenity CPG (2018); Energy Efficiency and Adaptation CPG (March 2019); Transport CPG (March 2019); Trees CPG (March 2019); Employment Sites and Business Premises CPG (March 2018); Developer Contributions CPG (March 2019); Basements CPG (March 2018) and Air Quality CPG (March 2019). The Mayor's Sustainable Design and Construction SPD (April 2014) and the Control of Dust and Emissions During Construction and Demolition SPD (July 2014) are also of relevance.
- 6.6. The Site is also located in the Fortune Green and West Hampstead Neighbourhood Plan area and that plan will also form a material consideration.

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- 6.7. The Revised National Planning Policy Framework (NPPF) was published in February 2019. The NPPF sets out the Government’s economic, environmental and social planning policies.
- 6.8. At the heart of the NPPF is a presumption in favour of sustainable development, which should be applied to both the plan-making and decision-taking process. This means approving development proposals that accord with an up-to-date development plan without delay; or 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 (the) 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 (the) Framework taken as a whole.

Emerging Planning Policy

- 6.9. The Draft London Plan Intend to Publish Version was published in December 2019. The policies that are not currently subject to a Direction from the Secretary of State are a material consideration in the determination of this planning application.
- 6.10. The key relevant policies of the adopted and emerging Development Plan are set out below. Whilst some of these are summarised in the Planning Assessment Section of this Statement against the key planning considerations for the Proposed Development, it is not the purpose of this document to repeat every policy – for the full policy text the reader should refer to the relevant Development Plan document.

The London Plan (2016)

- Policy 3.3 – Increasing housing supply
- Policy 3.4 – Optimising housing potential
- Policy 3.5 – Quality and design of housing developments
- Policy 3.8 – Housing choice
- Policy 3.9 – Mixed and balanced communities
- Policies 3.10 -3.13 – Affordable housing related policies
- Policy 7.6 - Architecture

The Draft London Plan (2019)

- Policy H1 Housing
- Policy D1 London's form and characteristics
- Policy D2 Delivering good design

The Camden Local Plan (2017)

- H1 Maximising housing supply
- H4 Maximising the supply of affordable housing
- H6 Housing choice and mix
- H7 Large and small homes
- G1 Delivery and location of growth
- H2 Maximising the supply of self-contained housing from mixed-use schemes
- C2 Community facilities
- C3 Cultural and leisure facilities
- C6 Access for all
- E1 Economic development
- E2 Employment premises and sites
- A1 Managing the impact of development
- A2 Open Space
- A4 Noise and vibration

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- D1 Design
 - D2 Heritage
 - D3 Shopfronts
 - CC1 Climate change mitigation
 - CC2 Adapting to climate change
 - CC4 Air quality
 - CC5 Waste
 - TC1 Quantity and location of retail development
 - TC4 Town centre uses
 - T1 Prioritising walking, cycling and public transport
 - T2 Parking and car-free development
 - T3 Transport infrastructure
 - T4 Sustainable movement of goods and materials
 - DM1 Delivery and monitoring

7. ASSESSMENT OF THE PROPOSALS

- 7.1. This section provides an overview of the key planning considerations in respect of the Proposed Development which are grouped into topics. It assesses the performance of the proposal against relevant Development Plan Policies, national, regional and local guidance and other material considerations.

The Principle of Remodelling and Extending the Building

- 7.2. The property is made up of what were originally 4 separate buildings, arranged as a shop with residential on the upper parts. These buildings are around 100 years old and have been converted and extended in a piecemeal fashion over the years. They are heavily divided with structural walls limiting the options to create open plan spaces and there are a range of levels across the Site resulting in convoluted linkages between the properties, including numerous corridors and 5 separate staircases with no lift. In total, there are approximately 40 rooms across the 4 buildings (not including the residential properties above ground level in no. 551 which is not part of the Site).
- 7.3. The building is therefore in need of significant internal refurbishment to bring it up to modern standards. Due to the age of the buildings and the low-quality accommodation they provide, it is necessary to either redevelop the property or to remodel and extend the building in order to optimise the Site.
- 7.4. The Site is not located in a conservation area and is not statutorily or locally listed. Notwithstanding, the exterior of the building is of some architectural and townscape merit and it sits opposite the Redington and Frogna Conservation Area. Over the years original architectural features including the shopfronts and the decorative parapets/gables fronting Finchley Road have been lost and there is an opportunity for reinstatement as part of a

remodelling and extension scheme. The Applicant has therefore chosen this over a full redevelopment as this provides an opportunity to preserve and enhance the townscape character of the area and the adjacent conservation area. This form of development is also likely to be quicker and have less construction impacts compared with a full redevelopment.

- 7.5. Paragraph 117 of the NPPF confirms that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.6. Local Plan Policy G1 (Delivery and location of growth) states that LBC will deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden by supporting development that makes the best use of the site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and other considerations relevant to the Site. It confirms that development that makes inefficient use of Camden's limited land will be resisted.
- 7.7. The Proposed Development will remodel and extend existing buildings to deliver a greater quantum, quality and more suitable mix of uses than currently exists on Site, and this constitutes an efficient and effective use of the existing buildings and land.
- 7.8. The proposals have been developed through extensive pre-application consultation with LBC. Officers have raised no issues in relation to the extension and remodelling of the Site subject to the Applicant demonstrating the high quality of the roof extension and that there will be acceptable impacts to neighbouring amenity. These matters are dealt with further in this Section. Officers have also confirmed they support the reinstatement of original architectural features including the decorative parapets/gables at the front

and traditional shopfronts, confirming these constitute a heritage benefit. The principle of the remodelling and extension of the building is therefore considered acceptable and in accordance with Local Plan Policy G1.

Principle of the Proposed Uses

Residential use

- 7.9. Policy 3.3 of the London Plan sets Camden a housing target of 8,892 homes between 2015 and 2025, equating to an annualised target of 889 homes per year. Draft Policy H1 of the new London Plan seeks to alter this target to 10,380 new homes between 2019/20-2028/29, equating to an annualised target of 1,038 homes per year. Housing targets for Camden are therefore increasing.
- 7.10. Camden Local Plan Policy H1 sets a local target of exceeding 16,800 additional homes from 2016/17 to 2030/31, including 11,130 additional self-contained homes. Part (d) states where sites are underused or vacant, the LBC will expect the maximum reasonable provision of housing that is compatible with any other uses needed on the site.
- 7.11. The proposed development provides 15 residential units, helping contribute to Camden's regional and local housing targets. The building is currently vacant (except for the temporary meanwhile use described at para 2.7 of this Statement) and while some of the existing commercial floorspace will be re-provided as part of the development to help satisfy other policy requirements relating to the protection of the existing land uses (as explained further within this Section), the priority is to deliver housing for the Borough. The provision of 15 units above non-residential floorspace at ground and lower ground is considered the maximum reasonable provision of housing that is compatible

with the other uses required on site and therefore the policies achieve full compliance with Policy H1.

Housing Choice and Mix

7.12. Policy H6 states the Council will aim to create mixed, inclusive and sustainability communities by seeking a variety of housing suitable for Camden's existing and future households. Policy H7 includes a dwelling size priority table which confirms that for market residential, 2-bedroom and 3-bedroom units are in the highest priority in Camden.

7.13. The proposed development will provide 15 new homes for Camden, made up of 2 x 3 bed units, 6 x 2 bed units and 7 x 1 bed units. The development would include both small and large homes and the majority of the units would be high priority dwelling sizes, in accordance with Policy H7. Officers supported a similar mix of 2 x bed, 5 x 2 bed and 8 x 1 bed units at pre-application stage and as this represents an improvement with an additional priority 2 bed unit instead of a 1 bed unit, it is expected the mix can again be supported.

Residential Quality, Inclusivity and Open Space

7.14. The Council expects development to provide high quality housing that provides secure, well-lit accommodation with well-designed layouts and rooms in and accessible accommodation accordance with Policy H6.

7.15. The London Plan sets out Nationally Described Space Standards which all new dwellings, including conversion of existing buildings, must meet. Table 1 of the space standards sets out the minimum gross internal floor areas (GIA) expected for various dwelling sizes.

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- 7.16. The accommodation schedule provided within the Design and Access Statement demonstrates that all units have been designed to meet the Nationally Described Space Standards where possible. All but three units meet or exceed these standards. The three exceptions (Units 2A, 3A and 3B) are all 1 bed units and are only 1-2sqm below the standards. These units are unable to be any larger due to the constraints of reusing the existing building structure. At pre-application stage Camden Officers advised that as these units achieve 37sqm and have showers, they can be considered acceptable in this instance.
- 7.17. In line with Local Plan Policy C6, provision of the highest practicable standards of accessible and inclusive design will be incorporated into the building and the Site to ensure that it can be used safely, easily and with dignity by all. All units have been designed to be as inclusive as possible while taking into account the constraints of reusing the existing building. All units meet Building Regulations M4(1) standards and 2 units have been designed to achieve M4(3) wheelchair adaptable standards. For further information on accessibility refer to the Design and Access Statement at section 3.5.
- 7.18. An Internal Daylight Report has been prepared by Point 2 surveyors to assess the quality of light within the proposed residential units. It concludes that the scheme demonstrates a good level of compliance with BRE guidelines in terms of internal daylight amenity with 86% of the rooms meeting or exceeding their ADF target value in the as built position. The few derogations where present are considered by Point 2 to be minor and commensurate with the urban context.
- 7.19. Seven of the proposed 15 units benefit from private outdoor space, with the four duplex units benefitting from terrace space on lower ground and ground floor levels. This is the maximum the Site can achieve given the constraints

including the reuse of the existing building, the size of the plot, and the building frontage immediately onto Finchley Road.

- 7.20. It is recognised that the Council's Policy A2 seeks to secure public open space from all developments. It is not possible to provide any public open space on site for the above reasons. If deemed necessary, a financial contribution to secure the provision of public open space elsewhere in the borough may be secured subject to agreement on an appropriate amount.
- 7.21. For the reasons above the residential quality of the development is considered to be high and in accordance with relevant policy. For further information refer to the Design and Access Statement and the drawings.

Residential Density

- 7.22. Whilst the London Plan sets out guidelines for density based on transport accessibility and location, the emerging new London Plan omits this in favour of encouraging developments to make the most efficient use of land and be developed at optimum density, taking into consideration the site context, its connectivity and accessibility and capacity of surrounding infrastructure.
- 7.23. This is an approach advocated by the NPPF (Para 122) which supports development that makes efficient use of land, taking into account need for housing and availability of land, market conditions and viability, availability and capacity of infrastructure and services (existing and proposed), promoting regeneration and change and the importance of securing well-designed, attractive and healthy places.
- 7.24. The proposed development provides 15 high quality units on a constrained, vacant site in a location with a PTAL 4-rating, making efficient use of the land and taking into account housing need as described above. The development

is well-designed and will create attractive places for the reasons described further within this section. In terms of creating healthy spaces, a Rapid Health Impact Assessment has been prepared and is included in the submission which assesses the health impacts of the development and concludes it will result in predominately beneficial health effects in relation to housing quality and design, accessibility and active travel, aspects of crime reduction and safety (inter alia). On this basis and the high standards achieved by the development in residential quality terms, the density is considered acceptable.

Affordable Housing and Viability

- 7.25. The NPPF states that major development should be expected to deliver at least 10% of homes as affordable (Para 64). At a regional and local level the target for new affordable homes is higher.
- 7.26. Policy 3.11 of the London Plan seeks to deliver at least 17,000 new affordable homes in London, with a tenure split of 60:40 social rent to intermediate homes. The draft new London Plan requires a minimum of 35% of new homes to be affordable to meet the need for circa 43,500 affordable homes per year, with a strategic target for 50% over the plan period taking into account opportunity for grant funding.
- 7.27. LBC's affordable housing policy is contained within Policy H4 of Camden's Local Plan (2017). The Council will expect a contribution to affordable housing from all development that provide one or more additional homes and involve a total addition to residential floorspace of 100 m² GIA or more. LBC will seek to negotiate the maximum reasonable amount of affordable housing on the following basis;
- a) The guideline mix of affordable housing types is 60% social/affordable rented housing and 40% intermediate housing;

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- b) Targets are based on an assessment of development capacity whereby 100 m² GIA of housing floorspace is generally considered to create capacity for one home;
 - c) Targets are applied to additional housing floorspace proposed, not to existing housing floorspace or replacement floorspace.
 - d) a sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity;
 - e) an affordable housing target of 50% applies to developments with capacity for 25 or more additional dwellings;
 - f) for developments with capacity for 25 or more additional homes, the Council may seek affordable housing for older people or vulnerable people as part or all of the affordable housing contribution;
 - g) where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing;
 - h) for developments with capacity for 10 or more additional dwellings, the affordable housing should be provided on site; and
 - i) where affordable housing cannot practically be provided on site, or offsite provision would create a better contribution (in terms quantity and/ or quality), the Council may accept provision of affordable housing offsite in the same area, or exceptionally a payment-in-lieu.

7.28. Camden's Interim Housing Camden Planning Guidance (CPG) was adopted in March 2019 and was introduced to support the policies in the Local Plan 2017.

The CPG requires 50% of housing in the Borough to be affordable for developments of 25 units or more. For proposals below this level of housing provision, as in this case, a sliding scale applies to set lower affordable housing targets for developments that provide one or more additional homes and involve an addition to residential floorspace of 1—sqm GIA or more but have capacity for fewer than 25 additional homes.

7.29. The proposals generate a residential uplift of 1,308 sq m (GIA). This equates to a capacity of 13 homes, which then generates an affordable housing % requirement of 26%. When applied to the total uplift this generates an affordable housing floorspace requirement of 340 sq m, or 3 affordable homes. Part (i) of Policy H4 recognises that where affordable housing cannot practically be provided on-site, the Council may accept off-site provision, or exceptionally a payment in lieu.

7.30. In accordance with the sequential policy test the, Applicant's appointed advisors DS2 have considered the feasibility of providing affordable housing on-site and have tested the proposals with the Council's preferred Registered Provider partners to see whether there is any interest in delivering the 3 affordable homes at the site. In this instance, due to the small number of homes in question, the physical constraints of the building and the high associated service charges, none of the Providers who have responded would consider acquiring the affordable homes. The Applicant does not own a site in the vicinity, nor are they able to acquire one. Therefore, in this instance a payment in lieu is considered to be the most feasible method of delivering affordable housing.

7.31. A separate Financial Viability Assessment has been prepared by DS2 to determine the exact level of affordable housing contribution that can be viably provided. The viability assessment has been shared with Officers so this can

inform the Council's decision making on affordable housing provision. An Executive Summary is included with the planning application submission which provides a broad overview of the report headlines.

- 7.32. The conclusions from DS2 are that there is a significant deficit between the site value and the proposed development residual land value, demonstrating that the development cannot viably support the provision of affordable housing. Notwithstanding, as the Applicant is cognisant of the Council's priorities to secure affordable housing within the borough, they are willing to make contribution in this case. This would comprise a financial offer given the specific circumstances prevent on-site provision, as demonstrated by the lack of interest DS2 received from Registered Providers when advertised affordable units within the development.
- 7.33. For more information on affordable housing and viability, refer to the Executive Summary and Financial Viability Assessment.

Replacement of Existing Office, Retail, Bakery and Educational Uses with Flexible Class E/Pub/Wine Bar/Drinking Establishment Floorspace

- 7.34. Upon vacation by the language school in February 2020 the existing building reverted to the original lawful uses which comprised 348sqm of bakery (A1/B1c) floorspace, 353sqm of retail (A1), 197sqm of office (B1a) and 206sqm of educational (D1) floorspace. It is proposed to replace these uses with 15 residential units and 245sqm GIA of complimentary flexible commercial/wine bar/pub/drinking establishment floorspace at ground and lower ground floor level, resulting in the partial loss of the existing uses.
- 7.35. Camden Local Plan policies seek to protect retail (formerly A1), employment (B1(a)-(c)) and educational (D1) uses in this location:

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- Camden Local Plan Policy TC1 seeks to focus new shopping and related uses in Camden's designated growth areas and existing centres, having regard to the level of capacity available in these locations. Outside these centres, the Policy TC3 states the Council will only grant planning permission for a loss of a shop provided alternative provision is available within 5-10 minutes' walking distance and there is clear evidence that the current use is not viable.
 - Local Plan Policy E2 seeks to protect premises that are suitable for continued business use (B class), in particular premises for small businesses, businesses and services that provide employment for Camden residents and those that support the functioning of the CAZ or local economy.
 - Policy C2 seeks to safeguard against the loss of viable community facilities, defined to include education use.

7.36. As of 1st September 2020, retail and employment uses all sit within Class E "Commercial, Business and Service" Use. This means 898sqm of the existing floorspace can now be used for any use within that Use Class without requiring planning permission. The effect of this is that the "pre-existing" retail and employment uses could be lost at any time to another use within Class E and this would not be protected by the planning regime. The remaining 206sqm of educational floorspace is now within Class F1 "Learning and Non-Residential Institutions" and requires planning permission for a change of use.

7.37. Notwithstanding the fact the existing employment and retail uses could be removed without the requirement for planning permission, Officers have asked the Applicant to justify their loss as part of this application alongside the loss of the existing educational use. The existing A1/B1(c) floorspace was historically a bakery where bread etc was made at lower ground and sold at

ground floor level which is more akin to retail (A1) use rather than a light industrial use and so has been assessed as a loss of retail as part of this process. This approach has been discussed with and accepted by Officers.

7.38. The building has not been used for the existing lawful mix of uses for 30 years. The existing floorspace is not fitted out for these uses having been in use as a language school and the space is of a low quality and not comparable to modern standards. The property has been marketed for A1, B1(a), A1/B1(c) and D1 uses by Estate Office Property Consultants since June 2019 and there has been no take up of this floorspace. The marketing details are enclosed with this submission along with a letter from Estate Office dated 6th November which explains why they have not been able to find occupants for the space.

7.39. In addition to this marketing evidence, the Applicant has asked Estate Agents Dutch and Dutch, experts in the commercial lettings market in the local area, to advise on the future viability of the 'existing' original amount and mix of A1, B1(a), A1/B1(c) and D1 uses at the subject property. They have prepared a report which is enclosed with the Application. It concludes as follows:

- The pre-existing quantum and mix of uses at this building no longer represent a viable option in this location.
- The nature of retail is evolving very quickly and secondary locations such as this, with low footfall do not attract tenants.
- Similarly, businesses seeking office space now prefer larger flexible accommodation or properties with close proximity to an underground station.
- Given that the pre-existing uses are not in operation, their partial loss at the quantum proposed will have no detrimental impact on the neighbouring units or the local economy.

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- The provision of some new flexible commercial floorspace at the reduced quantum proposed is likely to be viable in the context of a residential-led development.

7.40. Further detail and justification for the loss and replacement of the original amount and mix of A1, B1(a), A1/B1(c) and D1 uses is provided in subsections below.

Loss of Office Use

7.41. Local Plan Policy E2 states that *“The Council wants to encourage the development of a broad economic base in the borough to help meet the varied employment needs, skills and qualifications of Camden’s workforce”*. It also states that the intent is to protect *“businesses and services that provide employment for Camden residents and those that support the functioning of the Central Activities Zone (CAZ) or the local economy”*.

7.42. Local Plan Policy E1 (the Council’s primary economic growth policy) directs new office development to growth areas, Central London, and the town centres. The Site is not located in any of these areas.

7.43. Policy E1 recognises the importance of non B-class employment generating uses, including retail, education, health, markets, and leisure. This is backed up in the supporting text which states at paragraph 5.33 that:

“Jobs are provided by many types of uses within the borough, not just those based in offices or industrial premises. These include shops and markets, hotels and restaurants, leisure and tourism use, as well as knowledge-based sectors such as health and education”.

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- 7.44. It is clear that when read as a whole, the primary aspiration of Policies E1 and E2 is for economic growth which will benefit local residents and the local economy. Whilst a small amount of office floorspace will be lost from the Site, there will be an increase in the quality of the employment generating floorspace through the provision of 245sqm of flexible Class E floorspace, which as per Policy E2 will support the local economy and provide employment to local residents.
- 7.45. The proposed commercial floorspace will be flexible in order to respond to the market and increase its chance of occupancy. This space has the potential to be used for replacement office use as well as a range of other employment generating uses including shops, restaurants and leisure uses. This space will replace the existing office floorspace which has had no take up since June 2019 despite being marketed for B1 use and has been deemed unviable by the Dutch and Dutch Report. Refer to that report for the full reasons.
- 7.46. As set out within Camden's Employment Sites and Business Premises CPG (March 2018), developments which result in the loss of office space will be required to provide a payment in lieu to overcome this. The perceived loss of the existing office floorspace is theoretical only as it can already be lost to other uses within Class E without the need for planning permission. Furthermore the site has not been in use as office since the 1990's. For these reasons, the loss will not be tangible and will be more than offset by the increase in quality of the proposed replacement flexible commercial floorspace. It is therefore considered a payment in lieu of the loss of office floorspace is not necessary or appropriate in this instance and the proposal should be deemed acceptable in this respect in policy terms.

Loss of Retail Use

- 7.47. There has not been a retail use (including A1/B1(c) bakery use) at the property for over 30 years. The property has been marketed for these uses since June 2019 and there has been no take up. In addition, the Dutch and Dutch Report concludes that these uses are unviable at the original mix and quantum. Dutch and Dutch demonstrate that there are several retail units currently available within close proximity of the subject building that have a significantly higher footfall which are considered to be in superior trading locations. They also note there will be no real loss of retail compared with the current position and this could not harm the amenity of surrounding retail as this use has not been on Site for a significant period of time.
- 7.48. Dutch and Dutch conclude a much smaller amount of retail use on site is more likely to be viable as long as it is provided as part of a new mixed-use development that included residential use. This space will be made further viable given it will be Class E, enabling take up by a wide range of different uses.

Loss of Non-residential Institution Floorspace (D1)

- 7.49. A small amount of floorspace in the building (206sqm) did not benefit from a personal planning permission and will therefore remain in lawful D1 use upon vacation of property by the language school. LBC Officers confirmed at pre-application stage that given this D1 use is limited to the upper three floors with poor access levels and a small floor area, the loss of D1 floorspace in this location is likely to be considered acceptable. It was recommended that the possibility of re-providing the facility (the English Language School) elsewhere is fully explored, as well as a thorough demonstration that the school is surplus to requirements or unsuitable for continued use.

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- 7.50. At the time, the details of the current lease were not known to Officers. The property was let for a term of 15 years from 19th February 2010 with a Tenant only option to determine the Lease 20th February 2020 subject to 12 months' notice. The Tenant served notice to break the lease and vacated the property in February 2020. They did not want to retain the 206sqm on Site and it is considered the space is better used to deliver the mix of uses outlined within this Statement. It is also considered that other educational users would not be interested in the current configuration of the 206sqm of space as explained in the Dutch and Dutch Report.

The Council's Mixed-use Policy

- 7.51. Local Plan Policy H2 sets out that *"In all parts of the borough the Council will encourage the inclusion of self-contained homes in non-residential development. In the Central London Area and the town centres of Camden Town, Finchley Road/ Swiss Cottage and Kilburn High Road, where development involves additional floorspace of more than 200sqm (GIA), we will require 50% of all additional floorspace to be self-contained housing"*. In the Central London Area and named town centres, self-contained homes are required for new development.
- 7.52. The Site sits outside of the Central London Area and the named town centres and therefore self-contained homes are encouraged as part of a mix of uses rather than required under the policy.
- 7.53. The development provides 15 residential units alongside 245sqm of non-residential uses and this accords with the policy.

Design, Massing, Heritage and Townscape

- 7.54. Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.55. Local Plan Policy D1 seeks to secure high quality design in development which – inter alia – respects local context and character; is inclusive and accessible to all and preserves strategic and local views.
- 7.56. Paragraph 197 of the NPPF states that in weighing applications which directly or indirectly affect non-designated heritage assets a balanced judgement will be required having regard to the harm or loss and the significance of the asset.
- 7.57. Policy 7.8 of the London Plan and Policies D1 and HC1 of the Draft New London Plan require new development to respect, enhance, and utilise the heritage assets and architectural features that contribute to the local character.
- 7.58. The proposed Site is located on a prominent road and for the most part presents an attractive primary elevation with the exception being the dated 1980's shopfront. At the rear, the extensions have been undertaken over time, lack uniformity and would be improved by rationalisation. Parts of the extensions extend right up to the rear boundary of the Site and pulling this massing back would improve outlook from neighbouring properties.
- 7.59. The proposals have been designed by award-winning architects Peter Barber Architects and will be of high architectural quality. Full details of the design rationale are included in the Design and Access Statement.

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- 7.60. The massing has been developed to respond to pre-application advice and in full consideration of impacts including daylight and sunlight and trees as evidenced further within this Section. The rear extensions step away from the rear boundary, improving the relationship with the buildings to the rear and will rationalise the appearance of the building, improving outlook from these properties. The roof extension is designed to complement and extend the existing architecture of the building and is similar to the existing double mansard extension at numbers 567-571 Finchley Road, on the same terrace.
- 7.61. The design is well considered and will further enhance a row of buildings that have aesthetic architectural and townscape merit by reusing attractive existing features of the building and restoring historic features that have been lost over time, including the front decorative gables/parapets and the traditional shopfronts.
- 7.62. Camden officers confirmed at pre-application stage that they supported the replacement of the existing shopfronts, noting that the replacement with a traditional shopfront would have a clear heritage benefit and would enhance the character and appearance of the host building and wider area in accordance with Camden Local Plan Policy D1. They also noted the reintroduction of the original decorative gable/parapets at the front of the property would be welcomed and encouraged by the Council.
- 7.63. Camden Officers also confirmed the proposed extensions and design are supported subject to the Applicant demonstrating the amenity of neighbouring occupiers will not be harmed and that the proposed roof extension will be of a very high quality. Elevation and section drawings are included with the Application and the Design and Access Statement provides further detail to demonstrate that the roof extension will be of a very high quality. There will

be no harm to neighbouring amenity as demonstrated in the 'Amenity Considerations' subheading below.

- 7.64. The proposed design and massing therefore accords with the aforementioned policies relating to design, heritage and townscape and should be supported by LBC based on previous Officer advice.

Neighbouring Amenity

- 7.65. Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight. They will grant permission for development unless this causes unacceptable harm to amenity.
- 7.66. The nearest residential dwellings are Burgess Park Mansions to the south-west of the Site and the existing flats on the upper floors of no. 551 Finchley Road. Officers confirmed at pre-application stage that the proposals are unlikely to impact the neighbouring flats at no.511. They noted that the reduction in massing at the lower ground floor level is welcomed and would reduce the existing impacts on the outlook from Burgess Park Mansions. However, Officers considered that as the proposal would result increased use of the property at the rear and the potential for overlooking from terraces, a full analysis of the impact on neighbouring amenity should be included in the planning application, to include impact on outlook, daylight/sunlight, lightspill, noise disturbance and privacy.
- 7.67. The Proposed Development has been carefully designed to ensure there are no harmful impacts to the amenity of neighbouring occupiers as explained

within this subsection, which covers the topics of noise, ventilation and air quality, daylight, sunlight and overshadowing, privacy and overlooking.

Noise, Ventilation and Air Quality

- 7.68. It is noted that during the original pre-application discussions for the hotel scheme Officers raised some potential concerns over certain uses such as restaurant or hot-food takeaway on the grounds that these would require extraction and ventilation equipment which could impact the amenity of residents on the upper floors.
- 7.69. A Noise Impact Assessment has been prepared by XC02 which assesses the background noise levels of the Site and recommends minimum sound insulation that should be provided between the flexible commercial uses within the Proposed Development to meet the requirements of Building Regulations Approved Document E and the recommendations in BS 8233:2014. It is anticipated there will be a planning condition securing compliance with these recommendations thereby ensuring there will be no harmful impacts to the amenity of occupiers.
- 7.70. The Noise Impact Assessment concludes that that the Site is suitable for residential development taking into account the threshold set by LBC provided the proposed mitigation measures are implemented. This can be secured via condition. Refer to the Noise Impact Assessment for further details.
- 7.71. The end user of the development is not expected to require any major ventilation or extraction equipment beyond that of localised MVHRs. If extraction and ventilation equipment is required, the details will not be known until the occupier of the unit is confirmed and so it is anticipated that these details can be secured by a planning condition requiring the submission of further details for approval if required. The traditional shopfront fenestration

consists of an openable fanlight above the entrance doors, which contributes to natural ventilation. Refer to the XC02 report and the Design and Access Statement for further details of ventilation.

7.72. Policy CC4 advises that LBC will ensure that the impact of development on air quality is mitigated and ensure that exposure to poor air quality is reduced in the borough. It confirms that Air Quality Assessments (AQAs) are required where development is likely to expose residents to high levels of air pollution.

7.73. An Air Quality Assessment is provided with the Application which concludes as follows:

- An assessment has been undertaken to quantify the potential impacts on local air quality associated with the construction and operation of the Proposed Development. Based on the results of the assessment, it is considered that redevelopment of the Site would not cause a significant impact on local air quality.
- An assessment of potential air quality impacts arising from the construction and operation of the Proposed Development at 551 - 557 Finchley Road in the London Borough of Camden has been undertaken.
- During the construction phase, the Site has the potential to generate dust nuisance beyond the application boundary. However, through the implementation of a Dust Management Plan, the impacts will be effectively minimised and are unlikely to be significant.
- Emissions from operational traffic associated with the Proposed Development are not anticipated to significantly affect local air quality, however detailed dispersion modelling was undertaken to assess the

suitability of the Site for commercial development. The predicted pollutant concentrations at the Site are well within the short-term air quality standards set for the protection of health.

- The Proposed Development has been assessed as Air Quality Neutral.

Daylight, Sunlight and Overshadowing

7.74. The planning application is supported by a Daylight and Sunlight Report prepared by Point 2 Surveyors.

7.75. The report advises that:

- a. The proposed scheme has been carefully designed having regard to the existing surrounding residential properties in terms of daylight and sunlight amenity.
- b. Nine properties comprising 215 windows serving 105 rooms have been assessed; the scheme demonstrates full compliance with the BRE Guidance for Daylight and Sunlight assessment.
- c. Daylight:
 - a. Whilst there are some minor VSC alterations of daylight, none of the alterations are noticeable as reductions are less than 20% (the greatest reduction is 4.06%) which the BRE guidance considers to be unnoticeable. Similarly, only 5 properties experience NSL alterations, and as with VSC, all alterations are less than 20% (the greatest reduction is 10.1%), thus the reductions are unnoticeable.
- d. Sunlight:
 - a. All properties experience fully BRE compliant APSH alterations.

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- 7.76. Point 2 Surveyors conclude that they fully support this planning application in terms of daylight and sunlight amenity.

Privacy and Overlooking

- 7.77. The possibility of privacy and overlooking has been carefully considered in the design of the building to ensure that there will be no adverse impacts on neighbouring residential amenity. Refer to Section 3.2 of the Design and Access Statement for full details.
- 7.78. Outlook from neighbouring properties will be improved by the Proposed Development as it will rationalise the existing piecemeal, irregular extensions at the rear, pull back the massing from the rear boundary extent and provide a series of private garden terraces that are likely to be greened with planting and fauna.

Levelling of the Lower Ground Floor

- 7.79. The proposals include the levelling of the existing lower ground floor of the property, which is below ground fronting Finchley Road but due to the changing levels across the Site, is at ground floor level at the rear of the property. This includes the removal of a raised patio in the rear garden area. It has been agreed with the Council's Officers that due to the limited extend of excavation required, a Basement Impact Assessment is not required in this instance.

Transport, Servicing and Waste and Construction Traffic

- 7.80. A Transport Statement and draft Construction Management Plan have been prepared by Lime Transport and are included within the application. Refer to

these documents for full details of transport, servicing, waste and construction traffic.

- 7.81. In line with Policy T1, the proposal prioritises sustainable modes of transport to the Site, comprising walking, cycling and public transport. As set out in the accompanying Transport Assessment, the Site is in a sustainable location with easy pedestrian and cycle access to local amenities.
- 7.82. In accordance with Policy T2, it is proposed that the development will be car-free. As set out in the Transport Assessment, blue badge parking spaces are available within the near vicinity.
- 7.83. Cycle parking provision is proposed in line with Intend to Publish London Plan standards where possible. In total, 28 spaces are provided for the residential use and 2 spaces are provided for the flexible commercial use. This is considered the maximum achievable on site given the constraints. Refer to Section 4.4 of the Transport Statement for further detail.
- 7.84. Officers have confirmed that a Travel Plan is not required for this application and these are not required by TfL for developments involving less than 40 units.
- 7.85. Details of the refuse strategy for the Development are included in the Design and Access Statement and the Transport Statement.
- 7.86. Details of how traffic could be managed during Construction to ensure no adverse impacts on the road network are provided in the draft Outline Construction Traffic Management Plan which has been filled out using the Council's latest proforma. A final Construction Traffic Management Plan will be secured by planning condition or S106.

7.87. The Transport Statement concludes that the proposed development complies with national, regional and local policy as it:

- Provides a mixed-use development, which minimise the number and length of journeys;
- Encourages patterns and nodes of development that reduce the need to travel, especially by car, by providing secure and integrated cycle parking;
- Provides a car-free development; and
- Ensures that the needs of disabled drivers can be accommodated.

Energy and Sustainability

7.88. Local Plan Policy CC1 confirms that LBC will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. It confirms that they will:

- a. promote zero carbon development and require all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy;
- b. require all major development to demonstrate how London Plan targets for carbon dioxide emissions have been met;
- c. ensure that the location of development and mix of land uses minimise the need to travel by car and help to support decentralised energy networks;
- d. support and encourage sensitive energy efficiency improvements to existing buildings;
- e. require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building; and

f. expect all developments to optimise resource efficiency.

7.89. The planning application is supported by separate Energy and Sustainability Statements, prepared in line with the GLA's Energy Assessment Guidance 2018 and Camden's Energy and Efficiency CPG (2019).

7.90. Refer to the Energy and Sustainability Statements for a full assessment of the Proposed Development against the relevant policies and guidance. In Summary, the Statements describe the key energy and sustainability features of the Proposed Development as follows.

- Key features that impact the sustainability of the proposed project include:
 - i. The reuse of previously developed underused land;
 - ii. Thoughtful design to reduce energy demand through enhanced building fabric;
 - iii. Efficient design of the proposed massing, openings and internal layouts so that habitable spaces benefit from abundant daylight and sunlight levels, whilst impacts to neighbouring buildings are kept to a minimum;
 - iv. Reduced demand for the use of new materials as some elements of existing structure will be reused;
 - v. Training and support for occupants during handover to enable the building to be used efficiently;
 - vi. High efficacy lighting and advanced controls
 - vii. Effective pollution management and control:
 - viii. The development is not expected to have any significant adverse effects to air, noise, land or watercourses.

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- Overall, the Proposed Development at 551-557 Finchley Road meets the targets set out by London Borough of Camden and the Greater London Authority (GLA).
 - The development could achieve a BREEAM “Excellent” target of 70% for BREEAM domestic refurbishment.
 - The number of credits obtained in the BREEAM pre-assessment and the sustainability measures incorporated reflect the client and design team’s aspirations in integrating sustainability measures and demonstrates that the project is designed to exceed the planning policy sustainability requirements.
 - The zero-carbon target for major new-build development does not apply as this is a refurbishment project.
 - The scheme exceeds the London Plan requirement of on-site carbon reduction of 35%.
 - The development has also been designed in line with Camden Planning Guidance: Energy efficiency and adaptation where feasible. The shortfall from 20% reduction from low and zero carbon technologies is due to spatial limitations. The project being of a refurbishment nature has some site constraints which limit any alteration to the character of the building.
 - Individual gas boilers have been proposed to provide heating and hot water the non-domestic and the majority of the domestic development. Air source heat pumps (ASHP) have been utilised where possible to maximise on-site carbon reduction, the 4 lower ground maisonette units will be serviced with highly-efficient individual ASHP.
 - Photovoltaic panels were not considered in the development as these would alter the character of the building. Hence the development is not able to meet the 20% carbon savings from renewables.

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- However, high-performance thermal envelope and passive design measures have been implemented and the carbon savings through demand reduction measures alone exceeds the new efficiency target set by the GLA of 15% for non-domestic development.

Tree Impacts

- 7.91. An Arboricultural Impact Assessment has been provided with the Application to assess the impacts of the Proposed Development on nearby trees against relevant policies and guidance. It concludes as follows.
- 7.92. The existing site comprises a mixed-use property with substantive rear garden containing a number of trees potentially constraining development. The proposal includes the renovation and redevelopment of the Edwardian block into a multi-use building.
- 7.93. There are 5 trees on the property and adjoining land outside of the application boundary that are within close proximity to the development and need to be assessed. These are all judged as being moderate and low-quality trees.
- 7.94. The report has assessed the impacts of the development proposals and concludes there would be at most a low impact on the resource: a small portion of trees will be removed or pruned to facilitate construction. Those removed have more collective than individual specimen value, such that their loss could be mitigated with new planting, bringing its own benefits to a relatively unmanaged resource.
- 7.95. Similarly, though pruning here is to serve development, if undertaken to best practice, the scale envisaged should not be altogether untoward in an occupied site.

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- 7.96. Whilst the default position is that structures be located outside the Root Protection Area* (RPA) of trees to be retained, there are some modest encroachments that could not be avoided in the design of the scheme. The report has demonstrated that the tree(s) can remain viable and also proposes a series of mitigation measures to improve the soil environment that is used by the tree for growth. Net impacts are assessed therefore as being low.
- 7.97. Notwithstanding the above assurances, the report sets out a series of recommendations prior and during construction that will ensure impacts to trees are minimised. These are detailed in sections 6.3 and 8 of the report.
- 7.98. In conclusion, the proposal, through following the above recommendations, will have no, or very limited, impact on the existing trees and is considered acceptable.

8. PLANNING OBLIGATIONS & SECTION 106

8.1. Below we set out the draft Section 106 Heads of Terms for the Proposed Development. The draft Heads of Terms have been considered in relation to the Council's Developer Contributions CPG (2019) and comments received by Officers during pre-application. The draft S106 Heads of Terms are as follows:

- Car free development
- Construction Management Plan
- A one-off financial contribution to cover the costs of reviewing the CMP (£tbc - to be agreed with Officers)
- Energy efficiency and renewable energy plan
- Sustainability Plan
- Construction Traffic Management Plan
- Construction and End Phase Employment and Training Opportunities (tbc)

8.2. The scheme will be liable to Community Infrastructure Levies for both the Mayor of London and the London Borough of Camden.

9. CONCLUSIONS

9.1. The Planning Statement has assessed the proposals against the provisions of the NPPF, London Plan, LBC Development Plan and supplementary planning guidance. It is considered that the proposal generally accords with the relevant local, regional and national policies and delivers significant benefits. In particular:

- The delivery of a high-quality mixed-use development;
- Heritage benefits comprising the reinstatement of historic architectural features and installation of a traditional shopfront, enhancing the character, appearance and townscape setting including the adjacent Conservation Area;
- The delivery of an energy-efficient and sustainable building, which makes the best use of previously developed land;
- The provision of 15 new homes including 6 2-bed units and 2 x 3 bed units, helping to deliver new homes for London and market housing types in high demand in LBC;
- The replacement of poor quality office, retail and educational floorspace with high quality flexible employment generating floorspace.
- The provision of qualitative improvements to the outlook from adjacent properties;
- The provision of new jobs both directly and indirectly during construction and operational phase;
- Increased economic spend in the area;
- Employment and training initiatives to be agreed with Officers; and
- S106 and CIL contributions towards local infrastructure.

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- 9.2. It is clear from the preceding sections that the proposal represents a sustainable form of development for which there is a “presumption in favour” as set out in national, regional and local planning policies. The Proposed Development would deliver an exemplary, sustainable and economically viable development which would have many regenerative and economic benefits for the Site and immediate surrounding area.
- 9.3. In summary, the change of use, extension and remodelling of the Site and the proposed mixed of uses would deliver significant benefits including new homes, heritage benefits and will generate jobs in both the construction and occupation phases of the scheme and increased spend in the local economy. The proposals represent an important opportunity to improve upon the existing quality of accommodation and uses and maximise the effective viable use of the Site for a mix of uses supported by the Development Plan to enhance the economy of the local area. For the reasons set out in our statement, the proposals broadly accord with the provisions of the Development Plan and should therefore be approved without delay.