

Planning Statement

3 Rosemont Road, London, NW3 6NG



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1. Introduction

1.1 This statement has been prepared to support a full planning application at 3 Rosemont Road for the following development:

Change of use of existing Class E floorspace to form 3 residential flats. Installation of screening to existing rear external terrace area. Creation of level access from street. Provisions for internal storage for cycle and refuse / recycling.

1.2 This statement provides the background information on the site and assessment of the proposals in relation to planning policy and other material considerations, and is set out under the following sections:

- **Section 2** outlines the site and its context within the surrounding area;
- **Section 3** provides an overview of the planning history;
- **Section 4** provides an outline of the proposals;
- **Section 5** outlines the relevant planning policy framework;
- **Section 6** appraises the main planning considerations
- **Section 7** draws our conclusions in respect of the proposal

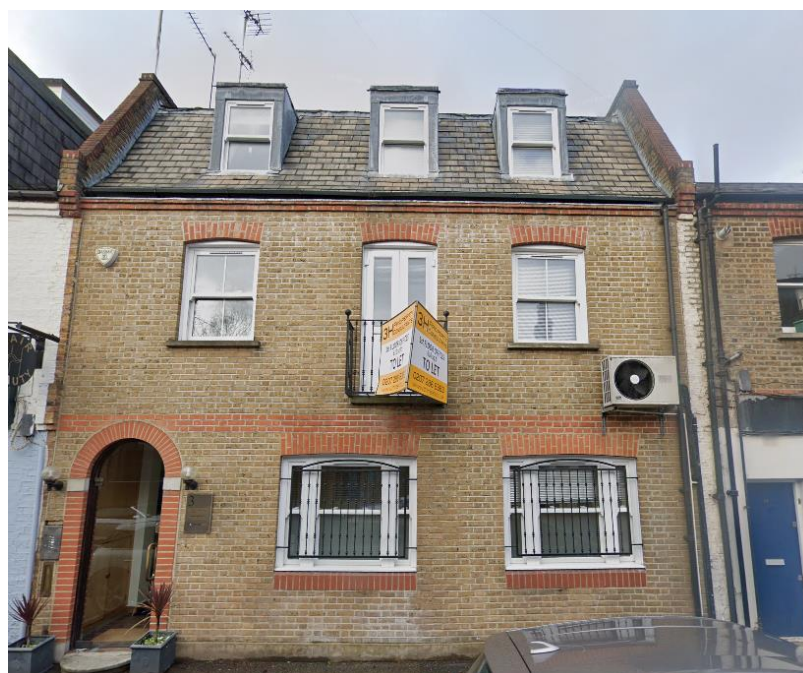
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2. Site and Surroundings

2.1 The property is located within the West Hampstead Ward. The property itself is located on the northwest side of Rosemont Road approximately 35m southwest of the junction with Finchley Road and approximately 300m north of Finchley Road Underground Station. The O2 Centre is approximately 150m to the south. Rosemont Road is a one way street directly accessing onto Finchley Road. There is parking on both sides of the street.



2.2 3 Rosemont Road is a three storey building comprising ground floor, first floor and mansard second storey. The building is current vacant having been used by office and other Class E occupiers. A single occupant is present within 1 room of the ground floor.

2.3 The site has a raised rear courtyard at first floor which sits above the ground floor which occupies the full footprint of the site.

2.4 Rosemont Road has a mix of uses including commercial ground floor units and residential above. There is a notable level of residential uses with Rosemont Road.

2.5 The site is not located within a Conservation Area, the site is not listed or locally listed.

2.6 The site is within a Flood Zone 1.

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- 2.7 The site has a PTAL of 6a with Finchley Road Underground (Jubilee/ Metropolitan services) approximately 300m to the south. Finchley Road and Frognal Overground Station is 120m to the north. West Hampstead is approximately 670m to the west of the site providing a full range of Overground, National Rail and Underground services from the three West Hampstead Stations.
- 2.8 To the north east the site borders the Finchley Road / Swiss Cottage Town Centre running along Finchley Road.
- 2.9 The site is located within the Office (use class B1a) to residential (use class C3) Article 4 Direction. This removes permitted development rights for all office (use class B1a) to residential (use class C3) conversions. The site is located on the western border of the Article 4 area.
- 2.10 There is a Class MA Article 4 Direction proposed to come into force on 29 July 2022. The Article 4 will withdraw the Class MA permitted development rights to change from the existing Class E use to Class C3 for parts of the borough. The site will be positioned within the western part of the Finchley Road / Swiss Cottage Town Centre proposed Article 4 Location.
- 2.11 In this context however, we note the recent April 2022 Ministerial Letter expressing concern to LPA who seek to impose large/ wide area Article 4 directions as opposed to the smallest possible area.

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3. Planning History

3.1 The relevant planning history is shown below.

Address	Reference	Description	Decision	Date
3 Rosemont Road NW3	8803928	Erection of a mansard roof extension with dormers at front and rear for use for purposes within Class B1 of the Town and Country Planning (Use Classes) Order 1987 together with the insertion of a replacement ground storey elevation the insertion of patio doors and formation of a roof terrace at rear first floor level and the erection of balcony railings at front first floor level as shown on drawings No.1161/1 2 3A and 4a revised on 15th August 1988.	Grant Full or Outline Perm. with Condit.	28-09-1988

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4. Proposal

4.1 Full Planning Permission is sought for the following development:

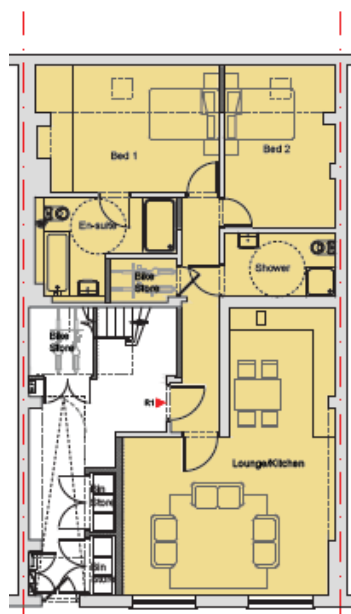
Change of use of existing Class E floorspace to form 3 residential flats. Installation of screening to existing rear external terrace area. Creation of level access from street. Provisions for internal storage for cycle and refuse / recycling.

4.2 The existing internal accommodation comprises office (Class E) accommodation across three floors. At ground floor there is an entrance of which provides access to a shared staircase at centre of the ground floorplate.

Ground Floor

4.3 The ground floor has direct access from the shared entrance. Existing at ground floor is an office 1 adjoined by two conference rooms. In order to access the two conference rooms, you have to walk through the shared hall to the separate half of the property.

4.4 A 2 bed 4 person unit is proposed at ground floor with an the internal floorspace of 97.5sqm. There is one proposed entrance point of which is placed in a similar position to the existing office entrance. The existing rooflights will be retained to provide natural light to the rear of the property, the two bedroom are proposed at this location.



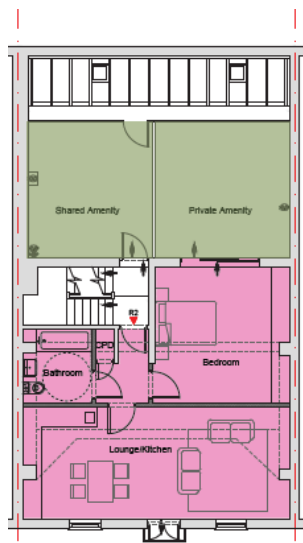
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- 4.5 At ground floor, a total of 4 bike stores are proposed, split into private and shared bike stores. For flats 2 and 3, bike store provision is placed under the staircase and for flat 1, bike store provision is provided internally to the flat. Bin stores are proposed at the entrance, the capacity is 120L of general waste and 140L of mixed dry recycling per unit.

First Floor



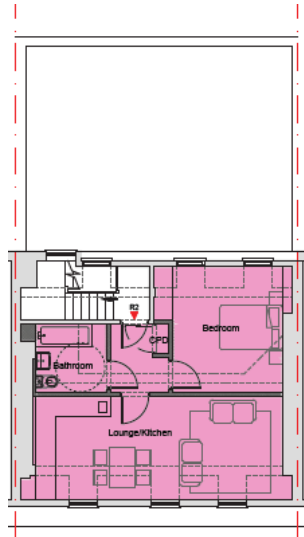
- 4.6 Existing at first floor level is office 2 and one conference room, all adjoined with access from the shared staircase. The roof terrace is accessible by the shared access point and through the conference room.
- 4.7 A 1 bed 2 person unit with private amenity is proposed at first floor. The property will be dual aspect to allow high level of natural light and ventilation. The floor space measures at 57 sqm excluding private amenity. The private amenity is accessible via an access point through the bedroom of which matches existing.
- 4.8 Shared amenity for flats 1 and 3 is accessible at first floor via a shared entrance off the main stair core.

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Second Floor



4.9 A 1 bed 2 person unit is proposed at second floor level. Amenity is provided through the shared amenity space on the floor below. The flat is dual aspect. The internal space is measured at 50 sqm.

4.10 All units meet or exceed the minimum space standards.

External Alterations

4.11 The external alterations proposed are to enhance the property's external appearance:

- *Removal of air conditioning condensers and associated pipework, and making good of brickwork where required.*
- *Removal of existing metal security grilles over the ground floor windows, and making good of the brickwork where required.*
- *Removal of existing front door and step, and lowering of entranceway to create a flush level access threshold from pavement level.*
- *General maintenance of gutters, soffits, windows and flashings to ensure the building is robust and well presented.*

5. Planning Policy Framework

5.1 In accordance with Section 38(6) of The Planning and Compulsory Purchase Act (2004), planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise.

5.2 In this instance, the Development Plan comprises:

- *Camden Local Plan (2017)*
- *The London Plan (2021)*
- *Fortune Green and West Hampstead Neighbourhood Plan (2015)*

5.3 In considering the development proposals, the following are relevant as material considerations:

- *The National Planning Policy Framework (2021) (NPPF)*
- *Planning Practice Guidance (PPG)*

5.4 We note that the LPA has a number of adopted SPD's and these are referred to where necessary.

6. Planning Considerations

6.1 The following planning considerations are relevant to the proposal:

- **Land Use**
- **Affordable Housing**
- **Mix of Units**
- **Internal Amenity**
- **External Amenity Space**
- **Cycle Provision**
- **Refuse & Recycling**
- **Amenity to Neighbouring Buildings**
- **Accessibility**

Land Use

Residential Use

6.2 The existing floorspace falls within Class E (having formally been within Class B1). This floorspace can therefore be readily used now, today by any use within Use Class E. This is not office or solely employment floorspace anymore. It is floorspace within Use Class E which has a very wide range of prospective uses including (but obviously not exclusively) employment uses.

6.3 Class E encompasses a full range of commercial uses, some much more intensive and active in operational character and function than office floorspace. Any one of these uses could now lawfully operate in this building without the need for the express consent of the LPA.

- ***E(a)*** Display or retail sale of goods, other than hot food
- ***E(b)*** Sale of food and drink for consumption (mostly) on the premises
- ***E(c)*** Provision of:
 - ***E(c)(i)*** Financial services,
 - ***E(c)(ii)*** Professional services (other than health or medical services), or
 - ***E(c)(iii)*** Other appropriate services in a commercial, business or service locality

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- **E(d)** Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink,)
- **E(e)** Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner)
- **E(f)** Creche, day nursery or day centre (not including a residential use)
- **E(g)** Uses which can be carried out in a residential area without detriment to its amenity:
 - **E(g)(i)** Offices to carry out any operational or administrative functions,
 - **E(g)(ii)** Research and development of products or processes
 - **E(g)(iii)** Industrial processes

6.4 As a matter of fact therefore, the former offices use has been lost at this site, by virtue of vacancy and with the introduction of Use Class E, i.e being able to use the floorspace for any of the uses within Class E without the need for planning permission of the express consent of the LPA.

6.5 This is the precise intention of Use Class E: it was introduced to allow flexibility between a very wide range of commercial uses (as set out above).

6.6 The consequence of Use Class E is that former office floorspace cannot be protected by the LPA as a matter of principle, given the flexibility of usage permitted by Class E and, as such, the loss of former office or employment floorspace cannot reasonably be prevented or withheld by the LPA under these circumstances. There is no office use at the site since the vacation of the former tenant. There is now only a vacant Class E floorspace save for the use of 1 person in the ground floor of the premise

6.7 The Camden Local Plan is clear: self-contained residential dwellings are the priority use of the Local Plan. They are the most important use therefore, by definition. In this context of a vacant Class E unit, the provision of 3 new residential unit as a windfall, is to be welcomed by local, metropolitan and national planning policy.

6.8 This application is accompanied by a marketing report prepared by 3H Property Consultants. This sets out a period of 2 years marketing for the premises, which commenced prior to the influence of Covid in the summer of 2019.

- *Although the office market has made a slight recovery in general since the lockdowns of 2020 and 2021, we have had no more than a handful of calls about the office space in the last twenty four months, and I am afraid this reflects the fact that so many people are still working from home or going into the office far more sporadically.*
- *We have found that small businesses are increasingly using flexible co-working space of which there is an abundance in London or are renting meeting spaces by the hour for when they need to meet with clients*

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- *Notwithstanding, this we understand that the LPA may wish for further information about the continued suitability or otherwise of the unit for commercial or employment use. On that basis, we make a number of pertinent comments.*
- *The existing unit has no street frontage and no street presence. It is accessed via a residential access point. It is completely hidden from view*

6.9 In terms of Policy E2, the marketing report has set out a number of imitations in terms of its continued use for business use as offices and has properly explored the prospects of securing office based employment tenants over an appropriate period of time.

6.10 On this basis, and with the need for the LPA to be fully engaged and understanding of the inevitable future loss of the offices here (if permission is refused for residential, then an alternative Class E may well have to be found from across the full range of these uses), we consider that the loss of the office floorspace is in accordance with Local Plan Policy E2.

6.11 Chapter 5 of the NPPF contains directions to deliver a sufficient supply of homes. Paragraph 69 explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and notes these are often built

6.12 Chapter 11 of the NPPF highlights that development should promote an effective use of land in meeting the need for homes and other uses. Paragraph 120 part d states:

Promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

6.13 Residential use of this building would allow for the effective and optimum residential use of re-using vacant commercial Class E floorspace which has not been let and is in accordance with Local Plan Policy 'Maximising Housing Supply'.

Affordable Housing

6.14 The applicant acknowledges the provisions of Local Plan Policy H4. The uplift in residential floorspace for the development is 241 sqm (GIA). The application proposes 3 units and within less than 1000sqm of new floorspace. Any contribution will be made as a payment in lieu of on-site affordable provision in line with Policy H4. At this stage (rounded to the nearest 100sqm) we believe this will be equivalent to 4% of the proposed residential floorspace, this being 9.64sqm (10sqm rounded).

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Mix of Units

6.15 Policy H7 Large and Small Homes states:

The Council will aim to secure a range of homes of different sizes that will contribute to creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply.

6.16 The proposed dwelling mix is dictated by the existing form and layout of the existing building. The building naturally splits into a flat per floor. It is not feasible to provide a 3 bed unit within this building for that reason. The limited size of floorplates means that the first and second floor lend themselves only to well proportioned 1 bed units, and the ground floor can only meaningfully accommodate a 2 bed flat. It is noted that the 2 bed has a high priority within the Local Plan Dwelling Size Priority Table. The applicant has worked to comply with this high priority for 2 bed dwellings as best they can and as the existing building allows them to do so.

6.17 This is an inner urban environment adjacent to a major arterial road and the busy commercial services of Finchley Road, and this also supports the inclusion of 1 and 2 bed units at this location.

Internal Amenity

6.18 The proposal is well designed to accommodate 3 flats all exceeding the minimum gross internal (GIA) floor areas. Flat 1 is a 2bx4p unit with a internal floor space of 97.5sqm, exceeding the minimum requirement of 70sqm. Flat 2 is a 1bx2p unit with a floor space of 57sqm exceeding the minimum requirement of 50sqm. Flat 3 is a 1bx2p unit providing 50sqm of internal floor space matching the minimum requirement of 50sqm

6.19 The proposed flats at 1st and 2nd floor are both dual aspect allowing for light and outlook to all habitable rooms, as well as allowing to ample opportunities for cross ventilation.

6.20 The proposed flat at ground floor has a clear south-easterly aspect (two ground floor front elevation windows) to the principal kitchen/ living dining to provide satisfactory outlook and daylight. The two bedrooms are located in a quiet zone at the rear of the ground floor. These are top lit by large roof lights which span the entire width of each room. Whilst this does not afford a direct outlook, the size of these rooflights will provide more than adequate daylight to these rooms, and will also provide a significant sky aspect/ outlook. For these reasons, and mindful of the existing buildings layout and configuration, these rooms will provide a suitable level of amenity for a bedroom. On the whole and on balance this ground floor flat with front street facing living rooms will provide a satisfactory level of amenity.

External Amenity Space

6.21 The first floor flat will be provided with an external amenity space accessed from the rear of this unit. This is located within the existing rear external terrace. The ground flat and second floor flat will share a similar space within the terrace area, accessed from the main rear stair core. These newly created residential terraces will be set back from the edge of the terrace to prevent overlooking down into the rear ground floor bedrooms which are located below the terrace area. On this basis, no overlooking would occur from the terraces into the ground floor unit.

Cycle Provision

6.22 The proposed units (2x1bed and 1x2bed) gives rise to a requirement for 4 cycle parking spaces in accordance with the standards set out within The London Plan (2021). 2 of these spaces (for the upper floor 2x1bed units) are proposed to be located within the main communal hallway beneath the existing core. The 2 cycle spaces for the ground floor 1x2bed unit will be located within the demise of the flat within a stage cupboard set aside for this purpose. The application therefore accords with Local Plan Policy T1 and The London Plan.

Refuse & Recycling

6.23 Refuse and recycling storage is proposed to be provided for within each unit, providing sufficient under counter storage within each kitchen space. The following waste provision has been accommodated in the application proposals:

- *Refuse: 120L per unit of general waste*
- *Recycling: 140L per unit of mixed dry recycling*
- *The above storage space for these items is located in the entranceway as highlighted on the plan*
- *Food waste: Space for one 23l food waste bin per flat will be provided*

Amenity to Neighbouring Buildings

- 6.24 Flats at first and second floor will be dual aspect and have no effect upon privacy to any other unit. To the rear, the site is enclosed and no overlooking will occur to any neighbouring residential beyond the site to the rear.
- 6.25 Across Rosemont Road, windows within the front will give rise to a normal cross street relationship and as such no harm will arise by way of overlooking of properties opposite the site located along the southern edge of Rosemont Road.
- 6.26 There are no extensions or additions to the existing building and as such there will be no change in relationships between the site and there neighbouring buildings. As such, no material harm relating to outlook or loss of light could occur.
- 6.27 There is no plant proposed with this application. Existing A/C units within the rear terrace area and also having from the front elevation will be removed, resulting in visual improvements.
- 6.28 On these basis, the application accords with the provisions of Local Plan Policy A1 “*Managing the impact of development*”.

Accessibility

- 6.29 The Design and Access Statement prepared by Ashton Architects sets out a number of improvements that can be made for accessibility at the building. This is a change of use and adaptation of an existing and as such the flats are defined by the existing sub division of the floorplates as well as the positioning of existing stairway from ground floor to the upper floors.
- 6.30 Best endeavours will be used to achieve coverage of the Part M(2) requirements. The following areas have been reviewed to provide uplifted accessibility benefits over the existing Class E use, for future occupants of the residential accommodation:
- *Removal of entrance step, and introduction of a ramp into the shared entranceway to provide level access.*
 - *New entrance door into the building to meet the accessibility requirements of Part M.*
 - *1500mm turning circles to bathrooms, bedrooms and kitchens to allow ease of movement around each of the units.*
 - *Obstructions on circulation routes are minimised to simplify circulation.*
 - *Internal doors width designed to suit the minimum width requirements as set out in Part M(2) where possible within the constraints of the existing fabric.*
 - *The existing stair is being retained, and meets current regulations in respect of Part K - protection from falling*
 - *Internal door widths will be increased to accord with the clear width opening required for Part M*