

Architecture for London

Planning Statement
15 York Way N7 9QG

May 2022

1.0 Introduction

1.1 This Planning Statement has been prepared on behalf of Hilmi Kurt-Elli (the Applicant) in support of a planning application for the change of use of ground floor from hot food takeaway (sui generis) to residential (Class C3) with associated external changes at 15 York Way, London, N7 9QG (the Site).

1.2 The description of development is:

“Change of use of ground floor commercial unit from hot food takeaway (sui generis) to 1 bedroom residential apartment (Class C3), demolition of existing rear extension and erection of replacement single storey rear extension”

1.3 This Planning Statement provides justification for the proposals having regard to the Site context and the Council’s Development Plan policies.

1.4 It covers the following:

- Description of the Site and surrounding area;
- Summary of the proposal;
- Assessment of the proposals against national and local planning policy considerations; and
- Summary

1.5 This Planning Statement should be read in conjunction with the following information, which accompanies the application:

- Site Location Plan. Ref – EX000;
- Existing Basement Plan. Ref – EX099 Rev A;
- Existing Ground Floor Plan. Ref – EX100;
- Existing First Floor Plan. Ref – EX101;
- Existing North and East Elevations. Ref – EX130;
- Existing South and West Elevations. Ref – EX131;
- Existing Sections. Ref – EX140;
- Proposed Basement Plan. Ref – PR099;
- Proposed Ground Floor Plan. Ref – PR100 Rev A;
- Proposed First Floor Plan. Ref – PR101 Rev A;
- Proposed North and East Elevations. Ref – PR130 Rev A;
- Proposed South and West Elevations. Ref – PR131;
- Proposed Sections. Ref – PR140;
- Demolition Basement Plan. Ref – DEM099;
- Demolition Ground Floor Plan. Ref – DEM100;
- Demolition First Floor Plan. Ref – DEM101;
- Demolition North and East Elevations. Ref – DEM130;
- Demolition South and West Elevations. Ref – DEM131;
- Demolition Sections. Ref – DEM140;
- Design and Access Statement prepared by Architecture for London;
- Sustainability Statement prepared by Architecture for London;
- Air Quality Assessment prepared by XC02;

- Daylight and Sunlight Report prepared by XC02;
- CIL Form; and
- Payment of Planning Application Fee.

2.0 Site and surrounding area

2.1 The Site is a mid-terrace building comprising four storeys and basement. It is located on the east side of York Way, immediately to the south of the junction with Agar Grove.

2.2 The ground floor and basement are currently in use as a hot food takeaway (*sui generis*). The existing occupier runs a fish and chip business from the Site. On the upper floors are three existing residential apartments (Class C3).

2.3 The property is not listed but is located within the Camden Square Conservation Area, albeit on the edge of its southern extent. The Site is also subject to the following constraints:

- Contaminated sites potential;
- Article 4 – removing basement Permitted Development Rights;
- CIL Charging Zone B; and
- Underground development constraints – slope stability.

2.4 Within the Camden Square Conservation Area Appraisal and Management Strategy (March 2011) the building is identified as making a positive contribution to the character and appearance of the Conservation Area.

2.5. The surrounding area is mixed with similar buildings immediately adjacent with a mix of residential and commercial uses. Many of the surrounding buildings have residential at ground floor level. Immediately adjacent to the Site is the Newmarket Ale Public House which occupies a corner plot between York Way and Agar Grove. The surrounding properties are formed of a variety of materials and configurations.

2.6 The Site has a Public Transport Accessibility Level (PTAL) of 2. The Site lies equidistant between Caledonian Road and Barnsbury and Camden Road Overground stations, which provide frequent services and connections to the Underground and main line rail stations. The Site is also served by nearby local bus stops providing services (390, 393 and 274) to surrounding residential areas including Highbury and Islington, Kentish Town, Marble Arch and Stoke Newington, as well as central London.

2.7 The Site falls within Flood Zone 1 (low risk of flooding from rivers and surface water).

3.0 Background to the proposals

3.1 The Applicant is looking to change the use of the ground floor to provide one new residential apartment.

Pre-application discussions

3.2 A formal pre-application request seeking feedback on the proposals (Ref – 2021/6236/PRE) was submitted in December 2021. A written response was received on 16th February 2022.

3.3 The written response confirmed that the principle of the proposed change of use was acceptable in land use terms. However, a number of areas of concern were raised regarding the quality of the proposed residential accommodation, and it was noted that a traditional style shopfront should be developed. The pre-application advice also stated that the proposed extensions to the rear and side were acceptable in design terms. It confirmed that the proposal would not be required to provide a contribution towards affordable housing but that a Section 106 legal agreement would be required to ensure that the development was 'car-free'.

3.4 The following issues were raised regarding the quality of the proposed residential accommodation:

- Inadequate daylight and sunlight at ground and basement level;
- Poor outlook from the rooms;
- Potential privacy issues from the front and side windows; and
- Cycle parking required to align with London Plan standards.

3.5 As a result of pre-application discussions, the following changes have been made to the scheme:

- Reduction in unit size from two bedroom to a one bedroom unit;
- Removal of the basement from the scheme. The only change at basement level will be the removal of the existing ductwork;
- Additional roof lights within the proposed single storey rear extension; and
- Creation of external courtyard to provide external amenity space and to allow natural light into the hallway and bedroom.

3.6 Overall, this planning application seeks to positively address all the points raised during pre-application discussions with the Council to provide a high quality residential unit.

4.0 Proposals

4.1 Full planning permission is sought for a change of use with rear extension and associated external changes at 15 York Way, N7 9QG (the Site). The description of development is:

“Change of use of ground floor commercial unit from hot food takeaway (sui generis) to 1 bedroom residential apartment (Class C3), demolition of existing rear extension and erection of replacement single storey rear extension”

4.2 The proposed ground floor 1-bedroom apartment will be accessed via the existing shared side access passage, which also provides access to the apartments on the upper floors. The apartment has an entrance through an external courtyard area, which is accessed via the shared side access passageway. This enters into a hallway with shower room, from which the bedroom and kitchen/dining/living areas are also accessed. Secure cycle storage is provided adjacent to the entrance to the apartment in the side passage area.

4.3 The rear extension will replace the existing rear extension and will be of a similar height and footprint. The single storey rear extension will have a green roof.

5.0 Assessment of key issues

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise.

5.2 The relevant national planning policy context is provided by the NPPF (July 2021) and NPPG. The current development plan comprises the Camden Local Plan (2017) and the London Plan (2021).

5.3 The following Supplementary Planning Documents are also relevant:

- Camden Planning Guidance – Housing (2021)
- Camden Planning Guidance – Design (2021)
- Camden Planning Guidance – Amenity (2021)
- Camden Planning Guidance – Transport (2021)
- Camden Planning Guidance – Developer Contributions (2019)
- Camden Planning Guidance – Energy Efficiency and Adaptation (2021)

5.4 The Camden Square Conservation Area Appraisal and Management Strategy (March 2011) is a material consideration.

5.5 The section assesses the application against relevant planning policy and material considerations.

Loss of Takeaway (Sui generis)

5.6 As stated within the pre-application response from the Council, there is no specific policy protection for hot food takeaway uses. The pre-application response notes that there is no objection to the loss of the commercial unit in this location.

Principle of Residential Use

5.7 The proposals will create one 1-bedroom residential unit (Class C3). It is noted that the creation of additional housing is a priority land use for the Council as set out in Policy H1 (Maximising Housing Supply) of the adopted Camden Local Plan 2017, which seeks to ensure a sufficient supply of homes to maximise the supply of housing and to meet the needs of existing and future households in the Borough.

5.8 Residential uses are present in the surrounding area, including three residential units on the upper floors of the Site, and at neighbouring properties. The introduction of a residential use at ground floor level is considered to be appropriate.

Residential Accommodation

5.9 The proposal will create one 1-bedroom apartment at ground floor level. Whilst it is noted that Policy H7 (Large and Small Homes) of the Camden Local Plan considers 1 bedroom units to have a lower priority, it is considered that the design of the proposed unit results in a high standard of accommodation with external amenity space and will make a small contribution towards the Borough's housing targets. It is also noted that Policy H7 states that there is a need for dwellings of every size, and providing a range of homes of different sizes contributes towards mixed, inclusive and sustainable communities. It is noted that the number of units has been reduced in response to feedback received at the pre-application stage and reflects the site constraints.

5.10 The proposed unit will provide 50 sqm of floorspace comprising a dual aspect kitchen/living/dining area, a double bedroom, shower room, storage and a courtyard garden extending to 2.4 sqm. This complies with national space standards and local plan Policy H6 (Housing Choice and Mix) and the Council's Housing Planning Guidance (2021).

5.11 The proposed replacement rear extension is considered acceptable in design terms as it will be of similar dimensions to the existing rear extension. It will be of a higher quality design and will have a green roof.

Residential Amenity

5.12 In response to the pre-application advice, the proposal ensures that all of the rooms have windows and rooflights to provide adequate natural daylight, ventilation and outlook. All of the rooms are of a good size and are laid out to make the most efficiency use of space. A Daylight and Sunlight Assessment accompanies the application. This confirms that all of the habitable rooms will comply with the relevant BRE guidance and the scheme provides future occupants with good levels of daylight and sunlight.

5.13 In order to ensure that appropriate levels of privacy are provided for future occupants, it is proposed that the front window facing onto the street will be fitted with obscure glazing. It is noted that partial obscure glazing is considered an appropriate solution to prevent overlooking and to ensure privacy with the Council's Amenity Planning Guidance.

5.14 Careful consideration has also been given to ensuring an appropriate level of outlook for future occupiers, whilst ensuring privacy. A new side window will be created into the living area looking out over the side access passage, which will be partially obscured for privacy. In addition, the bedroom and hallway will look out over the external courtyard, providing a pleasant aspect.

5.15 Overall, it is considered that the proposed design represents a carefully considered response to the site context and will provide a good standard of amenity for future occupants in accordance with local plan policy A1 (Managing the impact of development) and D1 (Design), as well as Camden's Planning Guidance – Amenity (2021).

5.16 Consideration has been given to any adverse impacts on the amenity of neighbouring occupiers, in particular the residential units above and at No.13 to the south. The pre-application feedback raised concern regarding the potential for excessive light spillage from the large roof light on the proposed rear extension. In order to ensure that this does not occur, the rooflights will be formed of obscure glazing and will be installed with an external blind to prevent any light spillage in any direction.

5.17 It is also important to note that the surrounding residential occupiers currently experience noise and odours from the existing operation of the commercial unit and its associated plant. The proposal will remove all of the existing commercial extract ducts and ventilation equipment from the rear

elevation and side access passage. This will result in a more visually attractive and pleasant environment for surrounding residential occupiers in accordance with local plan Policy D1 (Design), improving air quality and reducing noise levels.

External Amenity Space

5.18. The scheme incorporates a courtyard garden extending to 2.4 sqm. Whilst this is below the required standard of 9 sqm per residents, it is considered appropriate given the site constraints. Furthermore, it is noted that there are areas of public open space easily accessible from the Site, and it is not uncommon for similar developments in urban areas to have no access to private external amenity space.

Shopfront Design

5.18 The existing shopfront is considered to be of poor quality and does not merit retention. In response to the feedback received at the pre-application stage, it is proposed to install a new shopfront which is based on a traditional shopfront design and is in-keeping with the character of the surrounding area. The proposed new shopfront will comprise three clear glass smaller windows at the top with three corresponding obscure glass, larger traditional shopfront windows at the bottom broken up with traditional vertical glazing bars (mullions). The larger windows at the bottom will sit above a stall-riser. This design reflects the guidance provided in Camden's Planning Guidance – Design (2021).

5.19 The shopfront design is considered to be sympathetic to the building and its past use as a commercial premise. The design is considered to represent an improvement and will enhance the character and appearance of the building within the Conservation Area in accordance with local plan Policy D2 (Heritage).

Cycle Storage

5.20 Secure cycle storage for two cycles is provided adjacent to the entrance to the apartment in the side passage area. This accords with Policy T1 (Prioritising walking, cycling and public transport) of the local plan, as well as London Plan standards.

Car Free Development

5.21. The proposed development will be car free and the Applicant is willing to enter into a Section 106 agreement to reflect this in accordance with Policy T2 (Parking and Car Free Development) of the local plan.

Sustainability and Energy

5.22 It is not feasible to incorporate renewable technologies into the development, however, the proposals will provide upgraded glazing to improve air tightness and will incorporate internal wall insulation to ensure the proposals comply with the new Part L, Part F and Part O of the Building Regulations which are due to come into effect in June 2022. These measures will ensure that the proposals are in accordance with local plan Policy CC1 (Climate Change Mitigation) and CC2 (Adapting to Climate Change).

Water and Drainage

5.23. The site is not at risk of flooding and it is not considered that the proposals would impact flood risk in any way.

5.24 However, in order to ensure that the proposals are resilient to climate change, the development will incorporate a green roof on the rear extension and the courtyard will be formed of permeable paving, reflecting the objectives of local plan Policy CC3 (Water and Flooding).

Air Quality

5.24. An Air Quality Assessment accompanies the application. This confirms that the proposal will not result in any adverse impacts on air quality in accordance with local plan Policy CC4 (Air Quality). Indeed, the proposals will most likely improve the existing air quality conditions at this location given the removal of the commercial extract and ventilation equipment.

6.0 Conclusion

6.1 Planning permission is sought for the “*Change of use of ground floor commercial unit from hot food takeaway (sui generis) to 1 bedroom residential apartment (Class C3), demolition of existing rear extension and erection of replacement single storey rear extension*” at 15 York Way, N7 9QG.

6.2 The Applicant has engaged in positive pre-application discussions with Council Officers. As a result of the feedback received at the pre-application stage, various changes have been made to the scheme and the proposals are considered to represent a high quality design which will create one residential unit.

6.3 The proposals are considered to represent sustainable development in the context of the NPPF and will provide one new residential unit contributing to the Council's housing targets.

6.4 The design of the new unit has been carefully thought out and it will provide a good level of residential amenity for future occupants, as well as ensuring that there are no adverse amenity impacts on neighbouring occupiers. The proposal incorporate a traditional style shopfront which is in-keeping with the character of the surrounding area.

6.5 The proposals will result in the loss of a commercial unit, and its associated external plant and extract equipment. This is of significant benefit to neighbouring occupiers in terms of noise and odour, and represents a significant benefit visually in terms of the contribution of the Site to the character and appearance of the Conservation Area.

6.6 Overall, the proposals are considered to represent a high quality and well thought out design taking into account the Site's constraints, whilst being respectful of the Site's location within the Camden Square Conservation Area. The proposal complies with all relevant national and local planning policies and there is no reason why planning permission should not be granted.