



**WRITTEN REPRESENTATIONS: RESPONSE TO LPA STATEMENT AND
THIRD PARTY REPRESENTATIONS**

BY

Mr Sunil K Radia

FOLLOWING THE PLANNING REFUSAL BY:

London Borough of Camden Council

APPEAL REF:

APP/X5210/W/24/3336580

FOR:

***Conversion of basement and part of ground retail unit (Class E)
to residential flat; construction of lightwell and railings at front;
new windows to side and rear elevations.***

AT:

94 Mill Lane, London, NW6 1NH

May 2024

1.0 BACKGROUND

- 1.1 This statement is prepared on behalf of Mr Sunil K Radia in response to the statement from the Local Planning Authority and the third party representations received following the submission of appeal ref APP/X5210/W/24/3336580.

2.0 LPA STATEMENT

- 2.1 At paragraph 5.2 of their statement the council refer to a Section 106 legal agreement. Since preparing their statement, the appellant has confirmed back to the council that the draft agreement is acceptable. As such, reasons for refusal 6 and 7 have been overcome.

Reason for refusal 1 – loss of commercial space

- 2.2 In response to the council's reference of London Plan policy GG2, the appellant fully acknowledges its expectations and asserts that the proposed development would support a successful sustainable mixed-use place. The current unit with basement storage is not viable whilst the minor alterations to the commercial floor space would provide an affordable unit that will not impact on local characteristics and business activity but will also provide a high quality home.
- 2.3 Contrary to the council's assertions at paragraph 6.7, the development would not conflict with policy 14 of the FGWHNP as the ground floor retail space will largely remain intact.
- 2.4 In addition, although the site is within part of a neighbourhood centre it is clearly residential in character as the centre supports the surrounding uses. As such, the conversion would also be compliant with London Plan policy H2 (Small sites).
- 2.5 The council argue that the loss of the basement amounts to a loss of two-thirds of the existing commercial floorspace, however, accordingly to the rateable value of the premises the ground floor retail zones amount to 29.18sqm with the remaining space serving internal storage etc. Therefore, the appellant asserts that the actual loss of commercial retail space is minimal.
- 2.6 Furthermore, the reduction in space would conversely improve its functionality and attractiveness to a far wider range of commercial enterprises who do not require access to any storage areas thus, securing the units future and the ongoing vitality and viability of this neighbourhood centre.
- 2.7 In terms of access to bathroom facilities as stated there would be adequate space under the staircase to accommodate a WC, and if a private consultation room is required the rear portion of the shop lends itself to being closed off from the front

section. Consequently, the council's arguments that the proposed floor space would be of an unacceptably quality is unfounded given that the existing larger unit with basement has failed to attract any new tenants. Nevertheless, the appellant is willing to submit further details relating to the position of a proposed WC and kitchenette if deemed necessary.

- 2.8 Regarding marketing evidence, the submitted third party representations clearly indicate that the property is still being actively marketed, however, their comments that genuine interest is being rebuffed is grossly inaccurate.
- 2.9 Marketing has now been ongoing for a period of 17 months, it is questioned how long the council consider the premises should be vacant for to demonstrate that in its current form the unit is unviable. In response to LPA paragraph 6.26, the proposal would not result in the loss of the shop and thus, the proposal demonstrates an appropriate reuse of the space whilst retaining a commercially viable unit.
- 2.10 In summary, the partial loss of commercial space would be significantly outweighed through the provision of a single additional residential unit.

Reason for Refusal 2 – basement impact

- 2.11 The council consider that the BIA is unacceptable. In response, the appellant requests that further details could be secured though a condition of approval in line with suggested condition 5 of the LPAs 'List of Conditions'.

Reason for Refusal 3 – flood risk

- 2.12 In line with the recommendations of the FRA the appellant is prepared to install any mitigating measures necessary to ensure that future occupants are adequately protected from the risk of flooding.

Reason for Refusal 4 – design impacts

- 2.13 The appellant has highlighted similar lightwells upon Mill Lane and regardless of when these were permitted, they still form part of the existing character of Mill Lane and therefore, should be taken into account.
- 2.14 The council refer to 'street clutter' however, it is considered that collectively features such as A-board pavement signs, access ramps, lightwells, outdoor seating and sales areas adds to the vibrancy of the area providing an interesting place to visit.
- 2.15 Taking the above into consideration, the appellant considers that the proposal would comply with council policy.

Reason for Refusal 5 – pedestrian movement and safety

- 2.16 Regarding pedestrian movement and safety, the proposed lightwell has been sensitively positioned to ensure it would retain the maximum possible space for pedestrians and to maintain suitable accessibility for disabled people and those with pushchairs.
- 2.17 The layout of the lightwell is similar to neighbouring developments and as the council have not highlighted any specific issues with those existing developments it is considered that concerns raised in relation to the appeal proposal are overly cautious and unjustified.
- 2.18 In summary, the appellant considers that this reason for refusal is unwarranted as the development would not conflict with council policy.

Planning conditions

- 2.19 Should the Inspector be minded to approve the development the appellant would accept any conditions which are deemed necessary and relevant to this case.

3.0 THIRD PARTY REPRESENTATION

- 3.1 The appellant acknowledges the content of the third party representations and responds to relevant planning matters.
- 3.2 The main objection arises from [REDACTED] who actually resides a few doors away from the appeal site. [REDACTED]

[REDACTED] is therefore fully aware of the appellant's genuine interest in letting the site commercial but, there has just been no genuine interest.

- 3.3 The conversion of part of the ground floor retail unit results in a loss of just 0.1sqm of commercial space, as such the suggestion that the commercial space would be dramatically smaller, not fit for purpose and unviable is inaccurate. Moreover, the original shop floor with storage space in the basement was underutilised.
- 3.4 The retained commercial unit will continue to provide a vital resource to the local community and thus, objections relating to its change of use are based on a misunderstanding of the proposal.

- 3.5 To clarify this important corner building, which is described in a representation as a landmark in the area and a cornerstone of the high street will not be lost, in fact, the changes will help a struggling high street improve with an affordable rental unit.
- 3.6 In addition, the site has continued to be advertised prior to and during the appeal process, however, this has not resulted in anyone taking on the lease which, contrary to the content of the representations, the appellant asserts is not as a result of any genuine interest being rebuffed.
- 3.7 The appellant considers that it is the size of the unit which currently includes the large basement area which makes the unit unviable in its current form. The use of just the ground floor would make the commercial unit far more practical and affordable. Comments that the use of the retail element would be considerably curtailed are disputed given that the unit is under Class E which encompasses commercial, business and service enterprises.
- 3.8 In terms of accommodation, the development would provide a light and spacious residential unit. The council did not refuse the application on this basis as the proposed living conditions for future occupiers would be acceptable.
- 3.9 In summary, the third-party representations have not put forward any compelling evidence or information which indicates that the council's decision to refuse was well-founded.

4.0 CONCLUSION

- 4.1 In summary, the appeal proposal conforms with the overall aims of the NPPF, the London Plan 2021, policies A1 (Managing the impact of development), A5 (Basements), C5 (Safety and security), CC3 (Water and flooding), D1 (Design), T1 (Prioritising walking, cycling and public transport), T2 (Parking), TC1 (Quantity and location of retail development) and TC2 (Camden's centres and other shopping areas) of the Camden Local Plan 2017 and Policies 2 (Design and Character), 7 (Sustainable Transport), 9 (Pavements and pedestrians) and 14 (Mill Lane Neighbourhood Centre) of the Fortune Green and West Hampstead Neighbourhood Plan 2015.
- 4.2 Therefore, we respectfully request that this appeal proposal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this case.