

Design & Access and Planning Statement

Site: The Magdala, 2A South Hill Park, London NW3 2SB

Proposal: Retention of first floor as a 2-bed dwelling.

1.0 Application Site and Location

The Magdala Public House (PH) is a 4-storey end of terrace building located on the north side of South Hill Park. It has historically had an ancillary meeting room on the 1st floor.

The site is situated at the bottom of South Hill Park, adjacent to Hampstead Heath and close to the Hampstead Heath overground station.

The site is located within the South Hill Park Conservation Area and is listed as a building that makes a positive contribution to the character and appearance of the area. The building is not subject to a statutory listing.

The site is located within an area where controlled parking measures are in place.

The site has a Public Transport Accessibility Level (PTAL) of 4.

The site is located in a low flood risk zone.

2.0 Relevant Planning History.

Planning permission was granted 30 March 2015 (planning ref: 2014/6588/P), for: *“Mansard roof extension to creation an additional floor; the creation of 2 self-contained 2 bedroom flats; ground floor rear extension to create addition pub (A4) space; new residential access, pathway and associated bike and refuse store.”*

3.0 Planning Proposal

The existing 2-bed, 3-person dwelling provides 81sqm of floorspace, exceeding minimum floor space standards.

The existing flat is provided good levels of light and outlook for habitable rooms.

The flat will be provided secure cycle storage for two cycles at the rear.

4.0 Relevant Planning Policies

Paragraph 10 of the National Planning Policy Framework Document (NPPF) states; *“So sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).”*

Paragraph 11 of the NPPF states; *“Plans and decisions should apply a presumption in favour of sustainable development.”*

Paragraph 60 states: *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*

Paragraph 70 states: *“Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.”*

The London Plan was adopted March 2021. The relevant policies for this appeal include:

GG2 - Making the best use of land. Part c of the policy states: *“Proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.”*

GG4 - Delivering the homes Londoners need. This policy reinforces the need to delivery more homes because the delivery of more homes is a strategic priority.

Policy D3 - Optimising site capacity through the design-led approach. This policy seeks design led higher density development in sustainable locations.

Policy D6 - Housing quality and standards

Policy H1 - Increasing housing supply. This policy sets new housing delivery targets for all London Boroughs. The annualised target for housing completions in Camden has been increased to 1,380.

Policy - H2 Small sites. This policy states that small site housing developments will be the strategic priority to deliver housing. Part A of the policy states that *“small sites should play a much greater role in housing delivery...”* Part B, 1, recognises that planning decisions should accept that local character evolves over time and will need to change in appropriate locations to accommodate additional housing provision and increases in residential density through small housing developments. The policy also includes a new housing delivery target solely for the number of dwellings approved for applications of small sites. The annualised target for housing completions set for Camden is 328 dwellings per annum.

The London Plan Housing SPG (2016) is also a material consideration.

Camden’s Local Plan was adopted 2017. The **relevant policies within Camden Councils adopted Local Plan include:**

G1 – Delivery and location of growth

H1 – Maximising housing supply

H4 – affordable housing

C2 - Community facilities

C3 - Cultural and leisure facilities

C4 - Public houses

T1 – Prioritising walking, cycling and public transport

T2 – Car-free development and limiting the availability of parking.

Camden Council have also adopted the following planning guidance:

- Design (2019)
- Amenity (2019)
- Housing (2019)
- Transport (2019)

5.0 Planning Assessment

The main planning considerations are:

- Impact of the existing flat on the functionality and viability of the existing public house and the asset of community value
- Impact on the character and appearance of the conservation area
- Impact on neighbouring amenity
- Quality of dwelling provided
- Transport impact
- Other material considerations

6.0 Impact of the existing flat on the functionality and viability of the existing public house and the asset of community value

Part g of policy C2 (Community facilities) of the Local Plan seeks to retain community facilities. However, part g ii does allow the loss “if the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area. Where it has been demonstrated to the Council’s satisfaction there is no reasonable prospect of a community use, then our preferred alternative will be the maximum viable amount of affordable housing”

Part h of the policy states; “take into account listing or nomination of ‘Assets of Community Value’ as a material planning consideration and encourage communities to nominate Assets of Community Value.”

The Magdala Public House (PH) is a 4-storey building with lawful residential use at second and third floor levels. The public house has historically had an ancillary meeting room on the 1st floor.

The public house has been designated as an Asset of Community Value (ACV). An ACV is a nominated asset under the Localism Act 2011. If a landowner wishes to sell a registered property they must notify the Council and community groups who are able to trigger a 6-month moratorium if they want to buy an ACV.

The Magdala PH was originally nominated as an ACV on 29 August 2014 because the public house and function room was considered to further the social and cultural well-being of the local community. However, the public house was closed from 2014 until it reopened (without the use of the first floor) in January 2021.

Policy C4 (Public Houses) seeks to protect public houses. The policy though does allow for the loss of ancillary public house floorspace where it does not adversely affect the operation of the public house.

The current operator of the public house has a lease with the freeholder since January 2021 (a copy of the lease can be confidentially provided, if considered necessary), and has operated without the use of the first floor. The current lease of the public house does not include the first floor, and the public house has operated successfully since then.

In the letter dated 29 October 2024, the landlord of the public house makes it clear that he does not wish to lease and use the first floor; “as it would significantly increase my costs, including heating, maintenance, staff costs and business rates, to the extent that it could put the viability of the public house into jeopardy.” This evidence alone demonstrates there is no viable use for the first floor, and the alternative residential use is a valuable contribution to housing stock in an era where we have a housing crisis.

7.0 Impact of proposal on the character and appearance of the conservation area.

The proposal does not include any external alterations.

The floors above the first floor are lawfully in use as two flats. The use of the first floor as a two-bedroom flat has a neutral impact on the character of the conservation area.

8.0 Impact on neighbouring amenity

The proposal would have no demonstrable impact on neighbouring amenity.

9.0 Quality of dwellings provided

The proposed 2-bed, 3-person dwelling provides 81sqm of floorspace, exceeding minimum floor space standards.

The existing flat is provided good levels of light and outlook for habitable rooms.

The flat will be provided secure cycle storage for two cycles at the rear.

10.0 Transport impact

The proposal is car free, and the applicant will enter into a legal agreement to restrict car parking permits, in compliance with the Council's policy.

The flat will be provided secure cycle storage for two cycles at the rear.

10.0 Other Matters

Policy H1 of the London Plan sets new housing delivery targets for Camden. The annualised target for housing completions in Camden has been increased to 1,380. It is understood that Camden is not meeting this target. To deliver this substantial increase in housing completions the London Plan recognises that a presumption in favour of housing development is required.

Policy H2 of the London Plan states that small site housing developments will be the strategic priority (paragraph 4.2.1). to deliver housing. Part A of the policy states that "small sites should play a much greater role in housing delivery..." Part B, 1, recognises that planning decisions should accept that local character evolves over time and will need to change in appropriate locations to accommodate additional housing provision and increases in residential density through small housing developments. The policy also includes a new housing delivery target solely for the number of dwellings approved for applications on small sites. The annualised target for housing completions set for Camden is 328 dwellings per annum. It is understood that Camden is not meeting this target.

Therefore, the provision of one additional dwelling should be afforded significant weight.