



Tanner & Tilley

PLANNING STATEMENT

**In support of a Section 73 application for a minor material amendment
to
Planning Consent ref 2019/2623/P
for
the Erection of 20 dwellings in buildings of two and three-storeys with lower
ground levels, a block of 10 flats and underground parking for 13 cars
at
The Former Railway Social Club, College Lane, Camden. NW5 1BJ**



**On behalf of
Four Quarters Limited**

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December 2024

1.0 INTRODUCTION

- 1.1 This statement is submitted in support of an application under Section 73 of the Town and Country Planning Act 1990 for a minor material amendment to planning consent 2019/2623/P. The amendments sought primarily are in respect of the northern end of Block 2 and Block 3, and in essence involve improved access, additional fenestration and substantial additions to the roof. A decision under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The decision takes into account all the material circumstances that apply at the date of that decision. The application takes into account changes in planning policy, viability and compliance with other regulations.
- 1.2 The application comprises firstly minor material amendments to the design of Blocks 2 and 3 primarily in respect of improvements to access and compliance with Building Regulations and secondly to reconsider the provision of affordable housing given that the current restrictions result in it being undeliverable.

2.0 SITE LOCATION

- 2.1 The site, is in a backland location bounded by College Lane to the south-west, Ingestre Road to the north-west, the rear of the properties in Lady Somerset Road to the south-east and two Council-owned blocks of residential accommodation (Calver and Hambrook Courts) forming part of the Ingestre Road Estate to the north-east. As stated above the Site is not within a Conservation Area but does adjoin the Dartmouth Park Conservation Area on the southwest side of College Lane.
- 2.2 The location of Block 4 abuts part of the north-western boundary of the site adjacent to number 5-8 Hambrook Court. The redevelopment of the main part of the site is now complete although Block 3 still needs to be finished.

3.0 THE PROPOSED DEVELOPMENT

- 3.1 The need for amendments to the existing planning permission are precipitated by the need for Block 3 to now comply with current Building Regulations with particular regard to access and an assessment of the overall viability of the development as a whole and the need for the applicant to secure the necessary funding to complete the

development. In addition, a number of the rooms within Blocks 3 have insufficient natural light detrimental to the amenities of future occupants. The additions to the roof are necessary to provide full lift access to all floors within a safe working environment for maintenance and for the provision of air source heat pumps for a more sustainable heating and hot water supply for the units.

- 3.2 The amendments to the maisonettes in Block 2 are to provide lift access to the entrance storey of the units so that these units fully comply with PartM4(2).
- 3.3 The proposed alterations are set out in detail in the design statement prepared by Original Field of Architecture

4.0 RELEVANT PLANNING HISTORY

- 4.1 Planning permission was granted on appeal (PINs ref APP/X5210/A/02/1097183) on 23rd June 2003 for redevelopment of the site including the erection of 20 houses arranged in terraces of two and three storeys with lower ground levels and a block of 10 flats comprising studio, 2- and 3-bedroom units.
- 4.2 Conditions 6 and 10 (access and refuse details) were discharged on 28th May 2004.
Condition 2 (material) was discharged on 9th May 2008.
Condition 3 (tree protection) was discharged on 20th March 2009.
Condition 2 (amended materials for the housing) was discharged on appeal on 18th April 2016.
Condition 2 (amended materials for the flats) was also discharged on appeal on 18th April 2016.
Condition 3 (hard and soft landscaping) was discharged on 10th October 2016.
- 4.3 A non-material amendment to the 2003 planning consent to list approved plans by condition was approved on 19th April 2016.
- 4.4 A Non-material Amendment (LPA ref 2020/0967/P) to description of development to replace references to 'houses' with 'dwellings' and removal of references to 'car-free'. was approved on 16th March 2020.
- 4.5 An application under section 73 for minor material amendments (LPA reference 2019/2623/P) was approved on 1st October 2021 following the execution of an

Agreement under Section 106 of the Town and Country Planning Act 1990. Under the terms of this Agreement the 8 apartments in Block 3 will be affordable housing units.

5.0 PLANNING POLICY

National Planning Policy Guidance

The National Planning Policy Framework (September 2023)

- 5.1 The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined as encompassing economic, social and environmental dimensions. The economic dimension involves new developments contributing to building a strong and competitive economy, the social supporting strong, vibrant and healthy communities, and the environmental contributing to and protecting the natural, built and historic environment.
- 5.2 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 5.3 Paragraph 38 makes the point that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure development that will improve the economic, social and environmental conditions of the area.
- 5.4 With regard to Developer contributions paragraph 34 states that whilst the Development Plan should set out the contributions expected from development, including affordable housing provision along with other such policies should not undermine deliverability of the plan. Paragraph 58 states that *'The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.'*

The Development Plan

- 5.5 For the purposes of this application the Development Plan comprises The London Plan, Camden Local Plan 2017 and the Kentish Town Neighbourhood Plan 2016. The

following policies are relevant to the application proposals with specific regard to the changes proposed.

The London Plan 2021

- 5.6 **Policy H5 Threshold approach to applications** states that the threshold approach applies to major development proposals which trigger affordable housing requirements and the threshold level of affordable housing on gross residential development is initially set a minimum of 35 per cent.

In respect of scheme amendments under Section 73 applications and deeds of variations any proposed amendments that result in a reduction in affordable housing, affordability or other obligations or requirements of the original permission should be rigorously assessed under the Viability Tested Route. In such instances, a full viability review should be undertaken that reconsiders the value, costs, profit requirements and land value of the scheme.

Camden Local Plan 2017

- 5.7 **Policy D1 Design** states that The Council will seek to secure high quality design in development. It sets out a list of criteria to satisfy that aim.
- 5.8 **H4 Maximising supply of affordable housing** states that an affordable housing target of 50% applies to developments with capacity for 25 or more additional dwellings. The guideline mix of affordable housing types is 60% social-affordable rented housing and 40% intermediate housing. In considering the affordable housing provision the Council will take into account the economics and financial viability of the development including any particular costs associated with it, having regard to any distinctive viability characteristics of particular sectors such as build-to-let housing.

Kentish Town Neighbourhood Plan (2016)

- 5.9 **Policy D3: Design Principles** sets down similar criteria to those contained in Local Plan Policy D1 above.

6.0 ASSESSMENT

- 6.1 Having regard to the above policies together with any other material considerations the main issues to be considered in the assessment of the proposals are as follows:

Design

- 6.2 The proposed amendments to the design on respect of Blocks 2 and 3 are necessitated by the need to improve access and enhance the living conditions of future occupiers. The relevant considerations are firstly whether there has been a material change in circumstances since the previous consent and secondly whether the original application would have been refused had the amendments been part of the proposed development at that time. The proposed amendments accord with the original design philosophy and do not result in any material impact on the character of the surrounding area or on the amenities of nearby residents. In terms of design the original scheme and the proposed amendments comply with Development Plan policy.

Viability

- 6.3 By way of background when Four Quarters (College Lane) Ltd originally acquired the site the development then sought was economically viable. That development envisaged the construction of 20 town houses and a block of 10 self-contained flats which would provide affordable housing. The development was eventually allowed after a costly appeal in June 2003. Whilst the development went ahead it transpired that two of the proposed town houses were to be constructed on land owned by Camden Council. The Council declined to sell the land to my clients thus enabling only 18 town houses to be constructed. The complexities of the site and the need to obtain further consents from the Council meant that the majority of the development was only completed in 2017 albeit that Block 3 is yet to be actually finished.
- 6.4 Turning to the issue of affordable housing both the London Plan and the Camden Local Plan contemplate a situation where the return in investment is insufficient to finance the provision of affordable housing. In considering the S73 application the LPA has

to consider the viability of the development as of today. Build costs, costs of delay – impact on financing. As required by policy this is set out in detail in the Viability Assessment accompanying this application. That Assessment concludes that the maximum reasonable surplus that is currently anticipated to accrue is £868,000. This will be a payment in lieu of provision of affordable housing on site, due to the anticipated service charge liability.

7.0 CONCLUSION

- 7.1 The proposals make optimum and effective use of this site in a sustainable location, with excellent transport link to the surrounding urban area thus satisfying national planning policy guidance, and the detailed policies contained in the Development Plan. As stated in the NPPF contributions such as the provision of affordable housing should not undermine the deliverability of overall planning policy objectives. In this case the requirement that Block 3 be occupied solely as affordable social rented and intermediate housing will in the absence of the availability of finance to complete the development or the willingness of a Social Provider to come forward will only result in the block remaining an empty shell thus not contributing to the wider housing need. The viability and deliverability issue is a material planning consideration that outweighs the relevant Development Plan policy. Thus, having regard to Section 38(6) of the Compulsory Purchase and Planning Act 2004 there is a strong presumption that planning permission should be granted.