



# **PLANNING STATEMENT ON BEHALF OF KENTISH TOWN DEVELOPMENTS LTD**

**CHANGE OF USE OF  
FIRST LEVEL OF  
WAREHOUSE BASEMENT  
TO 4 RESIDENTIAL UNITS  
(2 X 2 BED & 2 X 1 BED)  
WITH ASSOCIATED  
WORKS**

**NOVEMBER 2010**

## **1. INTRODUCTION**

- 1.1. This statement is prepared in support of a planning application to change the use of the first level of basement at 55-57 Holmes Road, Kentish Town from warehouse to residential.

## **2. THE SITE**

- 2.1. The application is supported by a Design and Access Statement and the Applicant intends to rely upon the site and contextual analysis contained within that document

- 2.2. The site description from the previous decision letter is as follows:

2.2.1. *The appeal property is a four storey building with a large plant room occupying the roof area. It currently provides office space and 14 residential flats. At the time of my site visit the office space at ground floor level was unoccupied.*

2.2.2. *The surrounding area is of mixed character with a range of buildings in terms of age, form, external materials, scale and use. Relatively modern 5 and 6 storey flats are located to the west and south-west of the site, with 2 storey retail warehouse and office buildings to the north, and predominantly 3 storey dwellings to the east of the site. A tall 2 storey building lies immediately to the east of the appeal site.*

## **3. THE DEVELOPMENT PLAN**

- 3.1. The Development Plan for the purpose of S38(6) of the Planning and Compulsory Purchase Act 2004 is the London Plan (Feb 2008) and the Camden Replacement UDP 2006.

- 3.2. The enactment of the Planning Act 2008 provides for an amendment to S39 of the Planning and Compulsory Purchase Act 2004, to require LPA's, when complying with their S.39 duty to achieve sustainable development, to have regard (in particular) to the desirability of achieving good design. Para 33 of PPS 1 defines good design as follows:

*Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.*

- 3.3. National advice relevant to the scheme is taken as read in relation to providing inclusive communities that meet the needs of all sectors and achieving higher densities on sustainable sites.

### **Planning Policy Statement 1: Delivering Sustainable Development (2005)**

- 3.4. Planning Policy Statement (PPS) 1 outlines the governments overarching planning policies on the delivery of sustainable development through the planning system. Planning has a key role to play in contributing to the Governments Strategy for Sustainable Development at the heart of government, which seeks to ensure a better quality of life for everyone. PPS 1 states that 'planning has a key role to play in the creation of sustainable communities: communities that will stand the test of time, where people want to live, and which will enable people to meet their aspirations and potential' (paragraph 6).
- 3.5. PPS 1 states that the government is committed to developing strong, vibrant and sustainable communities. It requires that 'development plans should promote development that creates socially inclusive communities, including suitable mixed use housing' (paragraph 16).
- 3.6. Paragraph 8 states that where the development plan contains relevant policies, applications should be determined in line with the plan, unless material considerations indicate otherwise. PPS 1 advocates the need for the planning system to operate in the public interest to ensure development and use of land results in better places for people to live.

### **Planning Policy Statement 3: Housing (2006)**

- 3.7. In November 2006 the Department for Communities and Local Government published Planning Policy Statement 3 (PPS 3) which provides a new national policy framework for housing at local and regional levels. The framework seeks to ensure that local planning authorities deliver the right quantity of housing to address need and demand in their areas and the right quality and mix of housing for their communities.

- 3.8. There is a strong emphasis in national planning policies on housing, to ensure the delivery of good quality housing and to provide for a mix of households such as families with children, single person households and older people. It is considered that the provision of a mix of housing will assist in the delivery of mixed communities.
- 3.9. The guidance provides advice to local planning authorities when determining applications for new housing development. In paragraph 69 it states that local planning authorities should have regard to achieving 'high quality housing' and that they should 'ensure that developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular families and older people'. It goes on to state that Local Planning Authorities should ensure 'the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives'.

#### **PPS 4: Planning for Prosperous Economies**

- 3.10. PPS4 was published in December 2009. A number of themes arise from the document, most notably 'local planning authorities should actively positively and proactively encourage economic growth'.

#### **The London Plan (consolidated with alterations since 2004) (2008)**

- 3.11. The London Plan 2008 is the statutory plan for London and sets out the strategic, citywide guidance for London, to which individual boroughs' planning policies are required to be in broad conformity. The original London Plan was published in 2004. The current version of the Plan, published in February 2008, incorporates two sets of subsequent changes, the Early Alterations (2006) and the Further Alterations (2008).
- 3.12. The Introduction to the Plan notes that the Mayor believes that London's future will be significantly shaped by a number of factors driving change 'The most significant of these, at least for a spatial development strategy, is the projected rapid growth of people and jobs, driven by powerful market and demographic forces... The London Plan cannot realistically reverse

these strong, deep-rooted factors driving change, nor does the Mayor wish it to do so. This plan sets out policies to accommodate that growth in a sustainable way, within London's own boundaries and without encroaching on London's precious green spaces'.

- 3.13. With regard to housing, Policy 3A.1 seeks to increase London's supply of housing, pursuant to which it sets a minimum target for housing provision of 30,500 homes per year.
- 3.14. Policy 3A.2 specifically requires that 'UDP policies should seek to exceed the current targets and identify new sources of supply' having regard to factors such as identified opportunity areas, intensification of housing provision through development at higher densities and redevelopment in town centres.
- 3.15. The London Plan also seeks to improve housing choice in the capital. Local Planning Authorities are advised that unitary development plan policies should seek to 'ensure that new developments offer a range of housing choice, in terms of mix of housing sizes and types, taking into account the requirements of different groups' .
- 3.16. The supporting text to this policy states that new developments should 'help promote mixed and balanced communities by offering a range of housing types and sizes'.
- 3.17. With regard to industrial/warehousing uses, the Plan notes that 'industrial land in London accommodates not only manufacturing, where employment is projected to decline, but a range of other activities essential to London's wider success', and 'efficient logistics in particular is essential to London's competitiveness'.
- 3.18. The Mayor's aim is to release surplus industrial sites for other uses, while maintaining an appropriate supply to meet demand both in terms of quantity and qualitative requirements such as accessibility and clustering. Policy 3B.4, Industrial Locations, reads *'With strategic partners, the Mayor will promote, manage and where necessary protect the varied industrial offer of the Strategic Industrial Locations (SILs)... as London's strategic reservoir of industrial capacity. Boroughs should identify SILs in DPDs, and develop local policies and criteria to manage Locally Significant and other, smaller industrial sites outside the SILs, having regard to: The locational strategy in Chapters 2 and 5 of this plan, Supplementary Planning Guidance and Sub Regional Development Frameworks; Accessibility to the local workforce, public transport,*

*walking and cycling and, where appropriate, freight movement; Quality and fitness for purpose of sites; The need for strategic and local provision for waste management, transport facilities, logistics and wholesale markets...; Integrated strategic and local assessments of industrial demand to justify retention and inform release of industrial capacity in order to achieve efficient use of land. The potential for surplus industrial land (as defined in assessments) to help meet strategic and local requirements for a mix of other uses such as housing and social infrastructure and, where appropriate, contribute to town centre renewal.'*

### **Draft Replacement London Plan – 'Shaping London'**

- 3.19. The Mayor of London has now published a consultation paper titled 'Shaping London' which sets out the draft London Plan for the next 20 – 25 years. This consultation period closed on 12 January 2009, and an Examination in Public is on-going.
- 3.20. While this process is going on, it will be the London Plan published in February 2008 (the version published consolidated with alterations since 2004) that will be in force, and which will have legal status as part of the development plan. This will apply until the replacement plan is formally published. However, the draft replacement London Plan will be a material consideration that can be taken into account in deciding planning applications, and will gather weight the further into the replacement process it goes.

### **London Plan - Supplementary Planning Guidance (2008)**

- 3.21. Supplementary Planning Guidance (SPG) on Industrial Capacity was published in March 2008. The SPG aims to guide implementation of Policies 2A.10 and 2B.4 of the London Plan, providing guidance to both ensure an adequate stock of industrial capacity and to plan, monitor and manage the release of surplus industrial land.
- 3.22. The SPG breaks down the London-wide land release benchmark by sub-region and by five-year period, but not by specific borough. However, the SPG does provide some guidance for individual boroughs dividing them into three groups to reflect the pressure of demand for industrial uses. 'Managed transfer' boroughs have the most generous supply relative to demand and should allow managed release of industrial land to other uses. 'Restricted transfer'

boroughs are at the other extreme, with an undersupply of industrial land and little or no land protected by SIL designations, and should adopt a more restrictive approach. 'Limited transfer' boroughs are in an intermediate position.

- 3.23. Camden is in the "restricted transfer" category, suggesting that it should be especially wary of releasing industrial sites, though the SPG comments that restricted transfer status 'does not preclude the possibility of smaller-scale release where boroughs have made adequate provision of industrial land in their Development Planning Documents (DPDs)'. Policies SPG 3 and SPG 4 state that boroughs in their DPDs should designate 'Locally Significant Industrial Sites and develop policies and criteria to manage other, smaller industrial sites, taking account of strategic and local assessments of demand, and having regard to qualitative criteria which are listed in supporting text'.
- 3.24. Policy SPG 8, Industrial Capacity and Mixed-Use development, encourages boroughs and partners to consider whether industrial areas that have, or will have, good public transport accessibility, especially those within or on the edge of town centres, would be appropriate for higher density, mixed-use redevelopment. This redevelopment should not incur a significant net loss of industrial capacity or compromise the offer of competitive locations for industry, logistics, transport, utilities or waste management, and where necessary there should be 'robust and sensitive' industrial relocation arrangements to support redevelopment (Policy SPG 8).

### **Replacement Unitary Development Plan (adopted 2006)**

- 3.25. Policy SD1A, Sustainable Development states that 'The Council will seek to ensure that development fosters sustainable communities. In determining applications for planning permission, the Council will therefore take into consideration the special needs and characteristics of individual areas and communities'
- 3.26. The supporting text to the policy goes on to state that in order to achieve this 'the vision calls for a strong local economy with local businesses employing skilled local people. In land use terms.....the Community Strategy must therefore require that both community and business needs are adequately met'.
- 3.27. Policy H8 seeks to secure a range of housing in terms of type and size in order to meet housing need and maintain flexibility within the Borough's housing stock. The policy states that the

Council will only grant planning permission 'for residential development that provides an appropriate mix of unit sizes, including large and small units. The Council will consider the unit mix and sizes of units best suited to site conditions and the locality, and the requirements of special needs housing'.

- 3.28. The supporting text to Policy H8 states that the Camden Housing Needs Survey 2004 'identified a need for a range of size of dwellings, and the Council wants to secure a range of housing in terms of size of units to meet this need'.
- 3.29. Policy E2, Retention of existing business uses, states that 'the Council will not grant permission for development that involves the loss of a business use on a site where there is potential for that use to continue'. The policy lists criteria which the Council will consider, which are similar to those at Policy E1, but also include 'the retention of design features that enable flexible use, including use for light industry as part of schemes for the redevelopment or alteration of industrial premises for B1 purposes'.
- 3.30. The supporting text to the policy, at paragraph 7.13 states that 'In particular, the Council seeks to retain good quality sites that are particularly suited to continued business use by virtue of their location, nature or relationship to other uses. This approach is particularly important given the limited supply within the Borough of business premises other than offices'.
- 3.31. The Policy specifically seeks to retain larger sites that are capable of being used flexibly within a wide range of employment uses. Paragraph 7.14 states 'The Council will resist the loss of any sites over 1000sqm as these provide flexibility for a variety of employment opportunities.....there is a very limited number of larger sites over 1000sqm available, especially in locations particularly suited to industrial and warehouse uses'. This is relevant only as the site is less than half this threshold figure.
- 3.32. In circumstances where the Council may agree that a particular employment use is no longer viable on a site Policy E2 states that 'preference will be given to maintaining the site in an alternative business use, with a higher priority to retention for flexible space for B8 or B1 light industry rather than to provision of B1a offices. When a site is not suitable for continuation of any business use other than B1a offices as an exception to the general approach the Council



may allow a change to other uses. In such cases, the Council will seek a change to permanent residential uses...or community [uses].'

- 3.33. Policy E3, Specific business uses and areas, states that 'In the Industry Area (between Kentish Town and Gospel Oak in and around the railway lands), the Council will not permit development that would prejudice the development of industry and warehousing in the Area. In the Central London and Kentish Town Areas, the Council will not permit development that would prejudice these areas' mixed-use character through the net loss of premises suitable for these uses'. Finally, the policy states that 'The Council will permit development that provides accommodation for small firms and resist losses of this kind of accommodation' and 'The Council will seek to retain and promote creative and environmental industries'.

### **Camden's Local Development Framework**

- 3.34. The Council has had its 'Proposed Submission' version of the Core Strategy and Development Policies Local Development Framework documents considered at EiP, providing significant weight in the application process. At this stage, the 'Proposed Submission' versions of these documents give a detailed indication of the Councils new draft planning policies.
- 3.35. With regard to this application, CS1 of the Core Strategy sets out the overarching approach to the location of future growth and development in the borough. It states that 'the Council expects that in the order of 12,700 new homes will be provided in Camden between 2010/11 and 2024/25'.
- 3.36. With regard to the Holmes Road area of Kentish Town, the supporting text to CS4 – 'Areas of more limited change' states that 'the Council will seek to retain the diverse character of mixed areas, for example by safeguarding the borough's main Industry Area and protecting other industrial sites and premises' (paragraph 4.13).
- 3.37. Policy CS6 – 'Providing Quality Homes' states that 'the Council will aim to make full use of Camden's capacity for housing by maximising the supply of additional housing to meet or exceed Camden's target of 5,950 homes from 2007-2017, including 4,370 additional self contained homes'.

- 3.38. Policy CS8 – ‘Promoting a successful and inclusive Camden economy’ seeks to support existing industries in Camden by ‘safeguarding existing employment sites and premises in the borough that meet the needs of modern industry and other employers’.
- 3.39. The Development Policies document provides detailed policies outlining how the overarching aims of the Core Strategy will be delivered. Given the close relationship between the two, these documents have been prepared in parallel.
- 3.40. Development Policy DP2 – ‘Making full use of Camden’s capacity for housing’ seeks to maximise the supply of additional homes in the Borough to meet housing targets. This is to be achieved by ‘expecting the maximum appropriate contribution to the supply of housing on sites that are underused or vacant’.
- 3.41. DP13 – ‘Employment premises and sites’ states that ‘the council will retain land and buildings that are suitable for continued business use and will resist change to non-business unless a) it can be demonstrated to the Council’s satisfaction that a site is no longer suitable for its existing business use; and b) there is evidence that the possibility of reusing or redeveloping the site for similar or alternative business use has been fully explored’. The policy goes on to state that the where a change of use is proposed ‘the council will seek to maintain some business use on site, with a higher priority for retaining flexible space that is suitable for a variety of business uses’.

#### **Supplementary Planning Guidance (2006)**

- 3.42. The Council has published supplementary planning guidance ‘Camden Planning guidance’ (December 2006) which provides further advice on the application of those policies contained within the UDP.
- 3.43. Camden commissioned Roger Tym and Partners to produce a report assessing the future demand for employment land, compare it with the land supply provided under current planning policies and make policy recommendations accordingly. The study, entitled ‘Camden Employment Land Review’, was completed in June 2008 and has been used as part of the evidence base for the formulation of the emerging Local Development Framework. This

extends and updates an earlier study which was used as part of the evidence base for the 2006 UDP Inquiry. This revised reports final draft was published in June 2008.

#### **4. PLANNING HISTORY**

- 4.1. The site has a varied planning history, most recently the dismissal of an appeal for a modification to the two storey extension, providing for an additional 3 apartments.

#### **5. MERITS OF THE PROPOSAL**

##### **Design and Built Form**

- 5.1. The proposed works are described in detail in the design and access statement. Given the nature of the proposed works, being located at the lower ground floor, there will be negligible impact on the streetscape.
- 5.2. The lightwells will require a replacement enclosure. The architect has proposed a metal and glass balustrade, matching the materials to be found on the upper levels of the buildings.

##### **Principal of Land Use**

- 5.3. The site is located outside of any designated industrial, although it is close to, but with no connection to, the designated Kentish Town Industrial Area,. The applicants have indicated that the unit has been vacant since its construction, mainly due to inappropriate access and configuration of the space.
- 5.4. Policy E2 states that planning permission will be granted for development that involve the loss of employment floorspace, where it can be demonstrated that the property has been marketed for a period of not less than 2 years. This lack of interest in the property has been documented in the accompanying marketing statement, which demonstrates that the site has been marketed for a period in excess of 4 years, including innovate and labour intensive exercises to generate interest from a user. This policy has been carried forward as DP13 in the emerging LDF, but with a similar policy aim.
- 5.5. The policy goes on to say that in the circumstance of the change of use of employment floorspace, then the LPA preference is for that space to be made available as permanent housing. Therefore, as the application seeks the change of use from redundant warehouse space to C3 housing, the principle of the change of use is policy compliant.

#### **Quality of residential accommodation**

- 5.6. The scheme proposes a mix of 2 x 2bed and 2 x 1bed. Policy H8 states the Council will seek the provision of a variety of housing, in terms of size and type to meet the physical and economic needs of the Borough. The mix proposed should be considered generally accepted as an adequate mix given the constraints of the site, notably the existing subdivision layout of the space.
- 5.7. Whilst the physical constraints of the site limit the potential mix of the units, consideration must also be given to the quality of the accommodation provided to ensure that the living conditions of the units reach acceptable levels for future occupiers. The scheme responds to the UDP and Camden Planning Guidance requirements for minimum floor areas.

- 5.8. As a lower ground floor level, it is imperative to provide sufficient levels of daylight and sunlight in these areas. To that end, the applicant has instructed a BRE assessment of this space, and the accompanying report details compliance with these nationally recognised standards
- 5.9. The CPG notes that all habitable rooms should have a minimum headroom of 2.3m, and the scheme exceeds this figure.

#### **Amenity for neighbouring properties**

- 5.10. Given the limited external alterations proposed, the scheme is unlikely to result in any harm to the amenities of adjoining occupiers in terms of loss of privacy, outlook, or sun/daylight.

#### **Lifetime Homes**

- 5.11. The applicants have indicated that the proposals comply with Part M of the Building Regulations in the context of Lifetime Homes.

#### **Parking**

- 5.12. The scheme proposes an additional cycle stands in the existing cycle parking area (see drawing P090). The proposed flats will be car-free, and the Applicant is happy to enter into a S106 Agreement to restrict rights of residents to access the parking permit scheme.
- 5.13. On the issue of the need for a CMP, it is noted that a previous Appeal Inspector has determined that the works proposed would be such that they could be dealt with by Condition.

### **6. CONCLUSION**

- 6.1 National, strategic and local planning policies all place strong emphasis on the need to re-cycle urban land in order to safeguard Greenfield sites and land in other sensitive areas. The proposed development successfully achieves a balance between the potentially competing objectives of development and the conservation of the environment, and thereby satisfies the goal of "sustainability". They properly maximise the use of this central "brownfield" site without giving rise to any planning problems – in particular, the living standards of adjoining residents.
- 6.2 Although the loss of employment space is regrettable, the market has demonstrated that the space provided was not fit for purpose, resulting in the space remaining vacant since its construction. In accord with the development plan, the LPA's priority is for the provision of permanent housing, and this scheme achieves that laudable aim.