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21 August 2014

Gideon Whittingham  
 Regeneration and Planning  
 London Borough of Camden  
 6<sup>th</sup> Floor, Town Hall Extension  
 Argyle Street  
 London  
 WC1H 8EQ

Dear Gideon

**64 LINCOLN'S INN FIELDS, LONDON, WC2  
 PLANNING APPLICATION No. 2013/7434/P & 2013/7457/L**

Your email dated 6 August 2014 in relation to the above applications, stated that you estimated the proposed area of the development as 1,190 sqm (gross). The planning application provided gross internal areas and following your email we have calculated the gross external areas for the development and confirm these below. The principal issue being whether the development has the capacity to accommodate affordable housing.

Planning Policy DP3 expects development with a capacity for 10 or more dwellings to make a contribution to the supply of affordable housing. The proposed development at 64 Lincoln's Inn Fields will create 9 units and due to the constraints of the existing building and its listed building status it is not capable of accommodating 10 units. The development therefore does not have the capacity to accommodate 10 units when considering the character of the property and the space within it.

An area threshold is applied in the assessment of capacity. The supporting text to the policy states that a floorspace of 1,000 sqm (gross) is considered capable of accommodating 10 family dwellings and therefore making a contribution to affordable housing. This generic figure ignores the more generous common parts and rooms sizes found within listed buildings that are intrinsic to their character and value.

This point is recognised by DP3 which states that when considering whether an affordable housing contribution should be sought, and whether it can practically be made on site, and the scale and nature of the contribution that would be appropriate, the Council will take into account issues including the character of the development, the site and the area; and site size, and constraints on including a mix of market and affordable tenures.

This exception is reiterated in the Council's guidance in relation to the application of Policy DP3. This is discussed below.

We confirm that the existing and proposed areas are as follows:

	Existing		Proposed	
	GIA	GEA	GIA	GEA
<b>Total Area (sqm)</b>	<b>994</b>	<b>1106.1</b>	<b>990.6</b>	<b>1,100.3</b>

### ***Ability to Accommodate Affordable Housing On Site***

The development is just over the 1,000 sqm threshold for gross external area and would constitute a small development as defined in the supporting text to Policy DP3. As such, if affordable housing is required following an assessment of capacity, then policy seeks that this is provided either off-site or as a commuted payment in exceptional circumstances.

The nature of the existing building warrants exceptional circumstances in this case. The development proposes the conversion of the existing building, which is listed (Grade II), the demolition of the existing vaults to the rear and construction of a two storey dwelling in their place. This provides only 9 units and due to the configuration of the existing building, with a single entrance, lift and stair, it does not have the capacity to accommodate more residential units or a second tenure of accommodation.

As a consequence of the single entrance, it is not practical to accommodate affordable housing on site. It would not be appropriate to create a separate entrance due to the detrimental impact this would have on the historic character of the listed building. Nor would it be practical to do these works to serve one affordable unit. The practicality of providing a viable number of affordable housing units on a site is recognised by Policy DP3 in relation to small developments, which are considered to be less than 3,500 sqm. The proposed development is significantly below this level and therefore we argue that it is not practical to provide a single affordable unit on site in this instance, if required.

In our experience, a Registered Provider is unlikely to take on a single unit due to the cost and practical implications of managing it, particularly when that unit would be subject to the same level of service charge as the other units in the building. This would not be affordable and affordable housing could not practically be achieved on site.

There is not an opportunity to provide affordable housing elsewhere. Our client does not own other property in the vicinity which could accommodate off-site affordable housing.

Affordable housing could therefore be maximised by assisting provision elsewhere through a commuted payment. The applicant does not own property in the vicinity where they could provide affordable housing and therefore, if it is considered the site has capacity to accommodate affordable housing; exceptional circumstances exist in this case for the developer to make a contribution through a commuted payment calculated in accordance with Camden Planning Guidance 8.

### ***Capacity of the Site***

The proposed development comprises 9 residential units from the conversion of an existing listed building. The gross internal area is 990.6 sqm and the gross external area is 1,100.3 sqm. A large proportion of this comprises the lower ground floor storage area beneath the forecourt. This floorspace has no access to natural light, it has limited floor to ceiling heights and could not contribute to the number of homes in the scheme.

In relation to this issue, Camden's Planning Guidance on Housing (para. 2.23) sets out which developments should contribute to affordable housing. It states:

*We acknowledge that an addition of 1,000 sqm residential floorspace will not have a 10 dwelling capacity in every single case. **In assessing capacity, the Council will take into account whether the additional area is capable of contributing to the number of homes in the scheme (e.g does it have access to natural light?). We will also take into account any other constraints that would prevent 10 dwellings from being developed such as where it would be impractical to provide safe vehicle access for 10 dwellings, or inappropriate to subdivide a listed building.***

The guidance states that the Council will consider whether all of the development area is capable of accommodating residential accommodation. The inclusion of the front storage area pushes the gross development area beyond the 1,000 sqm threshold. If this area is not included in the calculation, consistent with the Council's guidance, the development would fall below the threshold and would not be required to make a contribution to affordable housing. In addition, the constraints of the listed building mean that further subdivision to create one more dwelling would not be practical.

The Council's policy and guidance suggest that the proposed development does not have capacity to accommodate 10 dwellings and should therefore not provide affordable housing, particularly if the policy is applied sensitively as suggested by paragraph 3.7 of the CDP. The proposed development marginally exceeds the gross area identified by the threshold and therefore warrants sensitive application in light of the considerations noted above.

If however, officers believe the site has capacity for 10 dwellings contrary to the above considerations, exceptional circumstances exist in this case to warrant a contribution to affordable housing in the form of a commuted payment.

Please do not hesitate to contact me if you wish to discuss any of the above further or require any further information.

Yours sincerely



**RAOUL VEEVERS**

cc: Simon Marks - Cannon Estates