

**PLANNING STATEMENT OF ON  
BEHALF OF BOW CAPITAL LTD  
CONSTRUCTION OF GROUND  
FLOOR AND MANSARD ROOF  
EXTENSION AND CONVERSION  
OF UPPER FLOOR FROM  
ANCILLARY ACCOMMODATION  
TO TWO (2) RESIDENTIAL UNITS  
SITE AT THE MADGALA  
RESTAURANT, 2A SOUTH HILL  
PARK, LONDON, NW3 2SB**

**KR PLANNING**

**OCTOBER 2014**

## 1 INTRODUCTION

- 1.1 This Planning Statement has been submitted in support of Bow Capital's redevelopment proposals for the upper floors of the Magdala.
- 1.2 Bow Capital is delighted to bring forward a scheme of the highest quality in all respects, to this opportunity site located within the boundaries of the London Borough of Camden.
- 1.3 The Applicant has instructed leading architects Brooks/Murray to conceive a design solution of exemplary quality for the site.
- 1.4 The proposals have been revised and refined following pre-application discussions with Officer of the London Borough of Camden. The scheme has evolved positively to respond to the issues raised during this consultation and has been revised to incorporate comments received where considered appropriate.
- 1.5 In headline terms the scheme entails:
  - The conversion of the ancillary accommodation at upper floor level to permanent residential accommodation
  - The retention of the public house use
- 1.6 For the reasons set out in this Planning Statement, we consider that the proposals are in accordance with the objectives of planning policy and guidance, and should be granted planning permission accordingly.

## **2 SITE AND SURROUNDS**

- 2.1 The site and surrounds, the local context and the area of search are all identified within the Design and Access Statement.
- 2.2 The Magdala Public House is a 3-storey with basement, end of terraced building located on the north side of South Hill Park. It has an ancillary meeting room on 1<sup>st</sup> floor and manager's flat on 2nd floor. The site is situated at the bottom of South Hill Park, adjacent to Hampstead Heath and very close to Hampstead Heath aboveground station. The site is 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 (as are all but 3 of the buildings within the CA). The building is not listed.
- 2.3 The ground and basement floors are in Class A4 pub use whilst the first and second floors are in ancillary residential use to the pub. The property is not listed but is located within the South Hill Conservation Area.

## **3 THE PROPOSAL**

- 3.1 It is proposed to convert the existing second floor to provide a 2 bedrooms unit, and to construct a mansard roof extension to provide a further 2 bed units. A small extension will be provided to the rear of the pub at ground floor level.
- 3.2 The proposed scheme would be similar in scale, mass, height and alignment to other buildings within the terrace. The mansard has been altered in accordance with pre-application advice to accord with CPG design requirements.

## **4 PLANNING POLICY**

- 4.1 At the outset, it is important to note that the statutory duties of the Planning (Listed Buildings & Conservation Areas) Act 1990 have not changed in respect of protection and control for listed buildings and their settings, and conservation areas. The Act provides a strong legislative background, which has been well tested over the years. It remains the primary legislation.

- 4.2 Section 12 of the NPPF is entitled 'Conserving and enhancing the historic environment'. It condenses the outgoing PPS5 Planning for the Historic Environment, which was itself a drastic cull of PPGs 15 and 16, into sixteen short paragraphs.
- 4.3 The NPPF maintains the spirit of the PPS and its predecessors in upholding the general principle that heritage assets should be "sustained" and "enhanced" for the benefits they bring to the community. There is a clear direction to local authorities in paragraph 126 that these general aspirations should be linked into a positive strategy for conservation within local plans.
- 4.4 The logical and practical relationship between "significance assessment" and "impact assessment" established in PPS5 remains, requiring that the specific heritage value of an asset is clearly defined at the outset of a development proposal and that its influence is carried through into the detail of a scheme. The direction that significance assessment should be "proportionate" to the value of the assets also remains, although experience has shown that Local Planning Authorities have some difficulty in interpreting this effectively.
- 4.5 Appropriate assessment of value is also a point made expressly in Paragraph 127, where the policy requires that Conservation Areas not be "devalued" through the designation of area that lack special interest. This counters the tendency for Conservation Area to include areas with 'hope value' for improvement, which can sometimes stifle opportunities for re-development.
- 4.6 The assessment of potential "harm" also aligns with PPS5, so that impacts are either judged as "substantial harm" or "less than substantial harm", balanced with a series of tests including the potential for harm to be outweighed by "public benefits". These terms will be the focus of the application of the policy and the numerous appeals, which will test their applicability
- 4.7 The statutory development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 comprises:-
- The London Plan being the Spatial Development Strategy for Greater London adopted by the Mayor of London ('Mayor') in July 2011, hereinafter referred to as the London Plan. This is to be regarded as an up to date development plan to which significant weight should be accorded.
  - The Camden Core Strategy (Nov 2010)
  - The Camden Development Management Plan (Nov 2010)

The London Plan (Early Revision Oct 2103)

4.8 The London Plan 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, and was revised in 2008 before being replaced this year.

4.9 In summary the London Plan sets out to:

- Meet the needs of a growing population with policy on new homes, including affordable housing, housing design and quality, and social infrastructure, which will promote diverse, happy and safe local communities;
- Support an increase in London's development and employment with policy on: outer London, inner and central London; finding the best locations for development and regeneration, and
- protecting town centres; encouraging a connected economy and improving job opportunities for everyone, so that London maintains its success and competitiveness;
- Improve the environment and tackle climate change by: reducing CO2 emissions and heat loss from new developments; increasing renewable energy; managing flood risk, ensuring water supply and quality; improving sewerage systems; improving London's recycling performance and waste management; and protecting our open spaces making London a green and more pleasant place to live and visit;
- Ensure that London's transport is easy, safe and convenient for everyone and encourage cycling, walking and electric vehicles.

4.10 The Development Plan also requires regard to be had to the need to encourage, rather than restrain, residential development. Para 3.13 advises:

*The Mayor is clear that London desperately needs more home in order to promote opportunity and real choice for all Londoners, with a range of tenures that meets their diverse and changing needs and at prices they can afford*

4.11 And this is then expressed in terms of Policy 3.3, where it states:

*The Mayor recognizes the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford*

- 4.12 It is surmised that the policy issues raised at Policy 3.4 (Optimising Housing Potential), 3.5 (Quality and Design in Developments) and Policy 3.8 (Housing Choice) are all relevant to the determination of the application.
- 4.13 The London Plan Policy 6.1 encourages the closer integration of transport and development by encouraging patterns of development that reduces the need to travel, especially by car, seeking to improve the capacity and accessibility of public transport, walking and cycling, supporting developments that generate high levels of trips only at locations with high levels of public transport accessibility and improving the interchange between different forms of transport.
- 4.14 At the strategic level adopted London Plan Policy 7.1 looks to ensure that adequate provision of social infrastructure and community facilities, in accord with the principles of a Lifetime Neighbourhood.
- 4.15 Core Strategy CS6 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 'resisting *alternative development of sites considered particularly suitable for housing*'.
- 4.16 Policy DP5 (Homes of different sizes) states that the Council will contribute to the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes. The Council will seek to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table, including conversion of existing residential and non-residential floor space and will expect a mix of large and small homes in all residential developments.
- 4.17 CS10 details that a key part of the strategy for managing Camden's future growth is ensuring services, facilities and infrastructure to support the local community and visitors is provided in suitable locations. This is to meet increasing demand caused by a growing population in the borough. Part f of CS10 states that the Council will "support the retention and enhancement of existing community, leisure and cultural facilities".
- 4.18 DP15 compliments policy CS10 by providing a detailed approach to the protection of existing community facilities (amongst other matters). The policy states that:

The Council will protect existing community facilities by resisting their loss unless:

- a replacement facility that meets the needs of the local population is provided; or,
- a replacement facility that meets the needs of the local population is provided; or, the specific community facility is no longer required in its current use. would not create, or add to, a shortfall in provision for the specific community use and demonstrate that there is no demand for any other suitable community use on the site.

4.19 Para 15.7 of the DPD advises:

*We will also resist the loss of local pubs that serve a community role (for example by providing space for evening classes, clubs, meetings or performances) unless alternative provision available nearby or it can be demonstrated to the Council's satisfaction that the premises are no longer economically viable for pub use.*

4.20 Policy DP24 and DP26 seeks high quality design in redevelopment schemes without harm arising to identified material considerations, including neighbour amenity. DP24 is an aspirational criteria based police. DP 25 seeks to conserve Camden's heritage, and to ensure the new development responds to the characteristics of the designated assets. DP26 is a development control policy, further comment on which is provided below.

4.21 In our view, the scheme is compatible with the national, regional and local policy objectives:

- It enables the replacement of an existing underutilised site (NPPF paragraph 17, Core Strategy CS8 and Development Policies DP2).
- The proposal will provide much needed housing (NPPF 6, London Plan Policies 3.3 and 3.4, Core Strategy CS1 and CS6, Development Policies Policy DP2).
- The high quality design creates usable, durable and adaptive places (NPPF 7, London Plan Policies 7.4, 7.5 and 7.6, Core Strategy Policy CS14, Development Policies DP24 and DP25).
- It responds appropriately to heritage assets, namely the designated Conservation Area and removing a building identified as making a negative contribution to the character of the Conservation Area (NPPF 12, London Plan Policies 7.4 and 7.8, Core Strategy Policy CS14 and Development Policies Policy DP25).

- Prudent use of natural resources through energy efficiency and renewable energy generation (NPPF 10, London Plan Policies 5.2, 5.3 and 5.7, Core Strategy Policy CS13 and Development Policies Policy DP22).

## 5 PLANNING MERITS

### PRINCIPLE OF DEVELOPMENT

- 5.1 Policy DP2 states that the Council will seek to maximise the supply of additional homes in the borough by expecting the maximum appropriate contribution to supply of housing on sites that are vacant or underused, taking into account any other uses that are needed on the site. Furthermore, Policy DP5 seeks to contribute to the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes that meet the dwelling size priorities set out in the policy. Policies also exist to protect community facilities which can include pubs.
- 5.2 The second floors of the premises is ancillary residential use to the pub downstairs. There are no planning policies which currently protect such staff accommodation in pubs and as such the conversion of these floors from ancillary Class A4 into Class C3 s/c flats is acceptable in planning terms.
- 5.3 The provision of extra housing in the Borough is welcomed. In this instance it is proposed to convert the upper floor of the existing building into one 2 bedroom flats along with creation of a one 2 bedroom flat at roof level. It is noted that the second floor levels is already in quasi-residential use and the proposed intensification of this use as separate self contained accommodation is not objected, provided the new accommodation is of good quality.
- 5.4 The principle of the mansard storey was accepted by Officers in the formal pre-application, albeit that they asked for the detailed design of the roof to be altered. The Applicant has responded positively to these comments

### The Design of the Scheme



- 5.5 Policy DP24 states that the Council will require all developments, including alterations and extensions to be of the highest standard of design and respect character, setting, form and scale of the neighbouring properties and character and proportions of the existing building. Policy DP25 seeks to preserve and enhance important elements of local character in order to maintain the character of the conservation areas.
- 5.6 Section 5 of CPG1 considers the mansard roof type of roof extension to be the most appropriate form of extension for a Georgian or Victorian dwelling provided that there is such an established roof form in a group of buildings or townscape where a roof extension is proposed.
- 5.7 Many of the terrace properties in the context of the application site have mansard roof extensions. It is more usual for the terraces to terminate with taller elements, particularly at street corners. Furthermore, the pub is a corner building with a use that distinguishes it from the other mainly residential properties in the immediate area and additional height is considered appropriate in this location.
- 5.8 The proposed mansard has been designed in line with CPG guidance allowing for a 70degree pitch and an internal height of 2.4metres; it would also be set back from the front parapet. It would have lead clad dormer windows on the front and rear elevation. The proposed front dormer windows would be traditional timber sash windows and would be aligned with the windows; the rear dormers take a similar format. It is noted that there is no butterfly parapet wall to be retained at the rear. Traditional materials such as natural slate, lead and matching brick work to the existing would be used in the proposed mansard roof extension.
- 5.9 The proposals will contribute to meeting strategic housing targets for LB of Camden set out within the London Plan. The provision of high quality homes will contribute to the availability of permanent residential accommodation in the Borough.
- 5.10 The small extension to the pub floor area is otherwise unobjectionable. It simply improves the potential layout of the pub floor area by squaring the room off. It will be invisible to the public domain, and entirely subservient to the host building.

## Quality of Residential Accommodation

- 5.11 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 exceeds the Mayor's requirements for minimum floor area.

## Neighbour Amenity

- 5.12 In terms of privacy the proposed windows overlook public space or beer garden rather than onto surrounding properties and therefore in regards to privacy and over dominance, the proposed development is acceptable.
- 5.13 The Application is support by a BRE Daylight/Sunlight assessment. This analysis demonstrates that the impact on neighbouring properties will be in accord with these nationally recognised, objective standards.

## Lifetime Homes

- 5.14 The Applicants have indicated that the proposals comply with Part M of the Building Regulations in the context of Lifetime Homes. A full Lifetime Homes assessment is provided within the Design and Access Statement.

## Sustainability

- 5.15 It is proposed that the dwelling will achieve the mandatory energy requirements of Code for Sustainable Homes Level 4. This requires that Building Regulations Part L (2010) is achieved

## 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, by avoiding compromising the living and working of adjoining residents and businesses.
- 6.2 It is considered that the proposal is acceptable in land use terms and it:
- Re-uses previously developed land
  - Optimises the use of the Site, by providing a high density and quality of development in a location that benefits from an excellent level of public transport facilities
  - Encourages the use of public transport and energy-efficient transport
  - Promotes reduced levels of car parking
  - Provides a safe, accessible, efficient connection to the local area and pedestrian network
  - Assists in meeting the recognised Borough and London need for housing including mix
  - Will maintain the viability of the existing public house
- 6.3 A design-led approach has been undertaken that has considered the local context, setting, and accessibility of the Site. The proposal would not have a significant effect on the residential amenity of adjoining occupiers in terms of loss of light, outlook or privacy and would be of an acceptable visual appearance in terms of design, scale and massing.
- 6.4 In providing a building of appropriate scale and mass, the proposal would preserve the character and appearance of the conservation area.
- 6.5 In accord with the development plan, the LPA's priority is for the provision of permanent housing, and this scheme achieves that laudable aim. The proposal is therefore the epitome of compliance with the Development Plan and it deserves the presumption in favour of its approval

