

# Rolfe Judd

Planning

On behalf of Mr Alex Bard

Site 1: 136 Gloucester Ave

Site 2: St George's Mews

London NW1

Planning Statement

RJP: P6354

23 June 2016

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# 1.0 Introduction

## 1.1 Summary

- 1.1.1 Rolfe Judd Planning Ltd has been appointed by Mr Alex Bard (“the Applicant”) to submit two planning applications to swap the uses of 136 Gloucester Avenue and 10-12A St George’s Mews.
- 1.1.2 The two site lies in close proximity to each other in Primrose Hill and comprise roughly the same floor area. The site at Gloucester Avenue was converted from offices to residential use between 2013 and 2015 whilst the St George’s Mews site is lawfully in office use and was last occupied by a company called Want Marketing Ltd. The Mews building is protected by an Article 4 direction removing the permitted development right to change from Class B1A offices to Class C3 residential.
- 1.1.3 Hence, this statement covers two planning applications and addresses the planning issues raised by both applications. The descriptions of development for the two applications are:

Site 1: 136 Gloucester Avenue

*Use of Flat 5 as offices (Class B1)*

Site 2: 10-12A St Georges Mews

*Use of the building as a single family dwelling (Class C3)*

## 1.2 Planning Statement

The purpose of this statement is to examine the planning issues raised by the current development proposals for the two application sites. In particular, this statement describes the key planning arguments in support of the proposals, demonstrating how the two applicants balance the land use priorities of the Council’s adopted planning policies.

- 1.2.1 The statement also references the relevant planning policy framework at national, strategic and local levels. As such, our planning statement is structured as follows:

Section 1: Introduction

Section 2: The Application Site and Surrounding Area – sets the context the current proposal and provides a detailed description of the application site and its previous uses;

Section 3: The Proposal – describes the proposed development;

Section 4: Policy Context – summarises the planning policy relevant to this proposal at national, strategic and local levels;

Section 5: Planning Considerations – reviews the proposal in terms of the relevant policy context and other material considerations; and

Section 6: Conclusion

## 2.0 The Application Site and Surrounding Area

### 2.1 Site Description & Location

#### **Site 1: 136 Gloucester Avenue**

- 2.1.1 The site, which is roughly triangular in form, is located to the north of Gloucester Avenue and to the east of the junction between Gloucester Avenue and Regents Park Road. The site partially backs onto properties along its west and south western edge. The site is within the Primrose Hill Conservation Area although there are no listed buildings on the site or in the immediate vicinity of the site.
- 2.1.2 Prior to conversion to residential use (see *Planning History*, Section 2.3) the site contained a mix of unremarkable 1½ - 2 storey buildings including office accommodation (redeveloped in the 1980s and 1990s) and an area of hard standing used informally for car parking. Following the granting of numerous planning permissions, the site now comprises three refurbished and re-clad residential buildings (referred to in previous permissions as Buildings A, B and C). The application site is essentially the building previously known as Building A but now known as Flat 5.
- 2.1.3 In terms of access, the site is located within close proximity to Primrose Hill Railway Station (to the north) and in proximity to Chalk Farm Underground Station whilst a number of buses serve the surrounding area. The north east of the site bounds a railway siding.

#### **Site 2: 10-12A St George's Mews**

- 2.1.4 The application site is located on the north side of St George's Mews close to the western end. It is a part 2, part 3 storey building with a flat roof. The building is a plain, brick-faced, construction of no particular architectural merit and which makes, at best, a neutral contribution to the character and appearance of the conservation area.
- 2.1.5 St George's Mews is a cul-de-sac accessed through an archway and contained within the centre of a perimeter block enclosed by buildings fronting St George's Terrace to the south, Chamberlain Street the north, Regents Park Road to the east and Ainger Road to the west. The site is within the Primrose Hill Conservation Area. The mews is in a mix of uses with a variety of office and residential occupiers. Retail and associated commercial uses also take place on ground floor fronting onto Regents Park Road, which is in close proximity. The nearest adjoining properties fronting St Georges Terrace are in residential use.

### 2.2 Surrounding Area

- 2.2.1 Both Site 1 and Site 2 sit within Primrose Hill Conservation Area which was designated on 1 October 1971 and extended to include the north part of Erskine Road on the 18th June 1985. The designation report notes that the character of the area *"is made up of a series of well laid out Victorian terraces. It is residential in character, although there are a number of local industries, and it has its own shopping centres, a primary school and, because of the vicinity of Primrose Hill, is extremely well provided with open space"*.

2.2.2 Of particular note is the reference to the residential character. This description is well-suited to St George's Mews, which is also predominantly residential. The application site is something of an anomaly in land use terms.

## 2.3 Relevant Planning History

### Site 1 – 136 Gloucester Avenue

2.3.1 The site at Gloucester Avenue has an extensive recent planning history, culminating in numerous permissions and prior approvals to convert what were previously dilapidated offices into residential accommodation.

2.3.2 The permissions have been implemented and all relevant conditions have been discharged and complied with. Hence the site is now lawfully in use as five self-contained residential units.

2.3.3 Until recently, the site was known as 134a-136 Gloucester Avenue. However, following the completion of the conversion works to residential, the collective site is known as Flats 1 to 5, 136 Gloucester Avenue.

2.3.4 The relevant planning history for 136 is as follows:

2.3.5 27 June 2012 (2012/2418/P) – Permission granted for *Erection of extension at roof level and single-storey extension at ground floor level onto courtyard, creation of terrace at roof level, installation and alterations to windows and doors, associated landscaping and provision of servicing bay in connection with conversion of building from office and workshop space (Class B1) to 1 x 4-bedroom dwelling and flexible business space (Class B1)*

2.3.6 11 October 2012 (2012/4188/P) – Permission granted for *Erection of extensions at ground floor level in front and rear courtyards, alterations to fenestration, installation of rooflights, creation of roof terraces and change of use from offices and workshops (Class B1) to 2 x 3 bedroom dwellings (Class C3) and flexible B1 accommodation as well as ancillary landscaping and the provision of one servicing bay.*

2.3.7 21 August 2013 (2013/3234/P) - Certificate of Lawfulness granted for *Use of ground and first floors of No.136 as offices (B1a).*

2.3.8 17 October 2013 (2013/1869) Permission granted for *Erection of extensions at ground floor level, alterations to fenestration, installation of rooflights, creation of roof terraces and change of use from offices and workshops (Class B1) to 2 x 1 bedroom and 1 x 3 bedroom dwellings (Class C3) and flexible B1 accommodation and the provision of a servicing bay.*

2.3.9 6 December 2013 (2013/6540/P) - Prior Approval granted for *Change of use from office (Class B1A) to residential (Class C3) providing two self-contained one bedroom flats.*

2.3.10 1 August 2014 (2014/3036/P) – Permission granted for *Erection of a single storey extension to front elevation within courtyard to enlarge Flat 1, alter the shared entrance and provide bike store, alterations to windows at first floor and raise roof of existing building and install five rooflights.*

### **Site 2 – 10-12A St George’s Mews**

2.3.11 Our online search of the planning records for St George’s mews reveals no planning history for the building. In light of the fact that the building was last in office use (Class B1a), has no adverse planning enforcement history and is subject to an Article 4 Direction removing permitted development rights for change of use from Class B1a to Class C3 under Class O of the GPDO, we have strong grounds to consider the lawful use of the Site 2 be as offices.

## 3.0 The Proposal

3.1.1 Permission is sought to swap the lawful uses of two separate sites in the Primrose Hill Conservation Area. The two sites are Flat 5 at 136 Gloucester Avenue (lawfully residential) and 10-12A St George's Mews (lawfully offices).

3.1.2 The two applications are:

Site 1: 136 Gloucester Avenue

*Use of Flat 5 as offices (Class B1)*

Site 2: 10-12A St Georges Mews

*Use of the building as a single family dwelling (Class C3)*

3.1.3 Individually, each application would ordinarily be considered contrary to the adopted local plan – the Development Policies and Core Strategy – and would therefore be refused. However, by linking the two applications together, there is a compelling argument that there is no material loss of residential accommodation and no material loss of offices. Hence, there is no planning harm. The applicant proposes to link the two planning application via a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990. The proposed trigger will be that the propose office occupation of No.136 Gloucester Avenue cannot commence until 10-12A St George's is ready for residential occupation.

3.1.4 .



## 4.0 Relevant Planning Policies

### 4.1 Government Guidance

4.1.1 The National Planning Policy Framework was adopted in March 2012 and replaced the detailed guidance set out in the Planning Policy Guidance notes and Planning Policy Statement which preceded the NPPF.

4.1.2 The NPPF imposes a presumption in favour of sustainable development and sets out in concise terms the criteria against which development proposals will be considered to be sustainable in economic, environmental and social terms – the so-called three strands of sustainability.

4.1.3 Section 6 of the NPPF seeks to boost the supply of housing. In particular, paragraph 51 states that empty housing and buildings should be brought back into residential use and that applications for change to residential use from commercial uses (in the B use classes) should normally be approved where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate.

### 4.2 Development Policies

4.2.1 The Development Policies DPD was adopted in November 2010

4.2.2 The following policies are considered to be of particular relevance to this application:

- DP2 - Making full use of Camden's capacity for housing
- DP5 - Homes of Different Sizes
- DP13 - Employment sites and premises
- DP16 - Transport Implications of development
- DP17 - Walking, cycling and public transport
- DP18 - Parking standards and limiting the availability of car parking
- DP25 - Conserving Camden's heritage

4.2.3 The Council has also adopted a series of Camden Planning Guidance (CPG) documents which, *inter alia*, provide guidelines on planning policy relating to, amongst other things, the conversion of offices in the borough.

4.2.4 CPG 5 states that: *We expect the supply of offices to meet the projected demand over the plan period and as a result we may allow a change from B1(a) offices to another use in some circumstances, such as older office premises or buildings that were originally built as residential dwellings. Our priority is for the replacement use to be permanent housing or community use.*

4.2.5 The document also provides categories of accommodation for Light industrial, industrial, storage and distribution uses. As noted above, the site contains a small area of light industrial use (workshop). The categories range from accommodation suitable for industrial type uses and therefore likely to be retained for these uses (Category 1) to accommodation unsuitable for these uses and likely to be acceptable for a change of use, including offices.

### 4.3 Core Strategy

4.3.1 The Core Strategy was adopted in November 2010 and sets the strategic context for managing growth and development in the borough. Of particular relevance are:

- CS1 Distribution of Growth
- CS3 Highly Accessible Areas
- CS5 Managing the Impact of Growth and Development
- CS6 Proving quality homes
- CS8 Promoting a successful and inclusive economy

## 5.0 Planning Considerations

### 5.1 Swapping office and residential uses

- 5.1.1 Housing is considered the priority land-use of the Local Development Framework. Core Strategy CS3 focuses on highly accessible areas and that these areas are considered to be suitable locations for the provision of homes, shops, food, drink and entertainment uses, offices, community facilities and are particularly suitable for uses that are likely to significantly increase the demand for travel.
- 5.1.2 Core Strategy CS6 focuses on providing quality homes and 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 and maximising the supply of additional housing over the entire plan period to meet or exceed a target of 8,925 homes from 2010-2025, including 6,550 additional self-contained homes.
- 5.1.3 Housing Policy DP2 aims to encourage the provision of more housing and that the Council will seek to maximise the supply of additional homes in the borough by resisting alternative development of sites considered particularly suitable for housing.
- 5.1.4 The Core Strategy states that '*The Council aims to close the gap between housing demand and supply by minimising the net loss of existing homes, and by regarding housing as the top priority when considering the future of unused and underused land and buildings.*' This is consistent with paragraph 51 of the NPPF which specifically encourages the change of use from underused and vacant buildings in the B uses classes to residential use.
- 5.1.5 St George's Mews is, clearly, an ideal candidate for conversion to housing. Were it not for the fact that 10-12A St George's Mews is covered by an Article 4 Direction removing the permitted development right to change from office to residential use, an application would have been submitted for prior approval for a change of use to residential.
- 5.1.6 The Article 4 Direction came into effect on 7 October 2014 and removes permitted development rights for the whole of St George's Mews. The intent of the Direction is to stem the tide of office conversions, since such offices provide sought after accommodation for small businesses, including start-ups.
- 5.1.7 To balance the potential loss of this office floorspace, the applicant proposes to return 136 Gloucester Avenue to office use. The Article 4 Direction identifies the adjacent building at 122a Gloucester Avenue as an office development where PD rights have been removed. Returning No.136 to office use would clearly complement the existing cluster of offices and cause no harm to the land use function of the area. Given the proximity of the two application sites, we consider there to be a neutral effect on the supply of small offices. In fact, the refurbishment of No.136 has ensured that the building is a highly attractive proposition for a small business due to its appearance, level thresholds, ability to accommodate delivery vehicles etc.

## 5.2 'Loss' of Class B1 office space

- 5.2.1 Policy DP13 sets out the Council's policy for the retention of employment land and uses within the Borough. This policy resists any changes of use that results in a loss of a non-commercial use.
- 5.2.2 This policy is supported in CPG 5: Town Centres, Retail and Employment which states that: '*We expect the supply of offices to meet the projected demand over the plan period and as a result we may allow a change from B1(a) offices to another use in some circumstances, such as older office premises or buildings that were originally built as residential dwellings. Our priority is for the replacement use to be permanent housing or community use.*'
- 5.2.3 By swapping to two uses, we strongly argue that objectives of DP13 and CPG5 are firmly met as there is no net loss of offices.

## 5.3 Housing Mix and Amenity

- 5.3.1 Policy DP5 of the LDF aims to secure in all new housing developments (including conversions) throughout the borough a range of housing sizes. The mix of dwelling sizes appropriate in a specific development will be considered taking into account the character of the development, the site and the area.
- 5.3.2 As the proposed land use swap involves an existing three bedroom house of 285.5 sqm and a proposed three bedroom house of 280.6, there is no net loss in housing numbers. The 4.9 sqm difference between the two sites is inconsequential.
- 5.3.3 The proposed new residential unit at St George's Mews would meet and exceed the Technical Housing Standards and London Housing SPG residential standards in all respects. The unit will be dual aspect and generously sized rooms.
- 5.3.4 The Design and Access Statement, prepared by Studio Kyson, includes a checklist of Building Regulations Part M requirements and demonstrates that the new residential unit will be Part M compliant. In addition, the DAS demonstrates compliance with Lifetime Homes.

## 5.4 New Offices

- 5.4.1 Camden Core Strategy policy CS8 *Promoting a successful and inclusive economy* and Development Policies policy DP13 *Employment premises and sites in the Camden* set out the Council's approach to the provision and protection of employment sites and business premises.
- 5.4.2 The thrust of the policy is that the Council will protect existing employment sites and premises that meet the needs of businesses and employers. The proposed land use swap, involving premises of similar floor area, will result in modern, attractive offices at 136 Gloucester Avenue replacing tired offices at 10-12A St George's Mews. The Gloucester Avenue site, with a few minor internal alterations, could be ready for occupation in a matter of

weeks. It boasts superior servicing arrangements with vehicles able to park temporarily off-street. It also boasts dedicated cycle parking.

## 5.5 Design

- 5.5.1 Neither the application at 136 Gloucester Avenue nor the application at 10-12A St George's Mews proposes any external alterations to the fabric of the building.

## 5.6 S106 issues

- 5.6.1 The applicant proposes to link the two planning permissions via a S106 unilateral undertaking which would prevent one application being implemented independently of the other. This is the only way to overcome the hurdle that, in isolation, the loss of residential accommodation is contrary to policy and the loss of office accommodation is similarly unacceptable. The trigger point for occupation of the respective residential and office uses is a matter for negotiation with the local planning authority.

## 6.0 Conclusion

6.1.1 The proposed land use swap is considered to be acceptable for the following reasons:

- The two sites are in close proximity to each other in the same ward and conservation area;
- The proposed office site at 136 Gloucester Avenue boasts better off-street servicing;
- 136 Gloucester is immediately adjacent to existing offices at 122a Gloucester Avenue which are protected by an Article 4 Direction;
- The St George's Mews building is a quiet residential road; the site at Gloucester Avenue is adjacent to a busy railway line;
- The conversion of St George's Mews will result in excellent residential accommodation which meets all relevant technical standards; and
- There will be no material loss of residential or commercial floorspace.

6.1.2 We look forward to the speedy validation of the applications and a favourable outcome for both.

# Appendix 1

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