

Planning Statement

8-9 SPRING PLACE, LONDON NW5 3ER

magenta
planning

On behalf of
Gaylord Investments Limited

May 2021

1.0 **Introduction**

- 1.1 The submission of this planning application follows extensive dialogue with the Appeals and Enforcement Manager and other Senior Planning Officers, to discuss and agree the principles for a new mixed use scheme in tandem with the negotiated withdrawal of an enforcement appeal (PINS ref:- APP/X5210/C/20/3245308) and mutually agreed extended time period for compliance with the associated notice.

2.0 **Site & Surrounding Area**

- 2.1 The application site comprises a part single, part three storey building located on the west side of Spring Place, including an existing vehicular access and small forecourt area. The building is not listed, either statutorily or locally, and is not located within a Conservation Area.
- 2.2 Adjoining the application site to the south east there is a seven storey housing development of 21 apartments (built circa 2010). To the north west is Spring House which provides photographic studios. To the rear, there are some small commercial units and two storey dwellings, whilst there is a row of three storey terrace properties on the opposite side of Spring Place.

3.0 **Background & Relevant Planning History**

- 3.1 The site was acquired by the applicant, Gaylord Investments Ltd, in April 2011 for the purposes of providing residential accommodation (as a swap site in connection with hotel redevelopment proposals at 1-11 Euston Road, noting that those proposals did not progress due to other planning and heritage issues).
- 3.2 It subsequently suffered from serious problems with occupation by squatters which following direction from Camden Council's Valuation Office in 2013 lead to its rating status being changed to residential from the beginning of 2014 onwards. High Court bailiffs eventually secured eviction of the squatters around that same time. Residential occupation by 'Live-in Guardians' (LIG) followed during that same year (February to July 2014), who confirmed that at the time when they vacated the property it consisted of 18 studios and 12 x 1 bed flats.

- 3.3 A Prior Approval application (ref:- 2014/4578/P) for 13 residential units was granted on 3rd September 2014 subject to a car free agreement.
- 3.4 Building works by Malik Contractors & Engineers Ltd were also commenced in summer 2014 and completed around January 2015, but implementing a more intensive residential scheme (of 30 flats) than the permitted development approval.
- 3.5 Reference 2019/2873/P involved an application for a Lawful Development Certificate for continued use of the property as 30 residential flats (Class C3) but was refused on November 18th 2019 on the grounds of insufficient evidence in respect of the four year rule. Following this refusal, the Council issued an enforcement notice on 17th December 2019. This notice was subsequently appealed by the applicant, but as set out in the introduction has recently been withdrawn, as a result of the positive discussions with Officers in respect of finding an alternative and mutually acceptable way forward for both parties.

4.0 **Application Proposals**

- 4.1 The description of development for the application proposals is as follows:-
'Use of ground floor for Class B1 office (flexible space) with 7 residential apartments (Class C3) over at first and second floors, together with associated external alterations, cycle parking provision and refuse storage'
- 4.2 The proposed mix of residential accommodation consists of 1 studio flat; 5, 1 bedroom units; and 1,3 bedroom unit. As shown on the enclosed 'Accommodation Schedule', all of the respective floor areas exceed the relevant London Plan space standards. Whilst the mix of units is limited, it is the optimum that can be achieved in terms of the building constraints imposed by the existing layout and adapting that in an efficient and cost effective manner; the 3 bed unit was introduced as a direct result of the discussions with the LPA.
- 4.3 The design has been revised so that each of the land uses has its own separate independent access arrangement, with access to the upper residential accommodation benefitting from a modern passenger lift that was installed as part of the previous conversion works, suitable for wheelchair access. Refuse and ample cycle parking provision are proposed within the existing forecourt area in accordance

with London Plan standards. A car free agreement is also proposed, consistent with the previous Prior Approval (2014/4578/P) as currently operated and strictly enforced by the applicant.

4.4 The proposals have been developed in close collaboration with Officers and have been significantly amended during the course of those discussions; principally the introduction of the B1 office space (with independent access); provision of a more appropriate mix of units; and improvements to daylighting levels throughout the scheme.

4.5 As agreed with Officers, the application is further supported by an Energy Strategy Report by Syntegra Consulting and Daylight Assessment by CPMC Chartered Surveying.

5.0 **Planning Assessment**

5.1 The application proposals represent a mixed-use development that makes effective and efficient use of previously developed land. The site's urban and accessible location, close to good public transport facilities (ie. Kentish Town tube station; Kentish Town West station (both approximately 0.4km) and numerous local bus routes) as well as nearby shops and services within close walking distance (ie. Kentish Town) means that it is a very sustainable location for development. These key characteristics of the scheme are wholly in alignment with the National Planning Policy Framework (Feb 2019), at the heart of which is the Government's presumption in favour of sustainable development.

5.2 Section 5 of the Framework deals with 'Delivering a sufficient supply of homes' with emphasis upon significantly increasing the supply of housing as a national priority. As part of this objective, Local Planning Authorities must identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Paragraph 68, inter-alia, stresses that small sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. Conversion schemes, such as the proposals subject of this application, can clearly make a valuable contribution to both the quantity and quality of the locally available housing stock. As such, the proposals are fully supported by the Council's positive housing policies set out at Chapter 3 (Meeting

Housing Needs) of the Council's Local Plan (adopted 2017).

- 5.3 Policy H1 (Maximising Housing Supply) is of particular relevance; it aims to secure a sufficient supply of homes to meet the needs of existing and future households by maximising the supply of housing and exceeding a target of 16,800 additional homes between 2016/7 to 2030/31, including 11,130 self-contained homes, which are regarded by the Council as a 'priority' land-use (clause a). It is also highlighted that that clause c of this policy seeks to resist alternative development of sites identified for housing or self-contained housing through a current planning permission or a development plan document, unless the site is shown to be no longer developable for housing. In this case, prior approval was granted and although a more intensive scheme was built out, this application now provides the opportunity for the building to be adapted to achieve a policy compliant residential scheme.
- 5.4 It should also be noted that the policy sets out the challenging targets set for London overall and specifically for Camden by the London Plan (ie. 8,892 minimum ten year target 2015-2025). This regional guidance outlines through Policy 3.3; 3.5 and 3.8 that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported. Paragraph 3.16 of the Local Plan inter-alia states:- *'To meet housing needs as far as possible the Council will therefore seek to ensure that all available sites deliver as much additional housing as possible.'*
- 5.5 In respect of Policy H4 (Maximising the supply of affordable housing), Officers' position that a contribution will be required, either as an on-site solution (1 unit) or as payment in lieu, is noted. The applicant is therefore currently investigating the viability and practicalities involved of both options, including dialogue with the list of potentially interested Registered Providers (as recently provided by the Planning Manager). The applicant will therefore revert to the Council during the course of the planning application process with his findings. It is noted that the policy, at clause o, appropriately takes into account *'the economics and financial viability of the development'* when considering the scale and nature of provision that will be appropriate.
- 5.6 In terms of the employment policy issue, it should be noted that no business user has occupied the premises for over 10 years, with the last occupier (a TV production company) vacating in April 2011. A further consideration is the Certificate of Lawful Development (ref 2014/4578/P) granted in September 2014 involving the change of

use from Class B1 (office) to Class C3 (residential) as referenced earlier. The reality of the existing 'as built' situation and the residential occupation of the building means that there is no loss of employment space involved. Rather, with the introduction of the new B1 commercial space at ground floor, there will be a gain of 545 sqm. Consequently, there is no conflict with Local Plan Policy E2 (loss of employment).

- 5.7 In terms of housing standards, as previously referenced, the resultant floor areas of the units are all in compliance with London Plan standards. As discussed with Officers, the layout has been tested by a specialist daylight consultant to demonstrate compliance with the recommended criteria in the BRE Guide; see report from CPMC enclosed with the application documents. Section 2 of their report sets out an 'Executive Summary', the final paragraph of which is set out verbatim below:-

'In this case, with the exception of one very marginal result, all rooms comfortably pass the Average Daylight Factor (ADF) test that we have used to review the residential accommodation at the applicant property. In our professional opinion this should be regarded as a high level of compliance for a project located in a dense urban environment such as Camden.'

- 5.8 In terms of sustainability, the accompanying report by Syntegra Consulting assesses the predicted energy performance and carbon dioxide emissions of the proposed development; their conclusion at page 28 states that:-

'In line with the local Council's three step energy hierarchy, the regulated CO₂ emissions for the development have been reduced by a 54.29% against the existing condition, once all measures are taken into account.'

With reference to two tables dealing with the residential and non-residential elements respectively, the report shows that the development exceeds the relevant planning policy requirements (as set out at Section 8 of the Local Plan), achieving a 45.58% carbon reduction in the flats and a 58.26% carbon reduction in the office areas.

- 5.9 In addition, as referenced earlier, the sustainability credentials of the proposals include the continuation of a car free development consistent with Policy T2. The Council requires this obligation to facilitate sustainability and to help promote alternative, more sustainable methods of transport.

6.0 Conclusion

- 6.1 The proposals represent a sustainable mixed use, policy compliant development solution that facilitates a pragmatic; appropriate and positive way forward to resolve the existing enforcement situation.
- 6.2 They have been advanced in close collaboration with Officers during the pre-application stage and the applicant would request for that consultation and dialogue to be extended into the application process itself in the event of any issues arising.
- 6.3 For all of the reasons set out in this report, we consider that the application proposals pass the Section 38 (6) test of the Planning and Compulsory Purchase Act 2004 and should be granted planning permission accordingly.