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**From:** [REDACTED]  
**Sent:** 11 August 2022 15:48  
**To:** Patrick Marfleet  
**Subject:** FW:Response to Application 2022/2301/P  
**Importance:** High

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Dear Sirs

**Planning application no 2022/2301/P**

Applicant ; Empiric (Francis Gardner)Ltd

Application date 07/07/2022

Proposal: External alterations to existing student accommodation building(sui generis),including replacement recessed windows, erection of roof extension to accommodate four studio flats with associated landscaping

Dear Sirs

I write as an adjoining owner/resident in respect of the above mentioned application. My property at 78 Gascony Avenue NW6 4NE, is approximately 20m from the applicant building and at 90' obliquely to its rear wall. I know the applicant site well having been an objector on numerous fronts to the previous 'demolish and re-build' application on which CBC on 17/12/2020 were minded to grant approval subject to a s106 agreement.

I have several concerns regarding the content of this application, which if not corrected or recommended to be conditioned in any subsequent committee officer reports, need to be recorded as my formal objection to this application. These are as follows:

1. As a stand alone fresh application its development strategy of refurbishment/retro fitting is welcomed. But not if it only cherry picks the elements of developer benefits of the 2020 demolish and rebuild scheme whilst completely contradicting the key arguments of refurbishment unsuitability which supported the proposal and prompted CBC to grant approval. This contradiction is highlighted in the Summary sections of the Planning reports attached to each application. The demolish and rebuild report states 'however the building is not fit for purpose and can not be refurbished to bring it up to the required standard' This is then supported by several reports from specialists who appear, along with the CBC planning officer to be in agreement with the unsuitability statement. We now have an application whose main stance is refurbishment and through its planning report states 'overall the changes proposed create a building of higher quality in terms of design and sustainability and makes a positive contribution to the South Hampstead Conservation area' – Surely diametrically opposing development principles. This contradiction is further emphasised by both reports being from the same consultants representing the applicant as are the supporting reports from other specialists .The applicant wishes to retain the 2020 applications as a fall back position and fails to acknowledge the impact of the contradictions in the 2023 alternative and expects CBC committee members to ignore the fundamental differences . Whilst any applicant can submit as many variables for planning at one location I respectfully suggest that the first application on which the applicant has taken over 20 months to agree and sign up to their s106 obligations be retracted and the 'mindful to grant' approval is conditioned to be deleted from the CBC planning register, should CBC decide to approve the 2023 refurbishment application.
2. This proposal is based on an existing approval 2003/3484/P for student hostel accommodation (circa 19 cluster units) being retained and extended by a nominal 4 bedrooms .The applicant fails to record the type of hostel accommodation currently in use which is 100% shared clusters (as indicated on the consent

drawings) except for the addition of three self contained flats. As a comparison this application is for 100% studio units and including the 4 studio addition applied for, totals 72 studios. . Note that the 2020 new build application was for 64% studios and 36% shared accommodation (Local Plan policy H9(f) compliant). In this proposal whilst the total number of bedrooms is maintained, and is a key factor in assessing any implications for the increase proposed, it is the manner in which these bedrooms are distributed into individual units that is equally relevant. The applicant clearly does not comply with Local Plan policy H9(f) which requires a range of flat layouts including wherever practical shared facilities and offers no explanation for this anomaly. The applicant suggests that this minor development proposal has no planning significance in terms of internal reconfiguration and no planning requirements apply. Surely this is incorrect with the fundamental level of change in the mix of units proposed. The substantial internal changes requiring policy compliance and virtually the entire fourth floor external envelope being rebuilt is not a minor development proposal. The 2020 application at least offered specific CBC and London Plan Policy comparisons Here the applicant offers no detail on the basis of this being a minor proposal.

3. The applicant then proposes not to comply with the Camden Local Plan policy H9(g) or the London Plan 2021 in relation to the provision of accommodation which is affordable to the student body as a whole. It relies solely on the 2020 application response that CBC in a previous pre application discussion had confirmed in writing that affordable accommodation will only be required on additional floorspace. It states that in "any redevelopment of the site the Council would seek an element of affordable housing to be provided as a proportion of the new additional floor space created at the site rather than a proportion of the total floor space for the development, subject to viability and agreed through a s106 agreement". The applicant is correct in its interpretation of this requirement stating the scale of increase is below the approved CBC policy threshold - this is clearly a developer contribution to the Borough for use off site for affordable housing. However, this does not remove the requirement for any applicant to comply with the CPG 19 policies 3.26 – 3.35 inclusive. These stipulate that applicants who promote not to adopt a 'Full Nominations agreement route', as is the case here, have to provide full justification through 'The Affordable Rent route' where a minimum of 35% of affordable rent units (bedspaces) have to be provided or a detailed viability assessment needs to be submitted justifying any downfall. This is a completely separate issue to the Developer contributions mentioned under Local Plan policy (g) for contributions towards affordable homes for the Borough. It appears that the applicant is either mis- interpreting the Camden advice given previously as being the only issue relating to affordability requirements or alternatively suggesting that as the student use exists and has done so prior to 2003, it is established and acceptable to CBC as unregulated use. The use pre 2003 was nursing accommodation under the management of UCLH and affordability regulated through The Royal Free Hospital. The following period between late 2003 and 2016 the site was managed through a private sector operator Ing Real Estates and then acquired in 2016 by the current owners Empiric. Thus in real terms the accommodation has possibly been under unregulated student use (in terms of an affordable student rental regime) for circa 20 years. If this is not the case then the current application should have included some mention of affordability based on current policy rather than offering the developer contribution as being their sole response to Affordability issues. The fundamental requirements on rental affordability of both Camden and London Plan policy must be addressed by any application for student housing. These policies have been formulated to ensure that at least a proportion of the high market rents for this type of accommodation in central London are made available for local students at affordable levels. This application makes no attempt to comply with this or offer a viability assessment in justification.
4. The design and development principles for this refurbishment taken by White Red Architects needs to be applauded. Had this refurbishment strategy been adopted for the 2019 application it would not have wasted almost two years through unviable and adjoining resident disruptive development proposals. The only concern that requires robust conditioning in any approval is that related to the fire strategy for this single staircase 5 storey building. The use class in this type of refurbishment with 15 potential occupants per floor needs a strong management plan and hopefully this can be included in the supporting documentation attached to the application. Whilst Fire Engineers are proposed regrettably no specialist report is included in the submission.

I respectfully suggest that the detail contained in the concerns raised above require an Applicant or Planning Officer response following the initial consultation process so as to eliminate any incorrect assumptions.

Please note that my objections noted above refer solely to this development proposals and every effort is made to present accurate information for the Planning Committee members. No responsibility is accepted for any unforeseen errors or omissions and CBC should satisfy itself of any facts before reaching any application decision.

My thanks  
Yours faithfully

