

Planning Statement

For the
Extension and partial remodelling of the rear elevation of the
building to form a three storey and single storey wing extension
and change of use of vacant ground floor office use to a
residential apartment



Site at 16 Swains Lane, Kentish Town
London N6 6QS

February 2023

1.0 Introduction

- 1.1 This Planning, Design & Access Statement has been prepared by Allen Planning Ltd in support of a planning applications to extension and partial remodelling of the rear elevation of the building to form a three storey and single storey wing extension and change of use of vacant ground floor office use to form a residential apartment.
- 1.2 Notwithstanding planning policy, given that the site sits within the Dartmouth Conservation Area, there is a statutory requirement for any development within this location to either preserve or enhance the character and appearance of this Conservation Area.
- 1.3 This application follows detailed pre-application discussion with Officers at Camden and the advice received has assisted in forming this final application submission.
- 1.4 The purpose of this Statement is to describe the relevant site context and surrounding area together with the details of the proposed scheme development. It also outlines the planning policy context and provides an assessment of those policies that apply to the scheme's development.
- 1.5 In addition to this Statement, and the detailed plans, the application is also supported by a Heritage Impact Assessment and also a Daylight Impact Assessment. In terms of design matters a fully detailed Design and Access Statement also supports this application proposal which includes matters of sustainability.
- 1.6 In terms of matters of land use the upper floors are already in a residential use as two flats whereas the ground floor, currently vacant, was last used as an office under what is now Class E of the UCO.
- 1.7 This ground floor office has the benefit of prior notification consent for its permitted development change of use to residential to form one flat and therefore whilst the ground floor currently remains as vacant commercial space this permission for its change of use forms a most material fallback position to the consideration of this application.
- 1.8 In overview the current building has a gross internal area of 263.3m² and such would be increased to 312.9m² if this application were to be approved.

2.0 Site Description

- 2.1 The application site at No. 16 Swain's Lane is a three storey detached building in the Dartmouth Park Conservation Area which was designed and built in the 1930s for the Plasterers' Union.
- 2.2 The building is currently laid out as ground floor office space with the first and second floors as two bed flats. The history and architectural attributes of this building are critically assessed in the accompanying Heritage Statement so are not repeated here.
- 2.3 The property is not listed but falls within the Dartmouth Conservation Area and therefore Section 72 of the Act places a duty on the decision maker with respect to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 2.4 Swain's Lane itself is situated minutes' walk from Hampstead Heath. The north-west side of this part of Swain's Lane is populated with a number of shops and cafes, with a public house on the corner between Swain's Lane and Highgate Road.
- 2.5 The site has reasonable access to public transport links. Gospel Park Overground Station is a 13 minute walk away, and both Tufnell Park and Archway Underground Stations are a 16 minute walk. There are also a number of bus stops in the vicinity and the site has a PTAL rating of 2.
- 2.6 The general location of the site is shown in Figure 1 below.



Figure 1 – site location

- 2.7 The site is not within an identified flood risk area.
- 2.8 In terms of the immediate context the site this has a large paved forecourt to the front, with a mature lime tree on the north boundary and parking space for four cars on a paved standing. The lack of a boundary wall or fence results currently in a "gap" within the street scene.
- 2.9 The site's immediate neighbour to the west is a semi-detached early Victorian house, and to the east is a 1970s three-storey building containing an apartment on each floor. Shops lies on the opposite side of Swains Lane.

- 2.10 The west boundary, between no.16 and no.14, which is a residential property, consists of a 1.6 metre high timber fence that extends approximately 7.7metres from the front of the site to the south.
- 2.11 The south boundary facing the back gardens of residential properties to the rear is defined by a 1.8 metre high brick wall, while the east one (also facing the rear garden of No 18 is a 2.1 metre high timber fence.

3.0 Planning History

- 3.1 The key recent planning history on the site is the granting of prior notification consent under LPA reference 2021/0507/P for the conversion of the ground floor of this building from office use to residential as one apartment.
- 3.2 The works associated with this consent have not yet commenced and as a result the lawful use of the ground floor remains as Class E of the UCO, albeit that the permitted development approval for its conversion to residential, is a most material consideration in terms of land use for the consideration of this application submission.
- 3.3 A detailed pre application, under reference 2022/2296/PRE, has been undertaken with Officers who in general terms were supportive of the development proposals and whom in their letter of advice noted that:

“The revised scheme is an improvement from the initial submission, however there are several elements which must be addressed prior to submitting a formal planning application

:

- Some indicative Condition and Feasibility Study of the rear extension should be provided*
- The treatment at the ground floor should better relate to the character of the building and be supported by detailed historic analysis.*
- Similarly, the treatment of the openings to the rear and their detailing should be further refined to reflect the age and character of the building.*
- The internal layout at ground and second floor should be better rationalised.*
- Assessment of impact on amenity of neighbouring properties (for example a daylight and sunlight report)*
- Details of the soft and hard landscaping should be part of future submissions.*
- Adequate cycling provision should be provided.”*

- 3.4 These proposals have sought to address the principle issues raised during the Pre-Application process. The improvements made in October of last year are retained and in addition further changes are made to add interest to the character of the existing building.
- 3.5 The new proposed windows will now site in context with the Art Deco style of the building and are evenly sized and placed, as well as the upper floors flats rear extension, now with a proportion that better suit the scale of the building.
- 3.6 The overall result is a refurbishment of the entire building that effectively maintains its characteristic style and contribution to the townscape and Conservation Area as well as its improvement to help it meet the highest environmental standards.

4.0 Planning Policy Overview

4.1 For the purposes of Section 38 of the Planning and Compulsory Purchase Act 2004, the Development Plan is made up of the National Planning Policy Framework 2021, the London Plan 2021 and the Camden Local Plan 2017.

4.2 At the outset and as a note national guidance and development plan policy relating to matters of heritage are contained within the accompanying Heritage Impact Assessment.

4.3 Turning first to national guidance **Paragraphs 8 -10** of the NPPF advise:

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

*a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

*10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).*

4.4 **Paragraph 11** identifies the fundamental thrust of the guidance which states that Plans and decisions should apply a presumption in favour of sustainable development which for decision taking means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷;

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

4.5 Paragraph 69 advises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;

c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and

d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

4.6 In addition, paragraph 119 adds that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land

4.7 Amongst other matters Paragraph 120 adds that Planning policies and decisions should:

c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

4.8 Finally, Paragraph 124 also adds that planning policies and decisions should support development that makes efficient use of land, taking into account:

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places

4.9 In terms of design paragraph 126 advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

4.10 Paragraph 130 adds that planning decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

4.11 Paragraph 134 notes that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

Business

4.12 In delivering development one of the limbs of paragraph 120 seeks:

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);

4.13 In addition Paragraph 123 adds that Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework;

London Plan, 2021

4.14 The London Plan was adopted in March 2021 and is thereby up to date. **Policy D3** deals with optimising site capacity through the design-led approach stating:

A All development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D.

B Higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking and cycling, in accordance with Policy D2 Infrastructure requirements for sustainable densities. Where these locations have existing areas of high density buildings, expansion of the areas should be positively considered by Boroughs where appropriate. This could also include expanding Opportunity Area boundaries where appropriate.

C In other areas, incremental densification should be actively encouraged by Boroughs to achieve a change in densities in the most appropriate way. This should be interpreted in the context of Policy H2

4.15 **Policy D4** in terms of delivering good design adds:

Design analysis and development certainty

A Masterplans and design codes should be used to help bring forward development and ensure it delivers high quality design and place-making based on the requirements set out in Part B of Policy D3 Optimising site capacity through the design-led approach.

B Where appropriate, visual, environmental and movement modelling/assessments should be undertaken to analyse potential design options for an area, site or development proposal. These models, particularly 3D virtual reality and other

interactive digital models, should, where possible, be used to inform plan-making and decision-taking, and to engage Londoners in the planning process.

Design scrutiny

C Design and access statements submitted with development proposals should demonstrate that the proposal meets the design requirements of the London Plan.

D The design of development proposals should be thoroughly scrutinised by borough planning, urban design, and conservation officers, utilising the analytical tools set out in Part B, local evidence, and expert advice where appropriate. In addition, boroughs and applicants should make use of the design review process to assess and inform design options early in the planning process. Development proposals referable to the Mayor must have undergone at least one design review early on in their preparation before a planning application is made, or demonstrate that they have undergone a local borough process of design scrutiny, based on the principles set out in Part E if they:

- 1) include a residential component that exceeds 350 units per hectare; or*
- 2) propose a building defined as a tall building by the borough (see Policy D9 Tall buildings), or that is more than 30m in height where there is no local definition of a tall building*

E The format of design reviews for any development should be agreed with the borough and comply with the Mayor's guidance on review principles, process and management, ensuring that:

- 1) design reviews are carried out transparently by independent experts in relevant disciplines*
- 2) design review comments are mindful of the wider policy context and focus on interpreting policy for the specific scheme*
- 3) where a scheme is reviewed more than once, subsequent design reviews reference and build on the recommendations of previous design reviews*
- 4) design review recommendations are appropriately recorded and communicated to officers and decision makers*
- 5) schemes show how they have considered and addressed the design review recommendations*
- 6) planning decisions demonstrate how design review has been addressed.*

Maintaining design quality

F The design quality of development should be retained through to completion by:

- 1) ensuring maximum detail appropriate for the design stage is provided to avoid the need for later design amendments and to ensure scheme quality is not adversely affected by later decisions on construction, materials, landscaping details or minor alterations to layout or form of the development*
- 2) ensuring the wording of the planning permission, and associated conditions and legal agreement, provide clarity regarding the quality of design*
- 3) avoiding deferring the assessment of the design quality of large elements of a development to the consideration of a planning condition or referred matter*
- 4) local planning authorities considering conditioning the ongoing involvement of the original design team to monitor the design quality of a development through to completion.*

4.16 **Policy D6** addresses matters of housing quality and standards and states:

Housing development should be of high quality design and provide adequately-sized rooms (see [Table 3.1](#)) with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

Qualitative aspects of a development are key to ensuring successful sustainable housing. [Table 3.2](#) sets out key qualitative aspects which should be addressed in the design of housing developments.

Housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in [Policy D3 Optimising site capacity through the design-led approach](#) than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

The design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.

Housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables (for at least card, paper, mixed plastics, metals, glass) and food waste as well as residual waste.

Housing developments are required to meet the minimum standards below which apply to all tenures and all residential accommodation that is self-contained.

Private internal space

1) Dwellings must provide at least the gross internal floor area and built-in storage area set out in [Table 3.1](#).

2) A dwelling with two or more bedspaces must have at least one double (or twin) bedroom that is at least 2.75m wide. Every other additional double (or twin) bedroom must be at least 2.55m wide.

3) A one bedspace single bedroom must have a floor area of at least 7.5 sq.m. and be at least 2.15m wide.

4) A two bedspace double (or twin) bedroom must have a floor area of at least 11.5 sq. m.

5) Any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (If the area under the stairs is to be used for storage, assume a general floor area of 1 sq. m. within the Gross Internal Area).

6) Any other area that is used solely for storage and has a headroom of 0.9-1.5m (such as under eaves) can only be counted up to 50 per cent of its floor area, and any area lower than 0.9m is not counted at all.

7) A built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. Any built-in area in excess of 0.72 sq. m. in a double bedroom and 0.36 sq. m. in a single bedroom counts towards the built-in storage requirement.

8) *The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.*

Private outside space

9) *Where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sq. m. of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq. m. should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m. This does not count towards the minimum Gross Internal Area space standards required in Table 3.1*

G The Mayor will produce guidance on the implementation of this policy for all housing tenures.

4.17 **Policy H1** addresses the issue of increasing housing supply stating:

Table 4.1 sets the ten-year targets for net housing completions that each local planning authority should plan for. Boroughs must include these targets in their Development Plan Documents.

To ensure that ten-year housing targets are achieved, boroughs should: 1) *prepare delivery-focused Development Plans which: allocate an appropriate range and number of sites that are suitable for residential and mixed-use development and intensification encourage development on other appropriate windfall sites not identified in Development Plans through the Plan period, especially from the sources of supply listed in B2 enable the delivery of housing capacity identified in Opportunity Areas, working closely with the GLA.*

2) *optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions, especially the following sources of capacity: sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station³⁹ or town centre boundary⁴⁰ mixed-use redevelopment of car parks and low-density retail parks and supermarkets housing intensification on other appropriate low-density sites in commercial, leisure and infrastructure uses the redevelopment of surplus utilities and public sector owned sites small sites (see Policy H2 Small sites) industrial sites that have been identified through the processes set out in Policy E4 Land for industry, logistics and services to support London's economic function, Policy E5 Strategic Industrial Locations (SIL), Policy E6 Locally Significant Industrial Sites and Policy E7 Industrial intensification, co-location and substitution.*

3) *establish ambitious and achievable build-out rates at the planning stage, incentivising build-out milestones to help ensure that homes are built quickly and to reduce the likelihood of permissions being sought to sell land on at a higher value.*

C Boroughs should proactively use brownfield registers and permission in principle to increase planning certainty for those wishing to build new homes.

D Boroughs should publish and annually update housing trajectories based on the targets in Table 4.1 and should work with the Mayor to resolve any anticipated shortfalls.

E Where new sustainable transport infrastructure is planned, boroughs should re-evaluate the appropriateness of land use designations and the potential to accommodate higher-density residential and mixed-use development, taking into account future public transport capacity and connectivity levels.

F On sites that are allocated for residential and mixed-use development there is a general presumption against single use low-density retail and leisure parks. These developments should be designed to provide a mix of uses including housing on the same site in order to make the best use of land available for development

4.18 **Policy H2** addresses matters of residential development on small sites adding:

Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to:

- 1) significantly increase the contribution of small sites to meeting London's housing needs*
- 2) diversify the sources, locations, type and mix of housing supply*
- 3) support small and medium-sized housebuilders*
- 4) support those wishing to bring forward custom, self-build and community-led housing*
- 5) achieve the minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1.*

Boroughs should:

- 1) recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites*
- 2) where appropriate, prepare site-specific briefs, masterplans and housing design codes for small sites*
- 3) identify and allocate appropriate small sites for residential development*
- 4) list these small sites on their brownfield registers*
- 5) grant permission in principle on specific sites or prepare local development orders*

4.19 Housing size and mix is identified at **Policy H10** which seeks:

"Schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to:

- 1) robust local evidence of need where available or, where this is not available, the range of housing need and demand identified by the 2017 London Strategic Housing Market Assessment*
- 2) the requirement to deliver mixed and inclusive neighbourhoods*
- 3) the need to deliver a range of unit types at different price points across London*
- 4) the mix of uses in the scheme*
- 5) the range of tenures in the scheme*
- 6) the nature and location of the site, with a higher proportion of one and two bed units generally more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity*
- 7) the aim to optimise housing potential on sites*

- 8) *the ability of new development to reduce pressure on conversion, sub-division and amalgamation of existing stock*
- 9) *the need for additional family housing and the role of one and two bed units in freeing up existing family housing.*

B For low-cost rent, boroughs should provide guidance on the size of units required (by number of bedrooms) to ensure affordable housing meets identified needs. This guidance should take account of:

- 1) *evidence of local housing needs, including the local housing register and the numbers and types of overcrowded and under-occupying households*
- 2) *other criteria set out in Part A, including the strategic and local requirement for affordable family accommodation*
- 3) *the impact of welfare reform*
- 4) *the cost of delivering larger units and the availability of grant.”*

4.20 **Policy E1** addresses offices and advises that :

Improvements to the quality, flexibility and adaptability of office space of different sizes (for micro, small, medium-sized and larger enterprises) should be supported by new office provision, refurbishment and mixed-use development.

Increases in the current stock of offices should be supported in the locations in Parts C and D below.

The unique agglomerations and dynamic clusters of world city businesses and other specialist functions of the central London office market, including the CAZ, NIOD (Northern Isle of Dogs) and other nationally-significant office locations (such as Tech City and Kensington & Chelsea), should be developed and promoted. These should be supported by improvements to walking, cycling and public transport connectivity and capacity. Future potential reserve locations for CAZ-type office functions are identified at Stratford and Old Oak Common, capitalising on their current and potential public transport connectivity to central London, the UK and beyond.

The diverse office markets in outer and inner London (outside the areas identified in Part C) should be consolidated and – where viable – extended, focusing new development in town centres and other existing office clusters supported by improvements to walking, cycling and public transport connectivity and capacity including:

- 1) *the strategic outer London office location at Croydon town centre*
- 2) *other town centre office locations (having regard to the Town Centre Network office guidelines in [Table A1.1](#) and [Figure A1.4](#) in [Annex 1](#))*
- 3) *existing urban business parks (such as Chiswick Park, Stockley Park and Bedfont Lakes), taking steps towards greater transport sustainability of these locations*
- 4) *locally-oriented, town centre office provision to meet local needs.*

Existing viable office floorspace capacity in locations outside the areas identified in Part C should be retained, supported by borough Article 4 Directions to remove permitted development rights where appropriate, facilitating the redevelopment, renewal and re-provision of office space where viable and releasing surplus office capacity to other uses.

F Boroughs should consult upon and introduce Article 4 Directions to ensure that the CAZ, NIOD, Tech City, Kensington & Chelsea and geographically-defined parts

of other existing and viable strategic and local office clusters (such as those in and around the CAZ, in town centres and other viable business locations – see Part D3 above) are not undermined by office to residential permitted development rights.

G Development proposals related to new or existing offices should take into account the need for a range of suitable workspace including lower cost and affordable workspace.

H The scope for the re-use of otherwise surplus large office spaces for smaller office units should be explored.

I The redevelopment, intensification and change of use of surplus office space to other uses including housing is supported, subject to the provisions of Parts G and H.

Camden Local Plan

4.21 **Policy A1** “Managing the impact of development” advises that the Council will seek to protect the quality of life of occupiers and neighbours. It adds that it will grant permission for development unless this causes unacceptable harm to amenity.

We will:

a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;

b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;

c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and

d. require mitigation measures where necessary.

The factors we will consider include:

e. visual privacy, outlook;

f. sunlight, daylight and overshadowing;

g. artificial lighting levels;

h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;

i. impacts of the construction phase, including the use of Construction Management Plans;

j. noise and vibration levels;

k. odour, fumes and dust;

l. microclimate;

m. contaminated land; and

n. impact upon water and wastewater infrastructure

4.22 **Policy D1** addresses matter of design advising that the Council will seek to secure high quality design in development. The Council will require that development:

a. respects local context and character;

b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;

c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;

d. is of sustainable and durable construction and adaptable to different activities and land uses;

e. comprises details and materials that are of high quality and complement the local character;

f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;

g. is inclusive and accessible for all;

h. promotes health;

i. is secure and designed to minimise crime and antisocial behaviour;

j. responds to natural features and preserves gardens and other open space;

k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,

l. incorporates outdoor amenity space;

m. preserves strategic and local views;

n. for housing, provides a high standard of accommodation; and

o. carefully integrates building services equipment.

4.23 It also advises that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.24 **Policy CC1** addresses matters of climate change mitigation adding:

The Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.

We will:

a. promote zero carbon development and require all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy;

b. require all major development to demonstrate how London Plan targets for carbon dioxide emissions have been met;

c. ensure that the location of development and mix of land uses minimise the need to travel by car and help to support decentralised energy networks;

d. support and encourage sensitive energy efficiency improvements to existing buildings;

e. require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building; and

f. expect all developments to optimise resource efficiency.

For decentralised energy networks, we will promote decentralised energy by:

g. working with local organisations and developers to implement decentralised energy networks in the parts of Camden most likely to support them;

h. protecting existing decentralised energy networks (e.g., at Gower Street, Bloomsbury, King's Cross, Gospel Oak and Somers Town) and safeguarding potential network routes; and

i. requiring all major developments to assess the feasibility of connecting to an existing decentralised energy network, or where this is not possible establishing a new network.

To ensure that the Council can monitor the effectiveness of renewable and low carbon technologies, major developments will be required to install appropriate monitoring equipment.

4.25 In adapting to climate change **Policy CC2** adds:

The Council will require development to be resilient to climate change. All development should adopt appropriate climate change adaptation measures such as:

- a. the protection of existing green spaces and promoting new appropriate green infrastructure;*
- b. not increasing, and wherever possible reducing, surface water runoff through increasing permeable surfaces and use of Sustainable Drainage Systems;*
- c. incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate; and*
- d. measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.*

Any development involving 5 or more residential units or 500 sqm or more of any additional floorspace is required to demonstrate the above in a Sustainability Statement.

Sustainable design and construction measures

The Council will promote and measure sustainable design and construction by:

- e. ensuring development schemes demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation;*
- f. encourage new build residential development to use the Home Quality Mark and Passivhaus design standards;*
- g. encouraging conversions and extensions of 500 sqm of residential floorspace or above or five or more dwellings to achieve “excellent” in BREEAM domestic refurbishment; and*
- h. expecting non-domestic developments of 500 sqm of floorspace or above to achieve “excellent” in BREEAM assessments and encouraging zero carbon in new development from 2019.*

4.26 Turning to economic development **Policy E1** advises:

The Council will secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. We will:

- a. support businesses of all sizes, in particular start-ups, small and medium-sized enterprises;*
- b. maintain a stock of premises that are suitable for a variety of business activities, for firms of differing sizes, and available on a range of terms and conditions for firms with differing resources;*
- c. support local enterprise development, employment and training schemes for Camden residents;*
- d. encourage the concentrations of professional and technical services, creative and cultural businesses and science growth sectors in the borough;*
- e. support the development of Camden’s health and education sectors and promote the development of the Knowledge Quarter around Euston and King’s Cross while ensuring that any new facilities meet the other strategic objectives of this Local Plan;*
- f. direct new office development to the growth areas, Central London, and the town centres in order to meet the forecast demand of 695,000sqm of office floorspace*

- between 2014 and 2031;
- g. support Camden's industries by:
 - i. safeguarding existing employment sites and premises in the borough that meet the needs of industry and other employers;
 - ii. supporting proposals for the intensification of employment sites and premises where these provide additional employment and other benefits in line with Policy E2 Employment premises and sites;
 - iii. safeguarding the Kentish Town Industry Area;
 - iv. promoting and protecting the jewellery industry in Hatton Garden;
- h. expect the provision of high speed digital infrastructure in all employment developments; and
- i. recognise the importance of other employment generating uses, including retail, education, health, markets, leisure and tourism

4.27 In addition **Policy E2** in terms of employment premises and sites adds:

"The Council will encourage the provision of employment premises and sites in the borough. We will protect premises or sites that are suitable for continued business use, in particular premises for small businesses, businesses and services that provide employment for Camden residents and those that support the functioning of the Central Activities Zone (CAZ) or the local economy.

We will resist development of business premises and sites for non-business use unless it is demonstrated to the Council's satisfaction:

- a. the site or building is no longer suitable for its existing business use; and
- b. that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.

We will consider higher intensity redevelopment of premises or sites that are suitable for continued business provided that:

- c. the level of employment floorspace is increased or at least maintained;
- d. the redevelopment retains existing businesses on the site as far as possible, and in particular industry, light industry, and warehouse/logistic uses that support the functioning of the CAZ or the local economy;
- e. it is demonstrated to the Council's satisfaction that any relocation of businesses supporting the CAZ or the local economy will not cause harm to CAZ functions or Camden's local economy and will be to a sustainable location;
- f. the proposed premises include floorspace suitable for start-ups, small and medium-sized enterprises, such as managed affordable workspace where viable;
- g. the scheme would increase employment opportunities for local residents, including training and apprenticeships;
- h. the scheme includes other priority uses, such as housing, affordable housing and open space, where relevant, and where this would not prejudice the continued operation of businesses on the site; and
- i. for larger employment sites, any redevelopment is part of a comprehensive scheme."

5.0 Planning Assessment

5.1 We submit that the material considerations relevant to this application are:

- matters of land use
- impacts upon the heritage assets and wider townscape
- Impacts upon neighbouring properties
- quality of housing to be proposed
- car parking and transport matters
- Development sustainability

Principle of Land Use

5.2 The principle of providing new housing within this sustainable area are generally supported at a national and local level, subject to the assessment of other material considerations.

5.3 The revised NPPF reinforces the policy presumption in favour of development in sustainable locations by promoting the effective use of land in meeting the need for homes through supporting the development of under-utilised land.

5.4 In terms of policy and guidance, paragraph 120 of the NPPF identifies that planning policies and decisions should amongst other matters:

“promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and...”

5.5 In addition. Paragraph 123 adds that Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework

5.6 Part of the existing site namely the entirety of the ground floor, albeit vacant and was last used for commercial purposes as an office and that such the development plan generally seeks the protection of employment space

5.7 In this respect Policy E2, in terms of existing employment premises and sites advises that, *“The Council will encourage the provision of employment premises and sites in the borough. We will protect premises or sites that are suitable for continued business use, in particular premises for small businesses, businesses and services that provide employment for Camden residents and those that support the functioning of the Central Activities Zone (CAZ) or the local economy.*

5.8 It adds that:

“We will resist development of business premises and sites for non-business use unless it is demonstrated to the Council’s satisfaction:

*a. the site or building is no longer suitable for its existing business use; and
b. that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative type and size of business use has been fully explored over an appropriate period of time.”*

5.9 In terms of the alternative residential land use proposed for the ground floor it must be noted that extant prior notification permission exists for the conversion of the ground floor into a residential unit as set out in Section 3 above.

5.10 In terms of material considerations there is therefore a significant material “fallback position” pursuant to this application, namely this extant prior notification consent for change of use to form one flat on the ground floor.

5.11 The key principle of such being that the starting point for determining any planning application is set out in Section 38(6) of the Planning and Compulsory Purchase Act which states that:

“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”

5.12 The material consideration in this case is clearly the extant consent and the “fall back” position created by it. This extant consent is therefore a fallback position to which the merits of this application must be judged against.

5.13 On this basis even if a development were to be contrary to policies or standards within a development plan the comparison with an extant permission on the site is clearly an important material consideration which would indicate a decision in the alternative.

5.14 In terms of law to support that proposition we advise of a 2017 Court of Appeal Judgement (Mansell v. Tonbridge & Malling Borough Council [2017] EWCA Civ 1314) which clarified when a fallback development may be a material planning consideration for an alternative development.

5.15 That case concerned an appeal concerning a decision of Garnham J in dismissing a claim for judicial review of a planning permission granted by Tonbridge & Malling Borough Council. The demolition being the demolition of a barn and bungalows and the construction of 4 detached dwellings.

5.16 In the Court of Appeal Judgement, Lindblom LJ confirmed the legal considerations in determining the materiality of the ‘fall back’ position as a planning judgement were as follows:

– the basic principle is that for a prospect to be a real prospect it does not have to be probable or likely, a possibility will suffice.

– there is no rule of law that in every case the ‘real prospect’ will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the

landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases, that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgement in the particular circumstances of the case in hand.

- 5.17 Clearly the site owner's willingness to convert the ground floor of this building into a residential unit is both a genuine and real prospect fundamentally because they have made, and achieved, a prior notification consent application to do so.
- 5.18 We submit that the conversion of the ground floor to residential is therefore more than a possibility it is in fact a genuine "real prospect" for development on the site. In this case it is clear that the landowner/developer will be making use of the permitted development rights granted under the GPDO via the extant prior notification consent for change of use.
- 5.19 It is concluded therefore that the permitted fallback development resulting from the prior notification approval should be given significant weight in the planning balance exercise in the determination of this application in terms of the land use of the ground floor.
- 5.20 This site is not within a defined employment site and indeed an office use in this immediate location is not characteristic of land uses within the area or indeed the character of the conservation area itself.
- 5.21 In this respect we submit that the change of use of the ground floor, regardless of the fallback position, would be policy compliant however of course in this case there is the fallback position to consider also.
- 5.22 This fallback position has been adopted both by Inspectors and should be ascribed significant weight because if the application proposal were not to be successful on land use grounds, then it is highly likely that the permission already granted would be carried out.**

Design and Heritage

- 5.23 Development requiring a high standard of design forms part of the backbone of the NPPF and also various policies within the development plan, including Policy D1 of the Local Plan which seeks to secure high quality design in development.
- 5.24 As set out above, the majority of changes to the building are proposed at the rear and would have limited public vision as a result of the height of the building and the narrow nature of street form.
- 5.25 The context of the site and the design ethos are dealt with in detailed in the accompanying extensive Design and Access Statement and we support its conclusions.
- 5.26 The site sits within the Dartmouth Conservation Area, and as such there is a statutory requirement for any development within this location to either preserve or enhance the character and appearance of the conservation area.
- 5.27 In this respect a detailed Heritage Impact Assessment of the scheme has been undertaken. Whilst of course it is important to consider the entirety of the Report for

the sake of ease we set out its conclusions below:

“6.5) The proposal would maintain the overall appreciation of the principal elevation and frontage of 16 Swain’s Lane, which makes the greatest contribution to the Dartmouth Park Conservation Area, with no adverse effect.

6.6) The proposed development would not have any wider implications upon the settings of listed buildings or heritage assets, that could be thought harmful.

6.7) The proposal respects the neighbouring dwellings and will maintain the early 20th Century character of the ribbon of development along Swain’s Lane.

6.8) The proposal is of an architectural and material quality that would maintain the character and appearance of the Conservation Area. The proposal is proportionate in relation to its scale and would remain subservient to existing.

6.9) The proposal design has taken on board the comments received at pre – app and represents a simplified design, centred around the main building and leaving its curtilage outbuildings unchanged.

6.10) The proposal values the architectural significance that the building represents and has been keen to bring out its Art Deco qualities. We have consulted with numerous 20th Century experts, including the notable Professor Alan Powers, who has actively contributed to the proposed design and its evolution.

6.11) The proposed development would upgrade the thermal benefits of the building through improved insulation and provide for enhanced energy provision through the introduction of solar panels. Whilst this would involve some changes to the building, the overall appearance and appreciation of the building within the Conservation Area would be maintained.

6.12) The proposed design adopts the best elements of the Art Deco with large scale windows and the use of balconies and restored ironwork. Although the proposal represents an evolution in this design, this is reflective of the modern style building that it is and on balance, the proposal offers an opportunity for the proposed development to enhance the buildings overall appreciation, as part of the character and appearance of the Conservation Area.

6.13) The proposed design does not attempt to let the building stand still in time, but evolve to meet the modern day challenges that exist. Nevertheless, the design manages this with care and attention to detail, mindful of the revolutionary Art Deco style of the 1930’s and the role that it plays as part of the wider streetscene within Kentish Town and as part of the Dartmouth Park Conservation Area. It is a bold vision, born out of a love for the building and a desire to see it take on a new lease of life, both now and in the future. We feel that the proposed design is capable of best achieving this.”

5.28 Given the type of the building on site the Applicants have also consulted with numerous 20th Century experts, including the notable Professor Alan Powers, who has actively contributed to the proposed design and evolution of this application scheme and is supportive of it.

5.29 In light of the assessment within the detailed Design and Access Statement together with the findings of the Heritage Impact Assessment it is concluded that these proposals would fulfil the statutory test for development within a

conservation areas comprising a high standard of design in accordance with framework guidance and development plan policy.

Neighbour amenity

- 5.30 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core principles of the NPPF and Camden's Policy A1 states that the Council will seek to protect the quality of life of occupiers and neighbours. It adds that it will grant permission for development unless this causes unacceptable harm to amenity.
- 5.31 In terms of neighbouring properties to the east of the site lies (No.18) a three storey flat roofed flatted development which sites deeper into its site, at upper floor levels, when compared to No.16.
- 5.32 To the west lies one of a pair of substantial buildings of 4 storeys given that their basement is not fully underground and the ground floor slightly elevated (No.14) which again is set slightly deeper into the plot compared to the upper floors of No.16. There is also a reasonable gap between the side elevations of the site and this property.
- 5.33 The rear of the site is separated by mature trees and landscaping and relatively deep gardens from the existing three storey dwellings in St Albans Road.
- 5.34 The replacement ground floor extension would extend slightly further than the rear existing line of the building on site by circa 890mm and this footprint is also reduced given the pre-application advice received. In addition, it would also possess a green roof which would improve the relationship of this element of the scheme with neighbouring properties.
- 5.35 Turning to upper floors there are clearly already a number of windows in the southern elevation facing down the garden area towards the rear of properties in St Albans Road.
- 5.36 The rear extension proposed at upper floors would only very slightly extend beyond the rear building line of no 18 as shown in the extract below from the proposed rear elevation.



Figure 2 – Extract of proposed rear elevation

- 5.37 These proposals seek to introduce amenity space for the existing upper floor flats within this building and such would take the form of a balcony at both first and second floor level in the rear elevation.
- 5.38 At present there is limited external amenity space for these flats with a small balcony space on both floors to the front which are circa 610mm deep. The First floor balcony is 7.53 sqm and the Second Floor balcony is 1.31 sqm. Clearly additional amenity especially to the “private” rear elevation would improve the quality of housing on-site but would introduce balconies to the rear elevation.
- 5.39 Given the urban nature of this site there is considerable mutual overlooking between existing properties, through upper floor windows, and it is submitted that subject to appropriate screening around the proposed balconies that such would not result in adverse impacts on existing privacy of the properties on either side of the site or indeed those to the rear in St Albans Road.
- 5.40 Following the Pre-Application discussions officers raised potential concerns in terms of impact upon daylight to No.18, and Camden’s planning policy seeks to safeguard daylight and sunlight to existing buildings and points to the guidance published in BRE Report 209, *Site Layout Planning for Daylight and Sunlight: A guide to good practice*.
- 5.41 On this basis a Daylight and Sunlight report has been carried out by Anstey Horne which concludes:

“8.2 We have undertaken a study of the impact of the proposed development on the relevant rooms in the surrounding dwellings. The tests were undertaken in accordance with the BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (third edition, 2022). The BRE guide gives useful advice and recommends various numerical guidelines by which to assess the impact of development on daylight and sunlight to existing surrounding properties.

8.3 The results demonstrate that the neighbouring property 18 Swain’s Lane will adhere to the BRE guidelines for both daylight and sunlight, with all windows and rooms experiencing either very minor reductions within guideline levels, or experiencing no reductions to the current light levels.

8.4 In conclusion, the layout of the proposed development exceeds the BRE guidelines and will not significantly reduce sunlight or daylight to the neighbouring property. In our opinion, Camden’s planning policy on daylight and sunlight to neighbouring will be satisfied.”

- 5.42 On this basis we would submit that this application proposal avoids harm to residents of all neighbouring properties and accords with Policy A1 of the Development Plan.**

Highway Matters

- 5.43 The application proposes the conversion of the ground floor and extension of this building resulting in 3 flats with a net increase of one unit.
- 5.44 The site has good access to a number of local amenities and currently has four parking spaces to the front of the building which would be reduced to 3 as a result of these proposals in line with sustainable development and transport policies.

- 5.45 It is well established that a Class E office use of the site would be likely to generate more traffic movements when compared to the use of a building as dwellings especially within a sustainable location such as this.
- 5.46 On that basis the traffic created by this proposed development would not lead to situations detrimental to highway safety and indeed is likely to reduce traffic movements to/from the site.
- 5.47 Turning to matters of car parking the revised NPPF in matters of sustainable development, transport and car parking advises at paragraph 110 that: -

“110. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

- 5.48 Importantly Paragraph 111 of the Framework advises that:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 5.49 In terms of the use of parking standards paragraph 108 of the NPPF adds:

108. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.

- 5.50 The site has a PTAL rating of 2.

- 5.51 The London Plan in terms of residential parking at **Policy T6(1)** advises:

“New residential development should not exceed the maximum parking standards set out in Table 10.3. These standards are a hierarchy with the more restrictive standard applying when a site falls into more than one category.

Parking spaces within communal car parking facilities (including basements) should be leased rather than sold.

All residential car parking spaces must provide infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces.

Outside of the CAZ, and to cater for infrequent trips, car club spaces may be considered appropriate in lieu of private parking. Any car club spaces should have active charging facilities.

Large-scale purpose-built shared living, student accommodation and other sui generis residential uses should be car-free.

The provision of car parking should not be a reason for reducing the level of affordable housing in a proposed development.

Disabled persons parking should be provided for new residential developments. Residential development proposals delivering ten or more units must, as a minimum:

1) ensure that for three per cent of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset

2) demonstrate as part of the Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in future upon.”

- 5.52 Table 10.3 of the London Plan advocates that in an “inner borough” with such a PTAL rating then a 1 bed (albeit large) should not exceed 0.5 spaces per unit.
- 5.53 On the basis of the London Plan standards and also in line with Policy T1 the proposed development is proposed as car-free, albeit that the existing on site car parking space(s) to the front of the site would remain with such being reduced from 4 to 3.
- 5.54 In terms of sustainable transport matters the application proposes 6 cycle parking spaces both secure in location and enclosed in line with London Plan requirements and also appropriate refuse storage for the three flats can be provided within the site.
- 5.55 In light of all of the above it is submitted that a car free scheme (albeit with the existing frontage car parking retained in a reduced form) would be in accordance with the London Plan and Policy T1 of the Local Plan and such together with appropriate cycle parking and refuse storage would avoid any adverse impacts on any matters of highway safety.**

Housing Mix, Quality and Sustainability

- 5.56 Housing policy H7 states that 2 bedroom and 3 bedroom homes for market tenure are a priority. The proposal to convert and extend the building into three flats, as one-1bed and two 2-bed units and such would thereby partially respond to this identified priority schedule.
- 5.57 In terms of the existing upper floor flats, these proposals seek to introduce further amenity space for the existing upper floor flats within this building and such would take the form of a balcony at both first and second floor level in the rear elevation.
- 5.58 The existing and proposed residential habitable accommodation would have double aspect and adequate daylight sunlight and outlook due to the proposed openings. The rooms would generally be “stacked” across the level and have an adequate layout.

- 5.59 The proposal includes extension and improvement to the two existing 2 bedroom flats at first and second floors.
- 5.60 The proposed ground floor flat would be a large 1 bed flat which exceeds the national minimum requirements set out in the NDSS.
- 5.61 At present there is limited external amenity space for the upper floors flats and clearly this proposed development providing good quality (rear elevation) external amenity space to each of the existing upper floor flats would result in an overall improvement upon the quality of housing on-site
- 5.62 In addition the proposed ground floor flat would also be provided with an area of private amenity space to the rear at ground floor level.
- 5.63 Furthermore, the proposed development brings an opportunity to improve the relationship of the building with the plot and gardens.
- 5.64 The drawings show the planting of new trees which would respond successfully to the appearance of the conservation area and is together with the reduction in hard standing and introduction of further areas of soft landscaping areas and permeable surfaces offer further environmental and drainage benefits.
- 5.65 Finally in terms of matters of sustainable design the new flat will be designed to the fabric-first, ecologically low-impact, Passive House Enerphit standard.
- 5.66 The sustainable development features proposed, which are set out in more detail within the design and access statement, will result in a highly energy-efficient and ecological building. Its remaining life span will be significantly lengthened by the high quality deep retrofit proposed.
- 5.67 On this basis the proposed development would result in high quality sustainable housing and would also meet the aims of greening the Borough together with the sustainable development objectives of Policy CC1.**

6.0 Conclusions

- 6.1 This application accords with the statutory test for development within a Conservation Area together with the objectives of the NPPF, and also the Development Plan by promoting the effective use of this site, especially the vacant ground floor of this sustainably located building, by way of using this vacant office floorspace to form a good quality apartment.
- 6.2 The change of use as proposed to the ground floor together with the proposed extensions and alterations proposed would not only avoid harm to the heritage asset but actually positively impact upon this building and the wider conservation area itself.
- 6.3 The loss of office space can be supported in this case for two principle reasons. Firstly, the floorspace has been vacant for some considerable time and secondly there is the fallback position created by the extant consent for its conversion to residential under the provisions of the GPDO.
- 6.4 The application would not have a harmful impact on the amenities of the adjacent properties and the proposed dwelling(s) have been designed to meet the Council's residential standards on matters of car parking, internal layout criteria, and also

offer good accessibility to public transport, public open space and shops and other services.

- 6.5 As set out within the DAS there are significant sustainability benefits of the development through the retrofitting the existing building to Passive House / Enerphit Standard will not only future proof the building for years to come but also provide a high level of public benefit by upgrading the existing building to a highly insulated and energy efficient building which will make significant savings regarding energy bills and carbon emissions.
- 6.6 **Accordingly, the development proposal should be granted planning permission in accordance with the NPPF given that it complies with the policies of the development plan which for decision-taking means *“approving development proposals that accord with an up-to-date development plan without delay.***