



020 3960 1530 | info@bell-cornwell.co.uk | bell-cornwell.co.uk

Kate Moody
Room 3N
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: [REDACTED]

09 November 2023

Dear Ms Moody

APP/X5210/W/23/3323840 - Site Address: 139-147 Camden Road, Camden, London , NW1 9HJ – Final Comments

We are grateful for you forwarding on the third party comments and the Council's Statement of Case which we will respond to in this letter. We will endeavour not to revisit issues that have already been addressed.

1. The Objection of Rochester Conservation Area Advisory Committee

No evidence is provided of the professional qualifications or credentials of this Advisory Committee and this is reflected in the response which fails to acknowledge that the site is not in the Conservation Area, it is a developed site which has no shared characteristics with the rest of the surrounding area or why the "proposed building would harmfully damage the experience of residents and travellers on Camden Road in relation to Canteloves open space". The final statement is unsubstantiated. No assessment is given to the character of the area, the proposed development, what its impact will be and why it would be harmful. In the absence of any such assessment, this statement should be dismissed as a worthless consideration.

2. Objection from Mr [REDACTED]

Mr [REDACTED] challenges the height of the proposed building without, again, explaining why it will be harmful addition to the area or the street scene. Mr [REDACTED] fails to acknowledge that the houses opposite the site are all of a greater height than the proposed building. By saying in his final paragraph that the site is in a Conservation Area, the objector clearly has the wrong starting point for his objection.

In terms of overshadowing Canteloves Park, as we explain in para. 2.31 of the Appeal Statement, the part of the park closest to the appeal site is partly fenced off from public access anyway. Where it is not fenced off, it is under the canopy of the row of trees at the front so not benefitting from sunlight or, indeed, openness. The objector is using speculation to overcome the facts on the ground.

The lack of parking provision is used to object to the proposed development when it is a policy requirement for a development in this location not to have parking. The Council has accepted that it is not development which requires car parking to be provided.

Bell Cornwell LLP, Unit 501, The Print Rooms, 164/180 Union Street, London, SE1 0LH. Also in Buckinghamshire, Cornwall, Devon & Hampshire.

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3. LPA Statement of Case

Paras 3.4 and 3.5 – The Council continue in failing to acknowledge that the existing site doesn't conform to any identified characteristic in the area. Indeed the Council accept that the existing building is an "anomaly".

In 3.8 the Council take a generic approach to back up their objection to the proposed design. Of course, design is a subjective judgement but the Council appears to make an assessment of the design in the context of the surrounding area; an area which the Council agrees has no defining characteristic and on a site next to an "anomaly". The critique of the materials and the façade of the building in 3.9 is entirely without basis. We maintain our position that the proposed building will be a welcome addition to the area and is well designed to reflect the characteristics of the site.

To then say in 3.10 that "ground floor facing on to Camden Road does not contribute positively to the street frontage, as outlined in Local Plan Policy D1f. The detailed design of the entrances leaves a significant proportion of inactive frontage through blank doors" is a worrying conclusion. Most buildings have a front entrance which faces onto the road. Next to it are entrances to the bike and bin store. Where else could these go? It is an unfortunate mixed message that the Council demands accessible bin and bike storage yet objects when it is accessible from the front of the building. For the record, as shown below, we disagree with the Council's conclusion. All of the ground floor is "active" and the location of the doors is consistent with the clear design lines established above. In the circumstances, the ground floor is well designed and looks good.



At the end of 3.10 the Council states that "This character is out of keeping with the context and demonstrates a lack of respect for the local character". In other words, the council will only accept a pastiche design on the site. Even then, what would they want to see a pastiche of given that the site is unique and bears no resemblance (shape, size etc) to any nearby plots? It is as though the Council doesn't want to support the development and will therefore say that any design is out of keeping and therefore unacceptable.

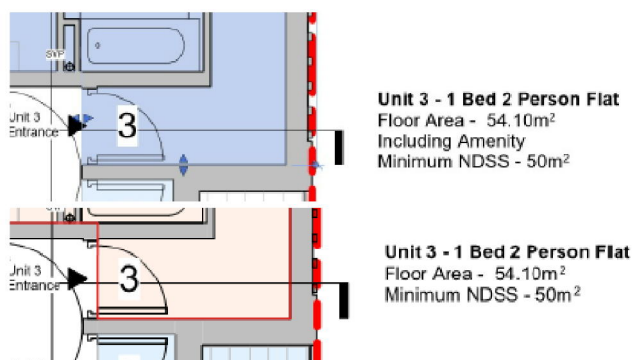
Para. 3.13 – how can a building which is next to a 1.5 hectare area of open space result in an unacceptable sense of enclosure? There is a 4 storey building immediately abutting the site park on the eastern side as shown below. In fact, tall buildings define the edge of the park.



Unfortunately, the Council's response is illustrative of the planning system currently, a system which is preventing development from coming forward. All the issues raised are subjective and not provided with any clear logic or assessment to back them up. It is almost as though the decision was to refuse permission and then reasons for refusal retro-fitted once the decision was made.

In 3.15, the LPA accuse the applicant of being "disingenuous". This is unacceptable. As explained in 3.16, the Council is arguing that the winter gardens cannot count to the GIA of the units. We agree, and the plans at Appendix 2 of the Appeal Statement do not include the winter gardens in the calculations – maybe the Council has not acknowledged the "area" highlighted in yellow in the top right corner of each plan which refers to the blue area on the plan. By the council's calculations, units 2 and 4 measure 36.2m² whilst unit 1, 3 and 5 measure 49.7m² (in other words, only unit 6 is, in their mind, compliant with the National Space Standards).

The difference between the appellant's submitted figures and the Council's figures is noting more than where the line is drawn on the doors – see below with the difference in the line illustrated visually:



This is ridiculous. The space standards should not come down to where a line is drawn on a plan. If the Inspector accepts the plans at Appendix 2 of our appeal statement, then the proposals are compliant. If



the Inspector accepts the Council's plans, then the shortfall is so minimal that it is inconsequential. A line on a plan shouldn't be the difference between a dwelling being acceptable and not.

The Council (3.19) add the requirement for lift access to the argument suggesting that the upper floors should be served by a lift. That is not what policy C6 requires:

Policy C6 Access for all

The Council will seek to promote fair access and remove the barriers that prevent everyone from accessing facilities and opportunities.

We will:

- expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all;

It requires "all buildings" not all flats to meet the highest "practicable" standard of accessibility. The *building* is accessible with a flat street level entrance on the ground floor. So is unit 1. It would be *impractical* for the other floors to be accessed by a lift because there is insufficient space to do so. Even the Building Regulations are flexible on the need to all units to be accessible. Policy M4(2) of the Building Regulations, which deals with accessible and adaptable dwellings, is an 'optional requirement' (Part M of Schedule 1 to the Building Regulations 2010). Consequently, the proposed flats do not need to comply with Part M4(2) to obtain building regulations approval.

Optional requirements

0.3 Requirements M4(2) and M4(3) are 'optional requirements' as defined in the Building Regulations. An optional requirement only applies where a condition that one or more dwellings should meet the relevant optional requirement is imposed on new development as part of the process of granting planning permission. Where no condition is imposed, dwellings only need to meet requirements M4(1). Compliance should be assessed against only one of requirements M4(1), M4(2) or M4(3) for any given dwelling.

At para. 3.20-3.22, the Council maintain that it has not received the Air Quality Assessment and demand dismissal of the appeal on this basis. This is incorrect as PINS will be able (we will forward the email to the Council on which it was attached) where the Air Quality Assessment was sent to the Council. Even if the Council lost it, why did the officers not request a copy be sent rather than blindly stick to the reason for refusal? Yet more evidence of just wanting the appeal to be dismissed:

FW: Confirmation of Appeal APP/X5210/W/23/3323840

Jonathan Jarman
To: planning.appeals@camden.gov.uk
Cc: Nicholas Cabbold
Fri 09/05/2023 10:57

Appendix 1 Camden Square CAA & MS 11 March 2011.pdf 334 KB
Camden Air Quality Proforma v1a.xlsx 43 KB
211-Proposed First Floor GA Plan 1 person.pdf 190 KB
212-Proposed Second Floor GA Plan 1 person.pdf 183 KB
2209351- R01 Air Quality Assessment (Final).pdf
Camden Air Quality Proforma v1a.pdf

Dear Sir/Madam,

Please find attached a copy of the planning appeal form as confirmation of an appeal being lodged in relating to application 2022/4293/P for the following proposed development at 139-147 Camden Road, Camden, London NW1 9HJ:

'Erection of 4 storey block of flats with ground floor bin and bicycle stores and front paving and planting'

Please also find attached the following:

- Appeal Statement/appendix 1
- Air Quality Assessment and Proforma
- Updated drawings 211 and 212 confirming units as 1 person flats



4. S106 requirements

The Council has drafted a S106 agreement which the appellant has agreed to enter into. This has been somewhat delayed by the Council failing to provide the highways contribution figure which we see is still outstanding (para. 4.1). At 4.14 the Council suggest that "A highways cost estimate will be sent at final comments stage". We weren't aware from the Inspectorate's timetable that the Council had a "final comments" stage of the appeal after the provision of its appeal statement.

Once this information has been provided, then the signed S106 will be sent to PINS. If it is not provided, then we suggest that the Council should no longer pursue this reason for refusal.

We trust that this addresses all the issues. Should you require any further information, please contact the writer.

Yours faithfully
BELL CORNWELL LLP

NICK COBBOLD
Partner



enc. Appellant.

