

LONDON BOROUGH OF CAMDEN

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY WRITTEN REPRESENTATIONS

SITE: 154-160 Arlington Road, London NW1

COUNCIL REFERENCE: PEX0200805 & CEX0200806

INSPECTORATE REFERENCE: APP/X5210/E/02/1106475
& APP/X5210/A/02/1106476

SUBJECT OF APPEAL:

Appeal against the non-determination of

- 1. an application for planning permission for the demolition of existing building and construction of a part three/part 4 storey building comprising 11x 1 bedroom flats and 3 X 2 bedroom flats with basement car parking for eight dwellings.**
- 2. an application for conservation area consent for the demolition of existing building and construction of a part three/part 4 storey building comprising 11x 1 bedroom flats and 3 X 2 bedroom flats with basement car parking for eight dwellings.**

1.0 SITE AND SURROUNDINGS

- 1.1 The appeal site is currently occupied by a church hall belonging to Our Lady of Hal church on the opposite side of the road. The site also includes a small vacant site adjacent the hall. The site is situated between a three storey Georgian terrace and a Sports Centre.
- 1.2 To the rear of the site is the car park for the Mark & Spencers store on Camden High Street. The area is quite mixed in terms of use with both residential and commercial uses.
- 1.3 The site is situated within the Camden Town Conservation Area.

2.0 RELEVANT PLANNING HISTORY

- 2.1 In June 2002 Planning Permission and Conservation Area Consent were granted for development similar to that now being appealed. The planning permission was subject to a Section 106 agreement which secured the provision of affordable housing (4no. units), car-capped housing and a financial contribution towards town centre improvements. The fundamental difference between that development and the scheme now subject of this appeal is the number and mix of units.

2.2 In respect of the appeal proposal the Council considers the proposal unacceptable on the grounds that it fails to provide affordable housing contrary to the Council's policy HG11 as amended.

3.0 PLANNING FRAMEWORK

- 3.1 The Statutory Development Plan is the Council's Unitary Development Plan, which was formally adopted on 2 March 2000. Supplementary Planning Guidance was subject to public consultation and was approved by the Council in 1994. Following the adoption of the UDP the opportunity has been taken to revise the SPG. A consultation draft was published in November 2000. The Council has recently approved the final version of this document in July 2002 taking on board suggested amendments.
- 3.2 The Camden UDP is currently being amended in relation to its policy on affordable housing following a decision by the Council in February 2002. At the same time it was also determined that this change would apply to all applications submitted on or after 14th March 2002. The proposed changes to the policy have been subject of two periods of consultation and, in the lead up to the Public Inquiry, which was held in July 2002, a number of changes were agreed. The Inspector's report is awaited and expected in the early part of this year. The key changes in the policy are that the threshold at which the policy is effective has been reduced from 15 units to 10 and the percentage of affordable units required has been increased from 25% to 50%.

The Council refers to the following policies in the UDP:

- HG11: Affordable Housing (as amended)
- HG16: Housing Mix in schemes for new residential development.
- SC1: Retention and new provision of Class D1 uses
- RE6: Planning Obligations
- DS8: Car parking, servicing, taxi, coach, cycle parking standards

Copies of the above policies (not HG20) were sent with the questionnaire. HG20 and the revised HG11 are attached at the end of this statement.

4.0 Consideration

- 4.1 The main concern relates to the lack of affordable housing. The principle of demolition, the bulk, height, design and proposed residential use are not at issue and have been established by the planning permission granted in June 2002.
- 4.2 Although the mix of units has changed the Council does not take issue with this alteration. However it is noted that the units provided are particularly generous. One bedroom units are well in excess of the Council's minimum standard providing in excess of 70 sq.ms.. The two bedroom units on the 2nd and 3rd floors have an internal floor area of 110sq.ms. Clearly there is scope to provide more than 14 units (and incidentally falling above the previous UDP threshold) without reducing the individual flat sizes unduly.
- 4.3 The Council normally seeks a mix of units to include family units i.e. 3 bedrooms or more. On the previous scheme the mix was 1 and 2 bedroom units only. In view of the site's location and the lack of open amenity space this was considered acceptable. Hence the lack of 3 bedroom units on the appeal proposal is not at issue. The mix, although heavily in favour of 1 bedroom units, whilst not ideal, is considered acceptable.
- 4.4 The key issue in this appeal is the failure to provide affordable housing in compliance with UDP policy as amended. The Council's policy now requires developments in excess of 10 units to provide 50% affordable units. In view of the history of site and the previous approval the Council consider that 25% provision on the appeal scheme would be reasonable.
- 4.5 The change in UDP policy arose out of the unmet need for affordable housing in Camden which has been estimated at 11,400 households, compared with a *total* housing capacity of fewer than 1000 extra homes per year up to 2016 (London Borough of Camden *Housing Needs Survey* 1999, GLA *London's Housing Capacity* 2000). To meet this unmet need by 2016, assuming no additional requirements emerged, almost 70% of all homes developed would have to be affordable. However, from 1996 to 2000, only 15% of new additional units granted permission were designated as affordable. Housing need is exacerbated by the large number of jobs in the Borough relative to resident workforce (almost 200,000 jobs but fewer than 70,000 resident workers according to the 1991 census 10% samples).

4.6 The GLA commissioned study "Affordable Housing in London" recommended that Boroughs should select a threshold based on land-availability and current delivery. In Camden, developments of 10-14 units represent a significant proportion of new housing supply. Consequently a threshold of 10 units has been set in order to help achieve the number of affordable units that are needed.

4.6 Across London, there is an acknowledged shortage of social rented housing for low-income households. The cost of housing in London is hindering recruitment to a wide range of jobs for key workers, including teachers and nurses (the London Mayor's Housing Commission estimates the London-wide requirement for "intermediate" housing for moderate-income households at 7,500 per year for ten years). Planning authorities have a key role to play in securing affordable housing for low- and moderate-income households, and thereby securing the workers needed to maintain London's economic success. The Council recognise the role Camden has to play in helping ensure the adequate provision of affordable housing and compliance with the amended HG11 is critical in ensuring this. This amendment is in line with the Mayor's draft London Plan.

4.7 The appellants do not provide any sound reasoning as to why their amended scheme should not include affordable housing. In response to advice from the case officer that the revised policy needed to be met the appellant argued that the threshold set by HG11 was 15 units, totally disregarding the fact that the Council had adopted the revised policy. (appendix 1). The previous scheme provided 19 units including 4 on-site affordable units. There is no reason to suppose that 25% of units in the revised scheme cannot also be provided on site.

4.8 In view of the particularly large units provided in the revised scheme, it could be argued, the number of units has been artificially set below the former threshold of 15. Nevertheless the Council has, almost 1 year ago, revised its policy to lower the threshold to 10 units. The proposal fails to comply with UDP policy in relation to the requirement to provide affordable housing. Consequently in the absence of any justification for departing from this revised policy, the appeal should be dismissed.

4.9 Conservation Area Consent

The scheme previously approved included Conservation Area Consent for demolition. That consent was subject to a condition which required contracts to be let for a development for which planning permission had been granted. The approved demolition is not tied to a specific redevelopment. Consequently there was no necessity to make the application as consent exists. The Council offers no evidence in respect of the appeal against the non-determination of the Conservation Area Consent.

5.0 COMMENTS ON THE APPELLANTS GROUNDS OF APPEAL

- 5.1 The appellant's only ground of appeal relates to the Council's failure to make a decision. The Council will comment on the appellant's full grounds of appeal once this is received.

6.0 CONCLUSION

- 6.1 The appeal proposal fails to comply with the Council's UDP as amended (subject to the inspector's report) and would result in the failure to provide much needed affordable housing. The inspector is therefore requested to dismiss the appeal.

In the event of the appeal being allowed the Council request the following conditions:

Prior to the commencement of development:

1. Samples of brickwork, facing materials and roofing materials to be submitted.
2. Detailed drawings of elevations at a scale 1:50 including the front railings and drawings of typical doors and fenestration at scale 1:20 to be submitted
3. Details of hard and soft landscaping and the means of enclosure of all unbuilt and open areas to be submitted
4. Details of the design of building foundations and the layout, with dimensions and levels of service trenches and other excavations on site insofar as these items may affect trees on or adjoining the site to be submitted
5. Details of a security gate to be provided to the basement car park and thereafter retained.

Reasons 1-3: To ensure a satisfactory external appearance in accordance with Policy EN1, EN16 and EN33 of the Camden UDP.

Reason 4: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenities of the area in accordance with the requirements of policy EN81 and EN49 of the Camden UDP

Reason 5: In the interests of the security of the residents of the building and to ensure satisfactory management of the car parking.

6. No pipes of plumbing, other than rainwater pipes to be fixed on the external face of the building.

Reason: Such pipework would detract from the appearance of the building contrary to policies EN1, EN16 and EN33 of the Camden UDP.

7. The whole of the car parking accommodation shown on the submitted plans shall be provided and retained permanently for the parking of vehicles of the occupants of the development except for one space which may be used in connection with the Church of Our Lady of Hal

Reason: To ensure that the use of the development does not add to traffic congestion in accordance with the requirements of policy TR11 of the London Borough of Camden UDP

8. The access ramp shall not have a gradient greater than 1:7

Reason : To ensure the safety of vehicles using the site.