



Appeal Decision *Allowed*

Site visit made on 24 April 2003

by B D Bagot BA(Arch) MCP RIBA MRTPI

an Inspector appointed by the First Secretary of State

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Date 09 MAY 2003

Appeal A: APP/X5210/E/02/1106475 154-160 Arlington Road, Camden NW1

- The appeal is made under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give within the prescribed period notice of decision on an application for conservation area consent.
- The appeal is made by Aks Real Estate Ltd against the failure of the Council of the London Borough of Camden.
- The application, ref: CEX0200806, was dated 10 September 2002.
- The works proposed are demolition of church hall next to vacant parking space.

Appeal B: APP/X5210/A/02/1106476 154-160 Arlington Road, Camden NW1

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of decision on an application for planning permission.
- The appeal is made by Aks Real Estate against the failure of the Council of the London Borough of Camden.
- The application, ref: PEX0200805, was dated 9 September 2002.
- The development proposed is demolition of existing building and erection of a block of 14 flats.

Summary of Decision: The appeals are allowed and conservation area consent granted, and planning permission granted subject to conditions, as set out in the Formal Decision below.

Preliminary Matters

1. The appeal site is within the Camden Town Conservation Area. In cases such as these Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
2. Conservation area consent for the demolition of the building on the appeal site and planning permission for redevelopment were granted in June 2002. The conservation area consent was subject to a condition preventing demolition until a contract had been let for development for which planning permission had been granted, but was not made dependent on any specific scheme of development.
3. The permitted redevelopment was similar in bulk and appearance to the proposal in appeal B, but included 19 flats. It was also accompanied by a Section 106 agreement to secure the provision of 4 units of affordable housing, residential car parking on the site, and a financial contribution towards town centre improvements.



Main Issue

4. I consider that the main issue is whether there should be a requirement for affordable housing to be provided in the proposed redevelopment of the site.

Development Plan and Other Planning Policies

5. The Council have referred to policies of the London Borough of Camden Unitary Development Plan adopted in 2000, to supplementary planning guidance on housing approved in July 2002, and to a proposed alteration to the unitary development plan also published in July 2002.
6. Under policy HG11 of the adopted plan the Council normally expect new housing developments of 15 or more units to make a contribution towards meeting the borough's need for affordable housing. Policy HG20 deals with housing mix in schemes for the conversion of residential property. Policy SC1 is concerned with the retention of land and buildings used for social and community purposes. Policy RE6 makes provision for the payment of financial contributions for community and planning purposes by means of obligations under Section 106 of the Act. Policy DS8 sets out standards for car parking, servicing and cycle parking.
7. The Council's supplementary planning guidance describes the basis on which affordable housing is to be provided on development sites themselves, or elsewhere by means of financial contributions. The guidance also provides that within a controlled parking zone housing development which includes on site car parking may be designated as 'car capped housing', whereby the occupiers would be prevented from obtaining permits for on-street parking within the borough's controlled parking zones.
8. Under the proposed alteration to the unitary development plan, policy HG11 would be amended so that affordable housing, or financial contributions in lieu, would be required for schemes of 10 or more units.

Reasons

9. The appeal site is on the east side of Arlington Street, a short distance west from Camden Town underground station and close to bus routes and the shopping centre. The northern part of the site is vacant, and demolition is in progress on the southern part. The front elevation of the northern part of the scheme would echo the style and height of Georgian town houses to the north of the site. The southern part, adjoining a modern sports centre, would be treated in a more contemporary manner. Notwithstanding design objections raised by the Conservation Area Advisory Committee, the proposals would in my opinion help to preserve and enhance the character and appearance of the conservation area.
10. The Council raise no objection to the principle of demolition, or to the residential use, bulk, height, or external appearance of the proposed redevelopment. To my mind the proposals would provide a reasonable mix of one and 2 bed roomed dwellings, at a density which is appropriate for the site bearing in mind its good public transport accessibility and proximity to a local centre.
11. It appears that separate provision has already been made for the replacement of the building on the site that was used for social and community purposes. I also take it that the Council are satisfied with the proposed provision for car parking, servicing and cycle

parking. I understand that the appellants have already agreed to accept a car capped housing obligation, and to make a financial contribution of £10,000 for town centre management and improvements in the vicinity of the site.

12. Because the proposal is for less than 15 units, there is no requirement under the adopted unitary development plan for the provision of affordable housing in the scheme. The sizes of the individual dwellings, although well above the Council's minimum standards, do not seem to me unreasonably large. I note that the appellants have received advice from local residential agents that the room sizes and internal layout included in the previous scheme were not ideal, and would in parts have presented problems in construction and marketing. I do not consider that the number of units has been artificially set below the development plan threshold of 15.
13. The adopted development plan threshold follows advice in Circular 06/98 regarding suitable sites in Inner London. That circular also states that the Secretary of State does not consider it appropriate for local planning authorities to seek to adopt thresholds below the level of 15 dwellings.
14. The reason given by the Council for the proposed change in development plan policy is the high level of unmet need for affordable housing, compared with the limited total housing capacity up to 2016. The change would also be in line with recommendations of a study commissioned by the Greater London Authority that a threshold should be selected on the basis of land availability and current delivery. However the appellants have advised that the Inspector, who recently reported on objections to the proposed alterations to the unitary development plan, has rejected the lowering of the threshold for the provision of affordable housing from 15 to 10 units.
15. The Council have yet to give consideration to the Inspector's report. It seems to me however that the Inspector's recommendation, taken together with the advice in Circular 06/98, raises uncertainty as to whether the proposed change will be formally adopted. In those circumstances government advice, in Planning Policy Guidance Note 1, General Policy and Principles, is that planning applications should continue to be considered in the light of current policies. On that basis the lack of affordable housing in the scheme is not in my view an overriding objection to the proposed development.
16. The Council have presented no evidence on the proposed demolition in appeal A. I do not consider that demolition would be harmful to the character or appearance of the conservation area.

Conclusions

17. In my opinion the demolition of the existing building on the appeal site in appeal A would preserve the overall character and appearance of the conservation area. With regard to appeal B, there is no reason for affordable housing to be required in the redevelopment of the site. The proposed development would be in accordance with the adopted unitary development plan, and the material considerations raised do not indicate that my decision on that appeal should be otherwise than in accordance with the plan.
18. I have taken into account all the other matters raised in the written representations, including the difficulties that the cost of housing in London presents in recruiting key workers. However those matters are in my view outweighed by the considerations that have led to my decision.

Conditions

19. I have considered the conditions suggested by the Council if the appeal is to be allowed and planning permission granted. Conditions concerning the later approval of samples of external materials, details of the front elevation, landscaping, the protection of trees on or adjoining the site, and the prevention of plumbing pipes being fixed to the external face of the building are in my view reasonably required in order to preserve the appearance of the conservation area. The submission of details of a security gate to the proposed basement car park is to my mind reasonably necessary in the interests of crime prevention and security. A limitation on the gradient of the car park access ramp is also justified for safety reasons.
20. I consider that the provision and retention of car parking on the site is necessary to ensure that the development does not add unacceptably to traffic congestion in the vicinity. However the identity of those who may use the car parking spaces is in my view a management matter for the appellants' consideration.
21. I shall adopt or adapt, as appropriate, the wordings of the model conditions in Appendix A to the Annex to Circular 11/95, in preference to the wordings suggested by the Council.

Formal Decision

Appeal A

22. For the reasons given above, and in exercise of the powers transferred to me, I hereby allow this appeal and grant conservation area consent for demolition of church hall next to vacant parking space on land at 154-160 Arlington Road, Camden NW1, in accordance with the terms of the application No CEX0200806 dated 10 September 2002 and the plans submitted therewith.

Appeal B

23. For the reasons given above, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for demolition of existing building and erection of a block of 14 flats on land at 154-160 Arlington Road, Camden NW1, in accordance with the terms of the application No PEX0200805 dated 10 September 2002 and the plans submitted therewith, subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of 5 years from the date of this decision.
- (2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- (3) No development shall take place until details of all the following matters have been submitted to and approved in writing by the local planning authority:
 - a. elevations, including the front railings, at a scale of not less than 1:50, and drawings of typical external doors and fenestration at a scale of not less than 1:20;

- b. hard and soft landscaping and the means of enclosure of all unbuilt areas;
- c. the design and layout of building foundations, with dimensions and levels of service trenches and other excavations on the site so far as they may affect trees on or adjoining the site;
- d. a security gate to the basement car park.

Development shall be carried out in accordance with the approved details, and the security gate provided in accordance with (d) above shall thereafter be retained.

- (4) No pipes of plumbing, other than rainwater pipes, shall be fixed on the external face of the building.
- (5) The building hereby permitted shall not be occupied until the car parking area and access ramp shown on drawing No 1281.1 have been constructed and surfaced, and the car parking spaces so provided shall not thereafter be used for any purpose other than the parking of vehicles.
- (6) The gradient of the access ramp referred to in condition (5) above shall not be greater than 1:7.

Information

- 24. This decision only grants conservation area consent under Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and planning permission under Section 57 of the Town and Country Planning Act 1990. It does not give any other approval or consent that may be required.
- 25. The conditions attached to the planning permission hereby granted require further matters to be approved by the local planning authority. An applicant has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
- 26. Attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970, as amended.
- 27. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

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INSPECTOR

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