



The Planning
Inspectorate

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Date received

PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0117 372 6372. To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your planning appeal form".

WARNING: The appeal and essential supporting documents must reach the Inspectorate within the appeal period. If your appeal and essential supporting documents are not received in time we will not accept the appeal.

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK** INK

A. APPELLANT DETAILS

See section A of the guidance leaflet. The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Organisation name (if applicable) NETHERHALL DEVELOPMENT LTD

Address c/o AGENT

Postcode

Daytime phone

Fax

I prefer to be contacted by Post Email * c/o AGENT ✓

* Email address

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

See section B of the guidance leaflet.

Name MR MATTHEW GIBBS

Organisation name (if applicable) DP9

Address 100 PALL MALL, LONDON

Postcode SW1Y 5NQ

Your reference DP3187

Daytime phone 020 7004 1700

Fax

I prefer to be contacted by Post Email ✓ *

* Email address matthew.gibbs@dp9.co.uk



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

See section C of the guidance leaflet.

Name of the LPA LONDON BOROUGH OF CAMDEN

LPA's application reference number 2013/2213/P & 2013/2216/C

Date of the application 22.04.2013

Did the LPA validate and register your application?

Yes ☒ No

Date of the LPA's decision notice (if issued) 16.07.2013

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address 14 NETHERHALL GARDENS, LONDON

Postcode NW3 5TQ

Note: Failure to provide the full postcode may delay the processing of your appeal.

Please answer the questions below:

1 Is the appeal site within a Green Belt?

Yes No ☒

2 Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? If yes, please describe them on a separate sheet.

Yes No ☒**E. DESCRIPTION OF THE DEVELOPMENT**

See section E of the guidance leaflet.

Has the description of the development changed from that on the application form?

Yes No ☒

Area of the whole appeal site (i.e. the boundary) in hectares 0.22

Area of floor space of proposed development in square metres 3,723

F. REASON FOR THE APPEAL

See section F of the guidance leaflet.

The reason for this appeal is that the LPA has (please tick which applies):

1 Refused planning permission for the development described in Section E.

1 ☒

2 Granted planning permission for the development subject to conditions to which you object.

2

3 Refused approval of the matters reserved under an outline planning permission.

3

4 Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.

4

5 Refused to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

5

Or

6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

6

G. CHOICE OF PROCEDURE

It is important that you read carefully section G of the guidance leaflet before you complete this section.

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1 THE WRITTEN REPRESENTATIONS PROCEDURE

W ☒ *

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions and changes of use).

*

- | | | |
|---|------------------------------|-----------------------------|
| a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? If so, please explain below or on a separate sheet. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

2 THE HEARING PROCEDURE

H ☒

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate sheet why you think a hearing is necessary.

◆

- | | | |
|---|------------------------------|-----------------------------|
| a) Is there any further information relevant to the hearing which you need to tell us about? If yes please explain below. | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
|---|------------------------------|-----------------------------|

3 THE INQUIRY PROCEDURE

I ☒ ▲

This is the most formal of the procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

PLEASE SEE SEPARATE SHEET

▲

- | | | |
|---|------------------------------|--|
| a) How long do you estimate the inquiry will last?
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.) | No. of days | 3-4 <input type="checkbox"/> |
| b) How many witnesses do you intend to call? | No. of witnesses | 4-5 <input type="checkbox"/> |
| c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

PLEASE REFER TO ATTACHED GROUNDS OF APPEAL FOR FULL DETAILS

H. GROUNDS OF APPEAL

See section H of the guidance leaflet to help you decide what to include in your grounds of appeal.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes ☒

No

PLEASE SEE SEPARATE SHEET

H. GROUNDS OF APPEAL (continued)

Please continue on a separate sheet if necessary.

I. (part one) APPEAL SITE OWNERSHIP DETAILS

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the "certificates" applies.

Please tick **ONE** box only ✓

If you are the **sole** owner of the **whole** appeal site, certificate A will apply:

CERTIFICATE A

A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B ✓

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

NETHERHALL GARDENS LTD

1 CIRCULATION ROAD
DOUGLAS
ISLE OF MAN
IM99 3NX

10.09.2013

OR

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

C/D

I. (part two) AGRICULTURAL HOLDINGS CERTIFICATE

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know whether the appeal site forms part of an agricultural holding.
Please tick either (a) or (b).

Please tick **ONE** box only ✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

A ✓

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

B

Please note: If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under "Tenant's name".

Tenant's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

J. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet.

If we do not receive ALL your appeal documents by the end of the appeal period we will not accept your appeal.

You **must** send the documents listed 1-7 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

- | | | |
|---|---|-----|
| 1 | A copy of the original planning application sent to the LPA. | 1 ✓ |
| 2 | A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form). | 2 ✓ |
| 3 | A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. | 3 ✓ |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show <u>two named roads</u> so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. | 4 ✓ |
| 5 | Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
Please number them clearly and list the numbers here or on a separate sheet:
<div style="border: 1px solid black; padding: 2px; width: fit-content;">PLEASE SEE SCHEDULE 1</div> | 5 ✓ |
| 6 | Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). Please number them clearly and list the numbers here or on a separate sheet:
<div style="border: 1px solid black; height: 20px; width: 100%;"></div> | 6 ✓ |
| 7 | A copy of the design and access statement sent to the LPA (if required). | 7 ✓ |

You **must** send copies of the following, if appropriate:

- | | | |
|----|--|-------------------|
| 8 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA . Acceptance of these will be at the Inspector's discretion. Please number them clearly and list the numbers here or on a separate sheet:
<div style="border: 1px solid black; padding: 2px; width: fit-content;">PLEASE SEE SCHEDULE 1</div> | 8 |
| 9 | Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. | 9 ✓ |
| 10 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission , please enclose:
a) the relevant outline application;
b) all plans sent at outline application stage;
c) the original outline planning permission. | 10a
10b
10c |
| 11 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the <u>original permission</u> with the condition attached. | 11 |
| 12 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | 12 |

K. OTHER APPEALS

See section K of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

N/A

L. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out.

- 1 I have completed all sections of the form and the details of the ownership (sections I one and two) are correct to the best of my knowledge. ✓
- 2 I have enclosed **all** the essential supporting documents listed in section J. ✓
- 3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal). ✓
- 4 I have signed and dated the form (unsigned forms will be returned to you). ✓

Signature

Date 10.09.2013

Name
(in capitals)

DP9

DP9

On behalf of NETHERHALL DEVELOPMENT LTD
(if applicable)



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found in the guidance leaflet.

M. NOW SEND

Remember, it is your responsibility to make sure that we **RECEIVE** your appeal form and **ALL** supporting documents within the time limit. See section M of the guidance leaflet

**Send THIS form
(not a photocopy of
it) to us at:**

Initial Appeals
PO Box 3035
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 9FG

Helpline: 0117 372 6372

Send a copy to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

**You may wish to keep a copy of
the completed appeal form for
your records**

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

GROUND OF APPEAL
Netherhall Development Ltd

Site Address: 14 Netherhall Gardens, London, NW3 5TQ
LPA Ref: 2013/2213/P and 2013/2216/C

Introduction

This appeal is submitted against the decision of the London Borough of Camden (LBC) to refuse planning permission and conservation area consent for the redevelopment of the above mentioned site for residential purposes (14 units). The applications (ref: 2013/2213/P and 2013/2216/C) were refused on 16th July 2013.

Seven reasons for refusal are attached to the planning decision. The first of these reasons forms the substantive reason for refusal and relates to the Council's determination that the proposals are contrary development plan policy(s) in relation to the proposed level of car parking. It is considered that Reason 1 will be the focus of this appeal.

The remaining reasons for refusal (2-7 inc) are all prefixed by '*in the absence of a legal agreement for....*' It is therefore considered that these reasons can be satisfactorily addressed by planning obligations within a legal agreement. These proposed planning obligations will still require assessment by the Inspector to ensure compliance with CIL Regulation 122 but it is anticipated that agreement on these matters could be reached in the Statement of Common Ground and form the legal agreement between both parties.

Planning Policy

At the time of the submission of the planning application in July 2013, the statutory development plan for the purposes of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 comprised (i) The London Plan, being the Spatial Development Strategy for Greater London, published July 2011, The London Borough of Camden Core Strategy (2010) and London Borough of Camden Development Policies (2010).

The Council has also produced supplementary planning guidance (CPG) of which that titled Transport CPG7 is of particular relevance to a consideration of the principal issues raised by this appeal.

Assessment

The Appellant's Statement of Case will consider in greater detail the Council's reasons for refusal and the proofs of Evidence will set out the reasons why the proposed scheme is acceptable against the relevant planning policies.

Level of car parking:

The appellant will refer to documents submitted at the application stage which clearly demonstrate a need for the level of car parking that is proposed. This will be supplemented with updated evidence which demonstrates a need for car parking

associated with the proposal to ensure the deliverability of the development and the residential accommodation: meeting a borough and London wide need.

The evidence will demonstrate that the development is sustainable having regard to the advice in the NPPF and the development plan. The scheme will secure substantial planning benefits/advantages when compared against alternatives. The NPPF states that development should only be prevented on transport grounds where the residual cumulative impacts are severe (paragraph 32).

It will be identified that development plan policy allows for proposals that include car parking in highly accessible areas and that provision associated with this scheme is not inappropriate or contrary to planning policy or guidance. The Appellant will refer to other recent examples of the Council granting planning permission for residential development with car parking provision in highly accessible areas.

In conclusion, it is considered that reason for refusal 1 is not appropriate and reasons for refusal 2 -7 can be satisfactorily addressed as planning obligations within a Section 106 Agreement. A grant of planning permission would also address the reason for refusal that is attached to the application for conservation area consent.

DP9

10th September 2013