

Planning Statement

Internal & external alterations, erection of rear extensions and change of use from Offices (Class B1a) to 8 residential units (Class C3)

23, Pond Street, Hampstead, London NW3 2PN

Fairstreet Ltd

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PP-02218014

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Contents

1.0	INTRODUCTION & PURPOSE	1
2.0	SITE LOCATION, CONTEXT & DESCRIPTION	3
3.0	PLANNING HISTORY	5
4.0	PRE-APPLICATION CONSULTATION	7
5.0	PROPOSED DEVELOPMENT	9
6.0	DEVELOPMENT PLAN CONTEXT	10
7.0	RELEVANT PLANNING POLICIES	11
8.0	MATERIAL CONSIDERATIONS	16
9.0	PLANNING ASSESSMENT	22
10.0	SUMMARY	25
11.0	CONCLUSION	25

1.0 INTRODUCTION & PURPOSE

- 1.1 This Planning Statement has been prepared to support a planning application for internal and external alterations, erection of rear extensions and change of use from Offices (Class B1a) to 8 residential units (Class C3) (the 'proposed development') at 23 Pond Street, London NW3 2PN (the 'application site'). The Applicant is Fairstreet Ltd.
- 1.2 In respect of planning, the purpose of this statement is to demonstrate that the proposed development complies with the relevant provisions of the development plan pursuant to the requirements of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 1990
- 1.3 Section 70(2) of the 1990 Act requires local planning authorities when determining planning applications to 'have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations'.
- 1.4 Section 70(2) is to be read in conjunction with Section 38(6) of the 2004 Act which provides that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 1.5 The Courts have determined that consideration of development plan policies is not a legalistic forensic exercise. Often policies will pull in different directions. Decision makers therefore need to consider whether the proposal broadly accords with those policies as confirmed in the case of *R. on the application of Laura Cummins and London Borough of Camden, SSETR and Barrett Homes Limited [2001]* in which Ouseley J. cited *R. v Rochdale MBC ex parte Milne [2000]*. As Sullivan J. said in the *Milne* case 48. *"It is not at all unusual for development plan policies to pull in different directions. A proposed development may be in accord with development plan policies which, for example, encourage development for employment purposes, and yet be contrary to policies which seek to protect open countryside. In such cases there may be no clear cut answer to the question: "is this proposal in accordance with the plan?" The local authority has to make a judgement bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach."*
- 1.6 Citing *City of Edinburgh Council v. Secretary of State for Scotland [1997]* Sullivan J. went on to say that *"I regard it as untenable to say that if there is a breach of any one policy in a development plan, a proposed development cannot be said to be "in accordance with the plan". Given the numerous conflicting interests that development plans seek to reconcile: the needs for more housing, more employment, more leisure and recreational facilities, for improved transport facilities, the protection of listed buildings and attractive landscapes et cetera, it would be difficult to find any project of any significance that was wholly in accord with every relevant policy in the development plan. Numerous applications would have to be referred to*

the Secretary of State as departures from the development plan because one or a few minor policies were infringed, even though the proposal was in accordance with the overall thrust of development plan policies. For the purposes of section 54A¹ it is enough that the proposal accords with the development plan when considered as a whole. It does not have to accord with each and every policy therein."

- 1.7 If the development plan is relevant and the proposed development accords with the policies in the plan then a presumption in favour of a grant of permission prevails.
- 1.8 The 2004 Act defines the development plan for the purposes of this assessment process as the regional strategy for the region in which the site is located and development plan documents, taken as a whole, which have been approved or adopted for the area.
- 1.9 National planning policy statements and guidance notes and circulars do not form part of the development plan, but can constitute material considerations for the purposes of determining development proposals. In this respect the recently published National Planning Policy Framework is a material consideration in the assessment of the proposal. Draft development plan documents, supplementary planning guidance fall into the same category with the weight to be afforded to them in the determination process increasing as they progress to adoption.
- 1.10 The approach adopted in this statement is therefore to identify the relevant provisions of the development plan and to then assess whether the development proposal conflicts or not with the development plan. If conflict is identified then material considerations will need to be identified to outweigh the conflict.
- 1.11 Since the property is located within a conservation area and is Grade II statutory listed, it is also necessary to have regard to the legal requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 1.12 In addition, regard must be had to the provisions of section 72 of the 1990 Act which requires that in respect of any buildings in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.

¹ Now superseded by s38(6) and s70(2) – see paragraphs 1.2 – 1.3

2.0 SITE LOCATION, CONTEXT & DESCRIPTION

- 2.1 The application site is located on the northern side of Pond Street, opposite the Royal Free Hospital. The property is a five storey building with the top floor contained within a mansard roof. The property has a basement at ground floor level with an open yard accessible only from within the building. The property was built by Richard Norris and is a stucco building with a tiled mansard roof with brick chimney-stacks and dormers. Previously the site was two houses; however it has since been converted into offices.



Street frontage of Applicant Property

- 2.2 The property is Grade II listed. According to the listing description, the building is described as:
- “Formerly known as: No.25 Harken Armoury POND STREET. Formerly 2 houses, now converted to offices. C1760. Built by Richard Norris. Altered c1811, 1903 and 1982-5. Stucco. Tiled mansard roof with brick chimney-stacks and dormers. 3 storeys, attic and basement. 4 windows. Doorway with bracketed cornice hood, patterned overlight and panelled door; approached by steps. Recessed sashes, left hand bay in full-height shallow segmental-arched recess. Battlemented parapet. INTERIOR: not inspected but noted to retain original staircase with turned balusters and a panelled room. SUBSIDIARY FEATURES: attached cast-iron railings with torch flambé finials to areas. HISTORICAL NOTE: originally built as Nos 23 & 25 Pond Street, No.23 had 2 bays and 4 storeys and No.25, 3 bays and 3 storeys; c1811 both had 3 storeys with mansard roof and attic windows and the 2 bays of No.23 reduced to one. C1903 the First Cadet Battalion of the Royal Fusiliers (City of*

London Regiment) built their headquarters in the garden of No.25 and adapted the two houses to their uses; the entrance to No.23 was altered to a window and the battlemented parapet added. Converted to offices c1982-5."

- 2.3 The property is located within Hampstead Conservation Area. The Conservation Area Appraisal describes No.23 as the Harken Armoury with its distinctive façade and crow-stepped gable c.1760. A more detailed analysis of the Conservation Area and Listed Building is included within the accompanying Heritage Impact Assessment.
- 2.4 The applicant property is currently in B1 office use and this use has persisted for the past 28 years. Prior to this the property was in residential use. A residential flat remains on the upper floor, although it is currently in use as an office.
- 2.5 The property is located to the north side of Pond Street opposite the Royal Free Hospital. It has good access to local services and facilities in Hampstead Heath and the public transport network. It is located approximately 250m from Hampstead Heath station with regular London Overground services between Richmond and Stratford. The site is approximately 600m from Belsize Park Underground Station and 900m from Hampstead Underground Station, both of which are on the Northern line and offer connections to Central, North and South London. There are also regular bus services along Pond Street and bus stops adjacent to the site. The site has a PTAL rating of 4 (good).

3.0 PLANNING HISTORY

- 3.1 The following schedule summarises the key planning decisions affecting the property. The most significant entries relate to the change of use of the property from B1a office to C3 residential use and the associated internal and external alterations which were granted planning permission and listed building consent in November 2010. These permissions remain valid until February and July 2014.

Application Reference	Proposed development	Decision	Registration Date
2010/6151/P	Change of use from offices (Class B1a) to 8 residential units (Class C3) and alterations to include blocking up a doorway to front and rear elevation at basement level	Granted Subject to a Section 106 Legal Agreement	15.11.2010
2010/6154/L	Internal and external alterations in association with a change of use from offices (Class B1a) to 8 residential units (Class C3) and alterations to include blocking up a door way to front and rear elevation at basement level.	Granted	15.11.2010
8400310	Approval of details of the staircase pursuant to condition 1 of the planning permission and Listed Building consent dated 14th January 1983 as shown on drawings Nos.683.218 & 683.219.	Grant Appr.of Details/Res.Matters (Plan)	13.02.1984

8400812	Approval of details of the windows front entrance door surround and the H.F.Warner clay roofing tile sample pursuant to condition 1 of the planning permission and Listed Building consent dated 14th January 1983 as shown on drawings Nos.683.220 683.221 683.222 & 683.213A	Grant Appr.of Details/Res.Matters (Plan)	02.05.1984
8470045	Approval of details of the rear elevation in Pluckley Multi-Coloured stock brick pursuant to condition 1 of planning permission and Listed Building consent dated 14th January 1983.	Grant Approval of Details (Listed Bldg)	07.02.1984
8470052	Approval of details of the staircase pursuant to condition 1 of the planning permission and Listed Building consent dated 14th January 1983 as shown on drawing Nos.683.218 & 683.219.	Grant Approval of Details (Listed Bldg)	13.02.1984
8470127	Approval of details of the windows front entrance door surround and the H.F.Warner tile sample pursuant to condition 1 of the planning permission and Listed Building consent dated 14th January 1983 as shown on drawings Nos.683.220 683.221 683.222 & 683.213A.	Grant Approval of Details (Listed Bldg)	02.05.1984

8570129	The demolition of part of the rear dividing boundary wall and its replacement by a close-boarded timber fence	Grant List.Build. or Cons.Area Consent	25.04.1985
8693134	Fell trees.	Agree to Tree removal without replacement	06.06.1986
8970922	Display of a name plate to the front elevation at ground floor level as shown on one unnumbered drawing.	Grant List.Build. or Cons.Area Consent	01.03.1989

4.0 PRE-APPLICATION CONSULTATION

- 4.1 A pre-application consultation was initiated with the Council in June 2012. A site visit was undertaken as part of the pre-application consultation on the 12 July 2012 and written feedback obtained on the 3 August 2012. The response to the submission was as follows:

"I refer to your request for pre-application advice for the following development at the above address:

- 1) The erection of a four storey extension with associated terraces located at rear basement floor level for the provision of additional residential accommodation.*
- 2) The erection of a main roof level extension for the provision of additional residential accommodation.*

The works are essentially an amendment of permission granted in 2012 (2010/6151) seeking a rear and main roof level extension in addition to the works sought as part of this application.

My office has now considered your proposal and I can offer the following advice.

1. Site description

This pre-application enquiry relates to a four storey building, comprising basement, ground, first, second and third floor (mansard) levels, located on the North of Pond Street, opposite the Royal Free Hospital.

The property is a Grade II listed building and is located within the Hampstead Conservation Area.

The property current accommodates 390sqm of office space within Class B1 use.

The main issues for consideration are:

- The impact of the proposal upon the special architectural and historic interest of this listed building;*

- The impact of the proposal upon the character or appearance of the building and the surrounding conservation area*
- The impact that the proposal may have upon the amenity of the occupiers of the neighbouring properties*

The relevant policies that would apply to this proposal are taken from the London Borough of Camden Local Development Framework (Core Strategy and Development Policy documents) as adopted on 8th November 2010, the London Plan (2011) and NPPF (2012).

The proposed extension would be assessed against policies CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage) and DP26 (Managing the impact of development on occupiers and neighbours of Camden's Local Development Framework and Camden's Planning Guidance (CPG) 2011.

2. Assessment

Following a recent site visit, it is considered that the host building has been considerably rebuilt whereby little of the historic interior remains, in particular the historic floor plan and the rebuilt/altered rear elevation. The heritage significance now essentially relates to the front elevation and building's contribution to the streetscape.

Therefore, the scope of development proposed may be of limited impact given that little special architectural and historic interest of this listed building remains. However, a detailed historic building study of the site should be undertaken and demonstrate, to what extent, the site has significantly been altered and which elements retain significance associated with its historic and architectural interest to assess its asset value.

If it can be adequately demonstrated the building has been significantly altered and retains little significance associated with its historic and architectural interest, the rear extension may be acceptable in design terms given its location and position the subject of limited views.

With regard to the roof level alteration, the building currently features a traditional form of extension, that of a mansard comprising dormer windows. The proposal would seek to extend upon an existing terrace (roof of the existing full height rear extension), providing additional residential floorspace, with a flat roof extension.

Whilst the rear elevation has been significantly altered; it is considered the existing mansard, by virtue of its size and design is appropriate to the character and appearance of the building. It is considered an additional storey above the existing full height rear extension, aligning with the mansard roof, would represent an unsympathetic and uncharacteristic extension, which in principle would be contrary to council policy.

In terms of amenity, it is considered the flank wall windows to No.21 Pond Street may limit the scope of development to the rear. These windows are considered, unless indicated otherwise, to service habitable rooms. The proposed rear extension, by virtue of its proximity to said windows would either result in a significant or complete loss of outlook and increased sense of enclosure to the occupiers of these units which may substantiate a reason for refusal. An assessment in this respect should therefore take place to ensure the proposal would not harm the amenity levels enjoyed by the adjoining occupiers in this respect. This report should also assess the impact of the proposal upon the levels of privacy and daylight/sunlight enjoyed by the occupiers of No.21 Pond Street.

- 4.2 In response to the pre-consultation feedback the proposals for enclosing the upper roof terrace and altering the existing mansard roof were deleted. In addition the proposed open terraces and built rear extensions were interchanged to ensure that the built envelope was located at the furthest point away from No 21 Pond Street.
- 4.3 Finally a Historic Buildings Assessment was commissioned and the report forms part of the planning and listed building applications submission.

5.0 PROPOSED DEVELOPMENT

- 5.1 The proposed development comprises the change of use of the existing building from B1 to C3 residential use together with a rear extension and rear terraces over basement, ground and three upper floors. The existing open terrace at the third floor is proposed to be extended and new openings created to improve accessibility to the amenity area.
- 5.2 The proposals are described more fully in the Design and Access Statement prepared by Appleby Architects, but they build on a planning permission and listed building consent that were granted in February and July 2011 under reference 2010/6151/P and 2010/6154/L. In summary this planning permission permitted the change of use of the existing property from offices to 8 residential units (6 x 1 bed; 1 x 2-bed and 1 x 3-bed).
- 5.3 The proposed scheme maintains the conversion of the existing property pursuant to the extant planning permission with the same number of residential units, but enhances the standard of accommodation both in terms of internal layout and amenity provision through extension to the rear which is considered the least sensitive elevation in heritage terms. The proposed development comprises the erection of a four storey rear extension with associated terraces to provide enhanced residential accommodation and dedicated amenity space.
- 5.4 The mix of units remains the same and the proposed development remains car free with internal cycle storage as previously proposed.
- 5.5 In summary, the proposal seeks to extend the property on the least sensitive elevation in heritage terms and provide better quality residential accommodation with dedicated amenity space.

6.0 DEVELOPMENT PLAN CONTEXT

Development Plan Context

- 6.1 The development plan for the area comprises:
- London Plan** – Adopted July 2011
 - Camden Core Strategy** – Adopted November 2010
 - Camden Development Policies** – Adopted November 2010.
- 6.2 The previous applications were assessed in the context of the Camden LDF Core Strategy and Development Policies. They were found to be compliant with these policies and therefore since these policies remain current, the proposals remain compliant with the LDF.
- 6.3 The London Plan has been adopted since the previous applications were approved and therefore provides a fresh policy context for considering the proposals. The London Plan is considered below. The Government's National Planning Policy Framework (NPPF) has also been published since the previous grant of planning permission and listed building consent. It does not form part of the development plan but is a material consideration in the assessment of development proposals. The proposals are considered against the NPPF in the next section of this Statement.
- 6.4 The Camden Planning Guidance 2006 and the Hampstead Conservation Area Statement are also material considerations. These were considered in the assessment of the previous proposal and remain material to the amended proposals. However, the principle of the residential conversion has been found to be consistent with both statements.
- 6.5 The existence of an extant planning permission and listed building consent confirms that the change of use of the property to residential use has already been acceptable. The focus for this planning assessment is therefore to identify policies that are relevant to the additional works comprising the rear extension and the rear balconies.
- 6.6 The following extract from the Core Strategy Proposals Map confirms that the only designation applicable to the property is the conservation area and an archaeological priority area.

Planning policy map

Find planning policies by clicking the map or using the address / postcode search

Map key

- Archaeological Priority Area South End
- Conservation Area Hampstead

For more information, or if you are unable to view the map, please contact the Forward Planning and Projects Team

Find an address

Please enter a Camden postcode or street:



7.0 RELEVANT PLANNING POLICIES

- 7.1 The following policies from the **London Plan** are considered relevant to the assessment of the development proposal.
- 7.2 Policy 3.3 contains a commitment to increase housing supply and to enable development capacity from a number of sources, including brownfield capacity; intensification and mixed use redevelopment, especially of surplus capacity. *The proposed development is compliant with this policy in that it will increase the supply of housing from a brownfield opportunity.*
- 7.3 Policy 3.4 seeks to optimise housing potential and defines density targets. For an urban location with a PTAL rating of 4-6, a density range of 200-700 hr/ha is suggested *and the proposed development would remain consistent with this policy.*
- 7.4 Policy 3.5 is concerned with the quality and design of housing developments and includes minimum space standards for new developments (e.g. 1b/2p = 50 sq.m. GIA; 2B/4P = 70sq.m GIA). *As demonstrated in the supporting Design and Access Statement, the proposed development will remain compliant with these standards and in fact will be enhanced due to the increased level of accommodation provided for each unit.*
- 7.5 Policy 3.8 seeks to secure choice in housing developments and requires that new developments offer a range of housing choices in terms of the mix of housing sizes and types; achievement of Lifetime Homes standards and wheelchair accessibility. *As the Design and Access Statement confirms within the constraints of the existing property and the scale of the development proposal, the terms of this policy (and London Plan policies) are met.*
- 7.6 Policy 5.2 seeks to ensure that development proposals make the fullest contribution to minimising carbon dioxide emissions. *Although the development is not categorised as a major development it nevertheless can assist in minimising carbon emissions as explained in the Design and Access Statement.*

- 7.7 Policy 5.3 seeks to achieve the highest standards of sustainable design and construction. *The measures to meet this policy objective are described in the supporting Design and Access Statement; although the proposal falls below the threshold for a major development, sustainable design and construction features can be included in the proposal.*
- 7.8 Policy 6.9 requires the provision of cycle parking and associated facilities (e.g. 1 space per units). *Cycle parking is provided as confirmed in the submitted drawings in accordance with this policy requirement and the additional space will not alter the approved provision.*
- 7.9 Policy 6.13 sets out the approach to car parking in new developments. Standards are expressed as maximum and support is expressed for car-free developments in locations with high public transport accessibility. *No dedicated car parking provision is proposed and this is considered acceptable given the high public transport accessibility level of the location. This was a position confirmed as acceptable in the grant of planning permission and was secured through a s106 agreement. An addendum to this agreement can perpetuate this commitment.*
- 7.10 Policy 7.3 requires developments to reduce opportunities for criminal behaviour and contribute to a sense of security through, inter alia, encouraging a level of human activity that is appropriate to the location. *The proposed development will introduce a level of surveillance to the rear of the property which will meet this policy objective.*
- 7.11 Policy 7.6 aims at securing the highest quality in architecture; be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm; comprises details and materials that complement, not necessarily replicate the local architectural character; do not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings; provide high quality indoor and outdoor spaces; meet the principles of inclusive design and optimise the potential of sites. *Within the constraints of what is proposed the development is considered compliant with the terms of this policy, particularly in its approach to optimising the potential of the site.*
- 7.12 Policy 7.8 requires that development should identify value, conserve, restore and re-use and incorporate heritage assets; where appropriate and that developments affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail; and new development should make provision for the protection of archaeological resources. *The extension is proposed on the rear elevation which is considered the least sensitive elevation both in terms of the listed building and conservation area. Limited ground intrusive works are proposed and therefore, there will be no impact on archaeological interests.*
- 7.13 In terms of relevant policies from the Core Strategy, the following policies were considered relevant when the previous application was assessed in 2011:
- CS1 Distribution of growth
- CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS8 Providing a successful and inclusive Camden Economy

CS11 Promoting sustainable and efficient travel

CS13 Tackling climate change through promoting higher environmental standards

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting & improving parks & open spaces and encouraging biodiversity

CS16 Improving Camden's health and well-being

CS19 Delivering and monitoring the Core Strategy

DP2 Making full use of Camden's capacity for housing

DP5 Housing size mix

DP6 Lifetime homes and wheelchair homes

DP17 Walking, cycling and public transport

DP18 Parking standards and the availability of car parking

DP19 Managing the impact of parking

DP22 Promoting sustainable design and construction

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours

DP29 Improving access.

- 7.14 Compliance with these policies was confirmed when the applications were reported positively to the Camden Development Control Committee in February 2011. This assessment is therefore limited to determining whether the rear extension would conflict with any policies that were previously deemed to support the development of the subject property.
- 7.15 Policy CS1 – 'Distribution of growth' states that the Council will promote the most efficient use of land and buildings in Camden by seeking development that makes full use of its site, taking into account quality of design, its surroundings, sustainability, amenity, heritage, transport accessibility and any other considerations relevant to the site. *The enhanced accommodation provided ensures that the most efficient use of the property can be achieved without compromising heritage significance.*
- 7.16 Policy CS5 – 'Managing the impact of growth and development' seeks to protect the amenity of Camden's residents and those working in and visiting the borough by making sure that the impact of developments on their occupiers and neighbours is fully considered. *The impact on neighbouring properties has been*

minimised as described in the Design and Access Statement to meet the aims of this policy.

- 7.17 Policy CS14 – ‘Promoting high quality places and conserving our heritage’ aims to ensure that Camden’s places and buildings are attractive, safe and easy to use by:
- a) requiring development of the highest standard of design that respects local context and character; and
 - b) preserving and enhancing Camden’s rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens.
- 7.18 The significance of the proposed development on the heritage assets has been assessed in the Historic Buildings Assessment which accompanies the applications. The conclusion from this assessment is that the impact on the significance is limited and that the proposals will preserve the heritage asset.
- 7.19 Policy DP5 – ‘Homes of different sizes’ seeks to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table, including conversion of existing residential and non-residential floorspace. For market housing the Dwelling Size Priorities Table identifies that 2-bedroom units are a ‘very high’ priority and therefore although there is no significant change in the mix of dwellings proposed, the development will still meet the Borough’s housing priority.
- 7.20 Policy DP24 – ‘Supporting high quality design’ requires all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:
- a) character, setting, context and the form and scale of neighbouring buildings;
 - b) the character and proportions of the existing building, where alterations and extensions are proposed;
 - c) the quality of materials to be used;
 - d) the provision of visually interesting frontages at street level;
 - e) the appropriate location for building services equipment;
 - f) existing natural features, such as topography and trees;
 - g) the provision of appropriate hard and soft landscaping including boundary treatments;
 - h) the provision of appropriate amenity space; and
 - i) accessibility.
- 7.21 The proposed extension is to the rear of the building and will create the opportunity for providing better amenity space for the residential units. The extension is proposed to the rear where sensitivity in design terms is considered to

be less and the façade to the street will remain unchanged. Compliance with policy DP24 is therefore considered achieved.

- 7.22 Policy DP25 – ‘Conserving Camden’s Heritage’ requires that in Conservation areas in order to maintain the character of conservation areas, the Council will: a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas; b) only permit development within conservation areas that preserves and enhances the character and appearance of the area; c) prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention; d) not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden’s architectural heritage.
- 7.23 In terms of Listed buildings the policy states that the Council will: e) prevent the total or substantial demolition of a listed building unless exceptional circumstances are shown that outweigh the case for retention; f) only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building; and g) not permit development that it considers would cause harm to the setting of a listed building.
- 7.24 In terms of Archaeology the policy states that the Council will protect remains of archaeological importance by ensuring acceptable measures are taken to preserve them and their setting, including physical preservation, where appropriate. Given the limited nature of any ground intrusive works, it is considered that the terms of this policy can be met by the imposition of a safeguarding condition if appropriate.
- 7.25 The proposed extension is to the rear elevation which in conservation and listed building terms is considered the least sensitive elevation. This is confirmed in both the listing description and the conservation area character statement, both of which have been referenced in the preparation of this statement. No intrusive ground works are proposed and therefore, no requirement, or opportunity, for archaeological investigation arises. This is confirmed in the accompanying Historic Buildings Assessment.
- 7.26 Policy DP26 – ‘Managing the impact of development on occupiers of neighbouring properties’ states that the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors to be considered include:
- a) visual privacy and overlooking;
 - b) overshadowing and outlook;
 - c) sunlight, daylight and artificial light levels;

- d) noise and vibration levels;
- e) odour, fumes and dust;
- f) microclimate;
- g) the inclusion of appropriate attenuation measures.

7.27 The policy also requires developments to provide:

- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;
- i) facilities for the storage, recycling and disposal of waste;
- j) facilities for bicycle storage; and
- k) outdoor space for private or communal amenity space, wherever practical.

7.28 The proposed extension will have limited impact on neighbouring properties which are a combination of residential and commercial uses. Separation distances between residential properties to the rear are sufficient to ensure that there is no prospect of direct overlooking and there are no directly facing habitable rooms facing the rear of the subject property. Where the proposed extension might impact windows in the rear of the adjoining property (21) the building line has splayed to ensure that there is no effect on daylight or sunlight. This is illustrated in the supporting Design and Access Statement. The level of accommodation is an enhancement of that previously approved and therefore compliance with space standards is achieved and provision for cycle storage and waste storage remains unchanged from that previously approved. The proposal now introduces private outdoor amenity space for each residential unit and this is a distinct improvement over the approved scheme.

7.29 In summary, the relevant provisions within the development plan have been identified and the proposals are considered to be compliant with these policies.

8.0 MATERIAL CONSIDERATIONS

8.1 In March 2012, the Government published the National Planning Policy Framework (NPPF). The NPPF is an important material factor in the assessment of development proposals for the property and is particularly important because it post-dates the extant planning permission and listed building consent. The NPPF has therefore been assessed to determine whether it would alter the position on the substantive change of use and whether the amendments now proposed would be compliant with the NPPF.

8.2 The NPPF explains in the Ministerial foreword that the purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for ourselves doesn't mean worse lives for future generations and development means growth. The foreword continues by confirming that

sustainable development is about positive growth – making economic, environmental and social progress for this and future generations and that the planning system is about helping to make this happen. Development that is sustainable should go ahead, without delay. A presumption in favour of sustainable development is the basis for every decision. *The development clearly falls into the category of sustainable development providing much needed housing in an area of housing need, within the urban area on brownfield land in close proximity to a local centre where shops and local facilities are available and there is good connectivity to the public transport network.*

- 8.3 Paragraph 2 re-affirms that the NPPF is a material consideration in planning decisions. *This confirms the legitimacy of applying the NPPF in the assessment of this proposal.*
- 8.4 Paragraph 7 of the NPPF confirms that the planning system is expected to perform an economic, social and environmental role in contributing to the achievement of sustainable development. *In this case the development will assist in performing a social role by providing better quality housing.*
- 8.5 Paragraph 9 confirms that sustainable development includes seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including improving the conditions in which people live, work, travel and take leisure and widening the choice of high quality homes. *The proposal will contribute to the pursuit of sustainable development by widening the choice of high quality homes in an area where the quality of the built, natural and historic environment will be unharmed.*
- 8.6 Paragraph 17 sets out 12 core planning principles that should underpin decision-taking. Included amongst these are that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives. *The proposal calls out for creativity given the significant enhancement that will result in the sustainability of the area.*
- 8.7 Another core planning principle is to take account of the different roles and character of different areas, including promoting the vitality of the main urban areas, protecting Green Belts and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. *The proposal will assist in promoting the vitality of the urban area through the introduction of enhanced housing.*
- 8.8 A further core principle is the encouragement to make effective use of brownfield land. *The site constitutes brownfield land and it is not of high environmental value.*
- 8.9 A further core planning principle is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. *Although the proposal does not constitute a significant development its location will allow the fullest possible use to be made of public transport, walking and cycling. The site benefits from a good PTAL rating lending weight to the high sustainability of the location.*

- 8.10 Paragraph 47 aims to deliver a wide choice of quality homes. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of deliverable housing sites. *The proposal is compliant with the approach advocated in the NPPF. The provision of additional housing will contribute to the achievement of a five year supply of housing and the application site is serviceable and deliverable.*
- 8.11 Paragraph 56 confirms that good design is a key aspect of sustainable development; it is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 states that planning decisions should aim to ensure that developments function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation and are visually attractive as a result of good architecture and appropriate landscaping. *The proposal is a bespoke design solution for the property utilising the least sensitive elevation and preserving the public face of the building.*
- 8.12 Paragraph 60 advises that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles; although it is proper to seek to promote or reinforce local distinctiveness. *The proposal is consistent with this policy.*
- 8.13 Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations and planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environment. *The proposal is consistent with this policy given that it will utilise and extend an existing building which is already integrated into the built environment.*
- 8.14 Paragraph 111 states that planning decisions should encourage the effective use of land by re-using land that has been previously developed provided that it is not of environmental value. *The proposal is entirely consistent with this aspect of the NPPF.*
- 8.15 Paragraph 128 requires that applicants should describe any significance of any heritage assets affected by development proposals, including any contribution made to their setting. The level of information should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site includes or has the potential to include heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and where necessary a field evaluation. *Since no substantive external alterations are proposed it is not considered that the significance of the heritage is impacted.*

- 8.16 Paragraph 129 requires that LPAs should identify and assess the particular significance of any heritage asset that may be affected by the proposal including by development affecting the setting of a heritage asset. *Since no substantive external alterations are proposed it is not considered that the significance of the heritage is impacted. The applications are supported by a Historic Buildings Assessment which supports this view.*
- 8.17 Paragraph 131 advises LPAs in determining planning applications to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. *Since no substantive external alterations are proposed it is not considered that the significance of the heritage is impacted. The applications are supported by a Historic Buildings Assessment which supports this view.*
- 8.18 Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. *Since no substantive external alterations are proposed it is not considered that the significance of the heritage is impacted. The applications are supported by a Historic Buildings Assessment which supports this view.*
- 8.19 Paragraph 133 advises that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, LPAs should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. *No harm will arise to the heritage asset because the proposal involves primarily a change of use rather than extensive external alterations. The applications are supported by a Historic Buildings Assessment which supports this view.*
- 8.20 Paragraph 134 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. *An optimum viable use for the building is proposed therefore supporting this policy. The applications are supported by a Historic Buildings Assessment which supports this view.*
- 8.21 Paragraph 137 advises that LPAs should look for opportunities for new development within the setting of Conservation Areas to enhance or better reveal their significance. *The introduction of a beneficial use is considered to enhance and better reveal the significance of the building in conservation area terms. The applications are supported by a Historic Buildings Assessment which supports this view.*

- 8.22 Paragraph 186 advises LPAs that they should approach decision-taking in a positive way to foster the delivery of sustainable development. *This policy directive further supports the proposal.*
- 8.23 Paragraph 187 advises LPAs that they should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. *This policy directive further supports the proposal.*
- 8.24 Paragraph 196 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in planning decisions. *This policy directive further supports the proposal.*
- 8.25 Paragraph 197 confirms that in assessing and determining development proposals, LPAs should apply the presumption in favour of sustainable development. *The proposal represents a form of highly sustainable development and therefore qualifies for a grant of planning permission under this presumption. It is sustainable in providing additional housing in a location that has a good PTAL rating and is well located to local facilities and services and utilises brownfield land.*
- 8.26 Paragraph 208 confirms that the NPPF applies from the date of publication i.e. 27 March 2012. *This confirms that it is entirely appropriate that the NPPF should be material in the consideration of this proposal.*
- 8.27 Paragraph 210 confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. *This confirms that the approach adopted in promoting this proposal remains valid and the compliance with the development plan that is identified in this statement is sufficient to support a grant of planning permission.*
- 8.28 In summary, the application is consistent with the provisions of the NPPF in that it proposes the delivery of much needed new housing, on previously developed land, within the urban area and in a sustainable location without detriment to the designated heritage assets.
- 8.29 The following Planning Guidance is also a material consideration in the assessment of these development proposals and since some of these have been adopted since the grant of planning permission they were not fully considered in the assessment of the substantive proposal. CPGs of relevance are:
- CPG1 – Design – Adopted April 2011
- CPG2 – Housing – Adopted April 2011
- CPG6 – Amenity – Adopted September 2011
- CPG8 – Planning Obligations – Adopted September 2011.

8.30 Of relevance to the proposal is paragraph 5.24 of CPG1 which states that balconies and terraces should form an integral element in the design elevations. The key to whether a design is acceptable is the degree to which the balcony or terrace complements the elevation upon which it is to be located. Consideration should therefore be given to the following: detailed design to reduce the impact on the existing elevation; careful choice of materials and colour to match the existing elevation; possible use of setbacks to minimise overlooking – a balcony need not necessarily cover the entire available roof space; possible use of screens or planting to prevent overlooking of habitable rooms or nearby gardens, without reducing daylight and sunlight or outlook; and the need to avoid creating climbing opportunities for burglars. *The terraces are proposed on the rear elevation as an integral part of the design. Any prospect of overlooking can be ameliorated by the erection of privacy screens although the distances and relationship involved to neighbouring properties are sufficient to avoid any direct overlooking of private amenity space or habitable rooms.*

8.31 Paragraph 4.14 of CPG2 sets out the overall internal floorspace in new self-contained dwellings (excluding communal lobbies and staircases). They should normally meet or exceed the minimum standards set out in the following table.

Number of Persons	1	2	3	4	5	6
Minimum floorspace (sq. m)	32	48	61	75	84	93

8.32 These standards were met in the original planning submission and with the additional space now proposed will ensure that this position is sustained and improved upon.

8.33 Paragraph 4.29 of CPG2 provides the following guidance in respect of private amenity space:

Private outdoor amenity space:

All new dwellings should provide access to some form of private outdoor amenity space, e.g. balconies, roof terraces or communal gardens.

Private gardens should be allocated to family dwellings.

Where provided, gardens should receive adequate daylight, even in the winter.

The access to private amenity space should be level and should be from the main living space.

Balconies should have a depth of not less than 1.5 metres and should have level access from the home.

Balconies and terraces should be located or designed so that they do not result in the loss of privacy to existing residential properties or any other sensitive uses.

Balconies should preferably be located next to a dining or living space and should receive direct sunlight (they can be designed to project from main building line or be recessed).

- 8.34 This guidance is met in the provision of the amenity terraces to serve each of the residential units.
- 8.35 Paragraph 7.4 of CPG6 advises that to ensure privacy, there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. This minimum requirement will be the distance between the two closest points on each building (including balconies). *This guidance is met in that the rear elevation of the property does not face any buildings that contain habitable rooms facing the property.*
- 8.36 A section 106 agreement was concluded in respect of the substantive planning permission granted in 2011. This covered car free provisions; education, open space and open space contributions and EcoHomes assessment. It is not envisaged that the substantive heads of terms would require amendment, but the Applicant is committed to an addendum to the existing agreement to link with any subsequent permission obtained.

9.0 PLANNING ASSESSMENT

9.1 The key issues that have been identified for consideration are:

- Loss of office accommodation;
- Principle of Residential accommodation;
- Quality of accommodation;
- Transport;
- Design;
- Amenity.

LOSS OF OFFICE ACCOMODATION

9.2 The principle of change of use from office to residential use has already been permitted as a result of the extant planning permission and listed building consent. In the accompanying officer's report, it is noted that "*Policy CS8 seeks to ensure that the borough retains a strong economy*" however "*due to the site constraints and as the building is a Grade II listed building, it is not considered that the building would be able to meet current office standards, nor is it sufficiently feasible for a variety of employment uses.*" As a result, the officer's report

concludes that *“the loss of employment space and replacement with residential accommodation is therefore considered acceptable.”* Furthermore, the change of use to residential use represents a reversal of the property to its original use.

PROVISION OF RESIDENTIAL ACCOMODATION

- 9.3 The principle of residential accommodation has already been consented to as a result of the existing planning permission. In the officer’s report, it is concluded that *“the principle of providing residential accommodation at this location is considered to be appropriate.”* Furthermore, it is noted that residential provision at this location would assist the Council to meet and exceed the strategic housing target for the Borough.

QUALITY OF ACCOMODATION

- 9.4 The proposed scheme comprises 8 residential units which is the same number as the extant planning permission. As noted by the Planning Officer with regard to the previously approved scheme, *“all rooms within the proposed residential units are considered to be regular in size and shape, with appropriate ventilation, waste, circulation and storage spaces. Thus the units are considered to provide a good standard of residential accommodation for future occupiers.”* The revised scheme represents a significant enhancement on the previous scheme, with improved internal layout and increased area.
- 9.5 In addition the rear extension creates an opportunity for providing dedicated amenity space to complement the habitable accommodation.

TRANSPORT

- 9.6 The property is located approximately 250 metres from Hampstead Heath London Overground Station, 500 metres from Belsize Park Underground Station and 900 metres from Hampstead Underground Station. There are bus services available in Pond Street and a bus stop immediately outside and opposite the property. The property therefore benefits from a highly accessible location with a PTAL rating of 4 (good).
- 9.7 According to the Planning Officer’s report in relation to the previously approved scheme, *“the site is identified as being located in the Gospel Oak/Hampstead Boundary, which suffers from parking stress. Within this context, it is sought for the development to be made car-free.”*
- 9.8 A section 106 agreement secured the car-free arrangements and this can be maintained via an addendum to the agreement if necessary.

DESIGN

- 9.9 The extant planning permission and listed building consent has already established the principle of the change of use of the property from office to residential use, which was its original usage. The design of the proposed scheme has taken into

out the results of a commissioned heritage impact statement as well as the concerns raised by the Council during the pre-application consultation.

- 9.10 The heritage impact statement concludes that the heritage significance of the applicant property primarily relates to the front elevation and the building's associated contribution to the streetscape. The rear elevation of the property has been significantly altered and therefore has lost its original heritage significance. As a result, the proposed scheme has been designed in such a way so as to confine the main alterations to the rear of the property, therefore maintaining the significance of the front elevation within its streetscape setting.
- 9.11 Both the listing description of the property and the conservation area statement confirm that the rear elevation is the least sensitive element of the building. The proposed design therefore has sympathetically incorporated this understanding into the proposed scheme. Furthermore, the alterations to the property will primarily comprise those alterations required for the change of use from office to residential use, with limited external alterations.
- 9.12 Internally, as noted in the Planning Officer's report in relation to the previously approved planning application, *"it is considered that this building has been considerably rebuilt and virtually nothing of the historic interior remains"*.

AMENITY

- 9.13 The proposed scheme has been designed so as to ensure that there is no adverse impact on the privacy and amenity value of neighbouring properties. The proposed new extension is set back from the boundary line where it meets 21 Pond Street to respect the existing neighbouring windows. In addition, the proposed window on chamfer is to be fixed with obscure glass in order to mitigate any associated overlooking or privacy issues, whilst at the same time ensuring there is sufficient natural light provision for the apartment.
- 9.14 The rear elevation of the proposed scheme does not face any habitable rooms in adjacent properties, and is therefore compliant with Paragraph 7.4 of CPG 6 which requires a *"minimum distance of 18m between the windows of habitable rooms of different units"*.
- 9.15 The terraces proposed on the rear elevation of the property have been designed to be an integral part of the design and therefore are considered compliant with paragraph 5.24 of CPG 1. They represent a significant enhancement to the amenity space of the residential units, and their relative distance to neighbouring properties ensures that any direct overlooking of private amenity space or habitable rooms is minimised.

10.0 SUMMARY

- 10.1 In summary, the proposed development comprises internal and external alterations, erection of rear extensions and change of use from Offices (Class B1a) to 8 residential units (Class C3).
- 10.2 The principle of converting the applicant property from office to residential use has already been established as a result of the extant planning permission and listed building consent. This proposed scheme represents a significant improvement of the previously approved scheme, with the residential units benefitting from enhanced internal layouts and provision of amenity space.
- 10.3 The proposed scheme represents a highly sustainable development, located as it is on a brownfield site and within close proximity to key transport routes, thereby mitigating the need for car parking provision on the site.
- 10.4 The importance of the property's location within a conservation area, and its designation as a listed building, has been incorporated into the sympathetic design of the proposed scheme. Alterations have been confined to the rear elevation which is considered the least sensitive part of the applicant property according to both the listing description of the applicant property as well as the conservation area statement. The front elevation has been maintained to ensure that the heritage value of the applicant property within its streetscape setting will be maintained.

11.0 CONCLUSION

- 11.1 In conclusion therefore, the proposed development is fully compliant with the provisions of the development plan and the sustainability of the proposed scheme is supported by the NPPF. It represents a sympathetically designed enhancement of the previously approved planning permission and listed building consent for the conversion of the property from office use back to its original residential use.
- 11.2 The tests imposed by Section 70(2) of the 1990 Act and Section 38(6) of the 2004 Act which provides that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise' are met and support a grant of planning permission.
- 11.3 Furthermore, the tests imposed by Sections 66 and 72 of the 1990 Listed Buildings Act are also met in that the development will preserve the character and appearance of the conservation area and will preserve the Grade II listed building and any surviving architectural and historic features that it possesses.