

Delegated Report		Analysis sheet		Expiry Date:		06/08/2012	
		N/A / attached		Consultation Expiry Date:		26/07/2012	
Officer				Application Number(s)			
Gideon Whittingham				2012/3008/P			
Application Address				Drawing Numbers			
Land at rear of 6 Wilmot Place, Rochester Road, London NW1 9JP				Refer to draft decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Excavation at basement and erection of a two storey basement and ground floor residential dwelling (Class C3) following the demolition of existing four garages (Sui Generis)							
Recommendation(s):		Refuse Planning Permission					
Application Type:		Full Planning Permission					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	23	No. of responses	08	No. of objections	06
				No. electronic	00		
Summary of consultation responses:		<p>A site notice was displayed from 21/06/2012 (expiring on 12/07/2012) and a public notice was displayed in the local press (Ham & High) from 28/06/2012 (expiring on 19/07/2012).</p> <p><u>The occupiers (2) of No.12 Rochester Road object to the proposal:</u> -Request a CTMP by virtue of its located close to a Nursery School -Concerns related to implication of basement development on water table.</p> <p><u>The occupier of No.6 Rochester Road object to the proposal:</u> -Result in a loss of light -Upstand of rooflights is unwelcome</p> <p>The occupiers (2) of No.14 Rochester Road object to the proposal</p> <p>Officer Comment: all matters raised have been fully considered</p>					

CAAC/Local groups comments:

The Rochester /South Kentish Town CAAC object to the proposal:
-the basement development would be atypical within its surroundings
-the sedum roof is also atypical
-the supporting information has misrepresented the proposal

The Reed's and Rochester Place Neighbourhood Associate objected to the proposal:

-the railings should be appropriately shown as revisions sought
-negative impact of basement development
-developments of this nature should be car free
-errors relating to previous report

English Heritage

Do not wish to offer any comments. These applications should be determined in accordance with national and local policy guidance and on the basis of your specialise conservation advice.

Officer Comment: all matters raised have been fully considered

Site Description

This application relates to 4 single-storey garages situated on the South side of Rochester Road to the rear of the 3-storey house at 6 Wilmot Place and a portion of the garden at 6 Wilmot Place. The garages are ancillary to the house (Class C3) and are currently vacant and not used for parking vehicles. The garages are set back from the footway, but forward of the building line of the adjacent 3 storey properties on Rochester Road.

The site is located within the Rochester Conservation Area and the garages are recognised as detracting from the Conservation Area.

Relevant History

- May 1963: Planning permission **granted** for erection of 4 x lock-up garages.
- September 1972: Planning permission **refused** for erection of a two-floor flat above the existing garages. The reasons for refusal were a lack of amenity space, the inappropriate principle of developing the space and subsequent precedent, and conflict with daylight and sunlight standards. (ref 14573)
- February 1992: Planning permission **refused** for erection of a two-storey, four-bedroom dwellinghouse. The reasons for refusal were: exceeding of the Council's plot ratio and density standards, effects on daylight and sunlight, loss of off-street parking and adverse effect on the visual amenity of the area. (ref 9101405).
- January 2001: Planning permission **refused** for the redevelopment of the site comprising the demolition of the existing four garages and the erection of a two-bedroom house with integral garage. The reasons for refusal were: unacceptable height, scale, footprint, design, form and materials; loss of amenity for adjoining residents; obstruction of and loss of views; loss of off street parking (ref PEX0000974).
- September 2002: Planning permission **granted** for the redevelopment of the site comprising the demolition of the existing four garages and the erection of a ground floor plus basement, two-bedroom house with integral garage. (ref PEX0100923). No conservation area consent granted for the demolition of the garages. An informative note was added noting that CA consent would be required before the development could be implemented.
- October 2008: Planning permission **resolved to grant subject to a S106** for demolition of four garages, excavation of a basement area, and the erection of a house at basement and ground floor levels (Class C3) (ref 2006/5442/P & 2006/5443/C). The s106 was never signed and this permission was therefore never issued.

- July 2011: Conservation area consent **granted** for the demolition of existing four garages (Sui Generis). (ref 2011/1807/C).
- December 2011: Planning permission **refused** for the excavation at basement and erection of a two storey basement and ground floor residential dwelling (Class C3) following the demolition of existing four garages (Sui Generis). (ref 2011/1806/P).

The reasons for refusal were as follows:

- *The proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies."*
- *The proposed development, in the absence of a legal agreement requiring a design stage Code for Sustainable Homes Assessment prior to works commencing on site and a post-construction review, would fail to be sustainable in its use of resources, contrary to policies CS13 (tackling climate change through promoting higher environmental standards), CS14 (Promoting high quality places and conserving our heritage) and CS16 (improving Camden's health and well being) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.*
- *The proposed development, in the absence of a legal agreement to secure highway contributions to undertake external works outside the application site, would fail to secure adequate provision for the safety of pedestrians, cyclists and vehicles, contrary to policies CS11 (promoting sustainable and efficient travel) and CS19 (delivering and monitoring the core strategy) of the London Borough of Camden Local Development Framework Core Strategy; and policies DP17 (walking, cycling and public transport) and DP21 (development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.*

This decision is addressed in following report and the conclusions reached are material to the assessment of the current application.

Relevant policies

LDF Core Strategy and Development Policies

Core Policies:

CS1 - Distribution of growth

CS3 – Other highly accessible areas

CS5 - Managing the impact of growth and development

CS6 - Providing quality homes

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 and improving our parks and open spaces & encouraging biodiversity

CS19 - Delivering and monitoring the Core Strategy

Development Policies:

DP2 - Making full use of Camden's capacity for housing

DP5 - Homes of different sizes

DP6 - Lifetime homes and wheelchair homes

DP17 - Walking, cycling and public transport

DP18 - Parking standards and limiting the availability of car parking

DP19 - Managing the impact of parking

DP21 – Development connecting to the highway network
DP22 - Promoting sustainable design and construction
DP23 - Water
DP24 - Securing high quality design
DP25 - Conserving Camden's heritage
DP26 - Managing the impact of development on occupiers and neighbours
DP27 – Basements and lightwells
DP29 – Improving access

Camden Planning Guidance 2011:

Transport (7) – Chapter 5

Rochester Conservation Area Statement (2001)

London Plan 2011

NPPF 2012

Assessment

1.0 Proposal:

1.1 The application proposes:

- Excavation at basement floor level for the erection of a two storey residential dwelling (Class C3) comprising basement and ground floor levels. Currently in situ, four single storey garages (Sui Generis) would be demolished, in accordance with consent in 2011 (ref 2011/1807/C) to make way for the dwelling.
- The new dwelling would be constructed in London stock brick, detailed with timber windows, a sedum roof, solar panels and rooflights. The building would be bound from the highway by a wall of brick up to 400m above which would be metal railings.
- Securing a parking permit for the occupiers of the newly constructed dwelling. In support, the applicant has submitted a transport survey concluding the proposal would not contribute unacceptably to parking stress and congestion in the surrounding area.

1.2 This proposal and information in support is identical to that refused permission in December 2011 (ref 2011/1806/P), save for:

1. A transport parking survey
2. A draft agreement seeking to secure highway contributions to undertake external works outside the application site
3. A draft agreement seeking to secure a design stage Code for Sustainable Homes Assessment prior to works commencing on site and a post-construction review

1.3 The Officer's report from the original application provides an overview of the consideration of issues which have not changed in the intervening period, a site visit has also been undertaken to confirm no significant material changes on or adjacent to the site have taken place since the granting of the original permission. The predominant focus of this assessment will be on matters which have changed significantly since the original permission, namely the submission of a transport survey assessing parking stress matters.

2.0 ASSESSMENT

2.1 The principal considerations material to the determination of this application are summarised as follows:

- Demolition of the garages
- Design
- Residential Amenity

- Sustainability
- Transport

3.0 Demolition of the garages

3.1 The existing garages are recognised in the Rochester Conservation Area Statement as detracting from the character and appearance of the conservation area. Extant consent remains for the demolition of the garages in 2011 (ref 2011/1807/C).

4.0 Design

4.1 The comments of the Council on this issue in the 2011 (ref 2011/1806/P) were:

'The principle of a two-storey dwelling (basement and ground floor) on the site has been established by the September 2002 and October 2008 permissions. The proposed new dwelling has an almost identical bulk, height, massing and footprint to the approved building. The site is highlighted as detracting from the character and appearance of the area. Moreover the area has pockets of small 20th century infill development. In this regard the principle of development is acceptable subject to design and bulk.'

The site lies to the rear of the property at 6 Wilmot Place which occupies a corner plot with Rochester Road. Such plots are fairly common in the area and represent an important feature of openness in an otherwise fairly densely developed environment, where buildings are generally arranged in terraces 3 or more storeys in height. The open corner spaces are of great significance - setting the character and appearance of the area and providing a welcome break in the generally unbroken and substantial frontages. In this regard as the proposal is to replace the single storey garages with a similar sized residential property it is considered to preserve the openness and gap/break between the properties. The introduction of a green roof to the building would enhance the 'garden setting' of the site, especially when viewed from the upper floors of neighbouring buildings.

The front façade of the new dwelling has been thoughtfully designed to respond to the brick boundary treatment common to the other corner plots in the area whilst allowing light into the site. The success of the development is considered to depend on the appropriate use of high quality materials, detailed design and finished appearance. The applicant has submitted further information on this point and conditions are recommended with regard to the submission of sample panels

In front of the façade would be a large lightwell enclosed with railings. Many of the building in the area contain front lightwells in a similar position to that of the one proposed. The boundary treatment of adjoining properties is general low boundary walls (often rendered) or hedges. The introduction of railings would result in a juxtaposition of this treatment, however given the unique design and response to the site which is clearly different from the typical housing stock in the area there is no reason why the boundary treatment, in this instance, cannot also be different without unduly affecting the character and appearance of the area.'

4.2 In light of the Officer's comments above, which are an important material consideration in this case, it is considered that in design terms, the redevelopment and associated elevational alterations are acceptable.

5.0 Residential Amenity

5.1 The comments of the Council on this issue in the 2011 (ref 2011/1806/P) were:

'Due to its size, location and the positioning of windows, it is not considered that the proposal would have any significantly detrimental impact on the amenities of neighbouring occupiers in terms of loss of light or overlooking. The internal arrangement is generous and the front lightwell ensures that adequate light would be provided into the basement rooms. Amenity space is provided as a patio in

the lightwell and a patio to the front of the house and given the size of the site, this is considered to be acceptable. The proposal would also meet Lifetime Homes Standards which accords with policy DP6.'

5.2 In light of the Officer's comments above, which are an important material consideration in this case, it is considered that that no undue harm would be caused to the amenity levels enjoyed by the occupants of the surrounding properties in terms of access to sunlight, daylight, visual bulk, privacy, noise nuisance or sense of enclosure.

6.0 Basement lightwells

6.1 The comments of the Council on this issue in the 2011 (ref 2011/1806/P) were:

It is considered that the scheme complies with policies DP27 and DP23. The application site is not located within an area denoted within the Arups report as being susceptible to surface flow and flooding, subterranean (groundwater) flow or slope stability. The applicant has submitted basement screening flowcharts which look at the characteristics of the proposal, its location and the potential impacts on the surrounding environment and these confirm that there are no matters of concern which should be investigated using a Basement Impact Assessment. Specifically the site does not include slopes greater than 7 degrees, is not within 100m of any watercourse or spring lines, is not within 50m of the Hampstead Heath ponds, the proposal will not result in a change in the proportion of hard surfaced/paved areas, and the proposal will not result in more surface water being discharged to the ground.

6.2 In light of the Officer's comments above, which are an important material consideration in this case, it is considered that that the proposal would not result in a change in the proportion of hard surfaced/paved areas, and the proposal would not result in more surface water being discharged to the ground.

7.0 Sustainability

7.1 The comments of the Council on this issue in the 2011 (ref 2011/1806/P) were:

'Policy DP22 and CPG3 Sustainability requires development to incorporate sustainable design and construction measures and specifically for all new houses to meet Code for Sustainable Homes level 3. The development proposes a sedum 'green' roof, which would improve biodiversity and slow rainwater run-off, which is welcomed. Solar panels are also proposed to the roof, which would help to conserve energy and resources. The applicant has also submitted a brief report outlining how the Code for Sustainable Homes level 3 could be achieved. If planning permission were to be granted this would be secured with a S106 legal agreement. In the absence of such a legal agreement a reason for refusal is recommended.'

7.2 The applicant has again submitted a brief report outlining how the Code for Sustainable Homes level 3 could be achieved and draft legal agreement seeking to secure a design stage Code for Sustainable Homes Assessment prior to works commencing on site and a post-construction review. If planning permission were to be granted this would be secured with a S106 legal agreement. In the absence of such a legal agreement a reason for refusal is recommended.

8.0 Transport

8.1 Although a parking survey has been undertaken by the applicant to detail the level of parking stress this is not the only consideration when it comes to the car-free designation.

8.2 Policy DP18 clearly states the Council expects developments in areas with high public transport accessibility to be car-free. DP18 states that the Council will expect development to be car-free in the Central London Area, the town centres and other areas that are easily accessible by Public Transport. To determine the level of accessibility the Transport for London (TfL) website is consulted, this

classifies the Public Transport Accessibility Level (PTAL) for the London area. The PTAL ranges from 1a lowest to 6b the highest. This site has one of the highest PTAL ratings, at 6a.

8.3 Further guidance is also available in the Camden Planning Guidance 7 for Transport, section 5 highlights the criteria used for considering car-free designation. Highly accessible areas are considered to be areas with a PTAL level of 4 or above. This development fully accords with policy requirements of Camden and the accessibility level is above that required to be considered highly accessible.

8.4 The car-free policy has been secured successfully since 1997 and encourages car-free lifestyles, promotes sustainable ways of travelling and helps reduce the impact of traffic. It is advised that the car-free designation is sought to reduce the impact of additional vehicle journeys in the Borough not just in relation to parking stress. This is to encourage and promote sustainable travel and is fully in accordance with planning policies, DP18, DP19 and also in particular Core Strategy 11. CS11 states that the Council will minimise provision for private parking on new developments, in particular through car free developments in the boroughs most accessible locations.

8.5 The previous planning application (ref 2011/1806/P) was not granted as the applicant refused to sign the S106 in relation to the car free clause. Forming part of the current application under consideration, additional information has been provided as to why the applicant does not consider that the car free clause should apply to this development. Having reviewed the information and taken on board the comments presented, it is considered that the development should continue to be made car free.

8.6 The London Plan 2011 and Camden's LDF Development Policies (policy DP18) identify that car-free should not only be sought for housing but also for developments in general and should be ensured by Boroughs in areas of high public transport accessibility. Therefore, this development should be made car-free through a Section 106 planning obligation for the following reasons:

- The site has a Public Transport Accessibility Level of (PTAL) of 6a (excellent) and is within a Controlled Parking Zone.
- Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. This is considered unacceptable in CPZ's that are highly stressed where overnight demand exceeds 90%. The Somers Town zone (CA-G) CPZ operates Mon-Fri 08:30-18:30 and 103 parking permits have been issued for every 100 estimated parking bays within the zone. This means that this CPZ is highly stressed.

8.7 For car free and car capped development, the Council will:

- not issue on-street parking permits;
- use planning obligations to ensure that future occupants are aware they are not entitled to on-street parking permits; and
- not grant planning permission for development that incorporates car parking spaces, other than spaces designated for people with disabilities, and a limited number of spaces for car capped housing in accordance with Council's Parking Standards.

8.8 The development involves the loss of 4 x garages. The garages appear to have been used as ancillary storage to the main dwelling for around 30 years, but could be used for car parking at any time. They are all in the ownership and control of the occupier of the main dwelling at 6 Wilmot Place. The removal of these spaces could in theory result in 4 additional cars competing for the existing on street spaces. It is acknowledged that the development would require the reinstatement of the existing crossover to a footway and could enable 2-3 additional residents' parking bays to be provided, however the result would still be the loss of 1-2 parking spaces in total (4 if no additional bays are created on street) and the creation of an additional unit with the consequent additional demand for on street parking permits

8.9 Within this context and having reviewed the applicant's revised submission, the proposed development, in the absence of a legal agreement securing car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policies DP18 (Parking standards and the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.

8.10 A financial contribution, by way of a legal agreement, would be required to remove the dropped kerb and reinstate the footway adjoining the site on Rochester Road. If planning permission were to be granted this would be secured with a S106 legal agreement. In the absence of such a legal agreement a reason for refusal is recommended.

Recommendation: Refuse planning permission

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