



Appeal Decisions

Inquiry held on 13 to 15 May 2014

Site visit made on 15 May 2014

by Mike Robins MSc BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2014

Appeal A: Ref: APP/X5210/A/13/2208051

142-150 Arlington Road, London NW1 7HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by A2 Dominion Group against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/3487/P, dated 3 June 2013, was refused by notice dated 20 September 2013.
 - The development proposed was originally described as partial demolition, conversion, extension and change of use of the existing building to create 21 no. Class C3 residential dwellings with associated residential access and servicing from ground floor level.
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Appeal B: Ref: APP/X5210/A/13/2208068

142-150 Arlington Road, London NW1 7HP

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by A2 Dominion Group against the decision of the Council of the London Borough of Camden.
 - The application Ref 2013/3754/C, dated 3 June 2013, was refused by notice dated 20 September 2013.
 - The demolition proposed was originally described as partial demolition, conversion, extension and change of use of the existing building to create 21 no. Class C3 residential dwellings with associated residential access and servicing from ground floor level.
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Preliminary Matter

1. Notwithstanding the description of development set out for both appeals above, which are taken from the application forms, the Council had suggested revised descriptions, which the appellant accepted at the Inquiry. These were set out in the Statement of Common Ground (SOCG), dated March 2014, and it was on this basis that the Council dealt with the proposals. I have used the amended descriptions in my formal decisions.

Decision

APPEAL A:

2. The appeal is allowed and planning permission is granted for the extension and alteration to the existing building to provide 21 residential dwellings (16 private tenure and 5 affordable housing units), including change of use from Use Class D2 (assembly and leisure) to C3 (residential), partial demolition and remodelling

of the rear elevation, part three, part four storey rear extensions above existing roof level, installation of window openings to the Underhill Street elevation and creation of private amenity space at basement level to Stanmore Place and roof terraces to upper floors at 142-150 Arlington Road, London NW1 7HP in accordance with the terms of the application, Ref 2013/3487/P, dated 3 June 2013, subject to the conditions set out in the attached Schedule.

APPEAL B:

3. The appeal is allowed and conservation area consent granted for demolition of the substantial part of the rear elevation of the building fronting onto Stanmore Place and demolition of the roof of the building at 142-150 Arlington Road, London NW1 7HP in accordance with the terms of the application Ref 2013/3754/C dated 3 June 2013, subject to the conditions set out in the attached Schedule.

Procedural Matters

4. For Appeal A, the Council's original decision referred to 12 reasons for refusal. However, as set out in the SOCG and its addendum, dated May 2014, all but the first reason, relating to the effect on the Camden Town Conservation Area, were considered to be able to be addressed through either conditions or the submission of an undertaking or agreement under S106 of the Town and Country Planning Act 1990.
5. To this end the appellant submitted a Deed of Agreement under the provisions of S106 of the Town and Country Planning Act 1990, dated 21 May 2014 (the S106 agreement). Matters regarding the appropriate mechanism to secure the commitments set out in this agreement are dealt with later in this decision.
6. The Council confirmed that their reason for refusal relating to Appeal B stemmed from their refusal for planning permission subject to Appeal A, and that this reason would fall away were the proposal judged to be acceptable. The Council accepted the principle of the demolition of the roof and part of the rear extension and consequently the outcome of Appeal B turns on that of Appeal A.
7. As a result, only one substantive matter remained between the Council and the appellant, accordingly I consider the main issue in these appeals to be as follows.

Main Issue

8. The effect of the proposals on the character and appearance of the Camden Town Conservation Area.

Reasons

Background and Site Description

9. The appeal site is a former electricity sub-station which has more recently been used as a sport centre, although this use has now ceased. The Council have accepted the principle of its change of use from community to residential use and drew up tender documents to support the development of the site for this purpose. The building lies in the Camden Town Conservation Area (the CA), and has a classically-inspired form, being markedly different in both appearance and scale to the housing found along Arlington Road.

10. The building is mostly of yellow stock brick with contrasting red brick pilasters and a stone cornice. While the front façade has large windows set symmetrically about a main entrance, there are considerably fewer openings on the side and rear elevations. However, while the front façade addresses Arlington Road, a street with a well-established and high-quality architectural character, albeit with a mix of a commercial and residential uses, the rear elevation opens to Stanmore Place. This is a backland area of limited merit, albeit still within the CA. Stanmore Place comprises the rear elevations of properties to Arlington Road, Camden High Street and Parkway to the north. It offers parking for a nearby retail store as well as access and servicing for a number of other residential and commercial uses. Underhill Street provides access from Arlington Road to this area, and links to Underhill Passage, which provides a pedestrian link to the High Street.
11. This juxtaposition between the front and rear elevations is consistent with the fact that Arlington Road lies at the transition between two sub areas of the CA, described in the Camden Town Conservation Area Appraisal and Management Strategy as being Commercial, to the east and north, and Residential, to the west and south. The Commercial sub area is acknowledged to be of greater architectural variety with a lower portion of historic and listed buildings. The Residential sub area is found to be largely homogeneous laid out in the period 1830-1850. The western side of Arlington Road demonstrates good examples of the brick and stucco terraces that typify the area; a number of these are listed.
12. The positioning of this building and its particular architectural features, which led to it being identified as a building which makes a positive contribution to the CA, introduce some real challenges to its conversion and reuse. To this end, I note that the appellant and their architect engaged in considerable public and Council engagement in the development of this scheme. Nonetheless, the Council have retained their objection to the final design proposed with three particular elements identified, the roof extension, the treatment of the side elevation openings and the replacement rear elevation.
13. Before addressing these elements in detail, it is necessary to set out the statutory duty and the local and national policy position in relation to such development in a CA.

Policy Position

14. The development plan for this area comprises the London Plan, adopted July 2011, and the London Borough of Camden Core Strategy and Development Policies documents, adopted November 2010, (the Core Strategy and DPD respectively). Central to the Council's position are Policy DP24 and DP25. These set out a requirement for the highest standard of design and, in terms of heritage matters, that the Council will only permit development within a CA which preserves and enhances the character and appearance. The supporting text implies that replacement buildings should enhance the CA to an appreciably greater extent than the existing building.
15. While this is not strictly a replacement building, this policy would appear to require that any development not only preserves, but also enhances the character and appearance of the CA.

16. In relation to heritage matters, the appellant argues that the current DPD policies do not reflect the London Plan, the statutory duty or the balanced approach advocated in the National Planning Policy Framework, (the Framework).
17. The London Plan addresses heritage assets in Policy 7.8, which sets out a strategic aim of sustaining and enhancing their significance. For planning decisions, this policy seeks to ensure that development conserves the significance of heritage assets. This is reflective of the Framework's approach, set out in paragraph 131.
18. Furthermore, there is an overarching statutory duty on decision makers set out in Sections 66 (1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. This requires that special regard be had to the desirability of preserving a building or its setting or any features of special architectural or historic interest which it possesses, and, in the case of CAs, that special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.
19. The well established principles, as set out in the South Lakeland case¹ still apply. I accept that there is a strong presumption against granting planning permission for development which would harm the character or appearance of a CA, as the desirability of preserving such areas is a consideration of considerable importance and weight. However, I see nothing in the statutory or other policy approaches that suggests that development should be refused if it is considered to only preserve rather than enhance the CA. In the case of harm, the significance of that harm must be established and this can then be tested against any benefits of the scheme, bearing in mind the considerable weight that arises from that harm.
20. Therefore, while I acknowledge the test set out in the DPD, I also note that it would appear to be a stricter test than the same policy applies to listed buildings, and would appear to be inconsistent with the later London Plan and Framework approaches. The statutory duty requires only that the decision maker considers whether the proposal would preserve or enhance the character or appearance of the CA.

Effect on the Conservation Area

21. The proposal would retain much of the front and side elevation of the building. Indeed, in removal of the currently unsightly additions such as ventilators and roller shutters, the proposal is acknowledged by the Council to enhance the building in some ways, providing a highly sympathetic treatment to the front façade in particular.
22. The side elevation is proposed to be retained with additional window openings to serve the new flats, while the corner and first bay of the rear elevation is also to be retained. Beyond this the proposal would completely remove the existing, predominantly blank elevation, replacing it with three defined and incised bays, stepping down in height towards the neighbouring residential property to the north. The proposal also includes a roof extension providing a fourth floor of accommodation.
23. As set out in the Framework, it is not the Government's aim to attempt to impose architectural styles or particular tastes, but overall scale, massing, height, alignment and form in relation to the local area are matters of proper concern. It

¹ South Lakeland District Council v Secretary of State for the Environment [1992] 1 PLR 143

is these matters that, as set out above, the Council consider represent the negative elements of this scheme: the additional height from the roof addition; the effect on the building's character from increased numbers of side elevation openings; and the relationship of the replacement rear elevation to the existing building and the CA. I will address these in turn before considering the building as a whole and its effect on the CA.

Roof Addition

24. The appellant's architect set out in some detail how the retention of logical floor heights to respect the primary feature of the large front façade windows, resulted in the need to set the additional roof storey at a level just above the top of the existing parapet. The Council argued that this would create a disproportionate and uncharacteristic mansard form, which would also lack articulation and variation in materials.
25. Despite this, the Council accepted that roof additions were a common form in this part of the CA, although they emphasised that they tended to be set down below the parapet. I can understand the Council's concern, as many mansard elements are recessed and therefore perceived in views from the street as being a proportionately smaller storey, in terms of height, than those within the main body of the building. However, I do not hold that this is a 'rule' and each must be considered in the context of the building and its surroundings.
26. This building makes a strong statement in the streetscene along Arlington Road. It is wider and taller than others and its classically inspired architectural treatment leads to it having a solid and substantial presence. On approach from Parkway there is a clear hierarchy of buildings as the relatively modest two-storey corner element steps up to three-storey terraced town houses and then townhouses with mansards and finally to the neighbouring four-storey residential building. The proposed addition would be set back behind the parapet, and in this context, I do not consider that it would be a disproportionate addition.
27. Approaching the site from the south, the roof addition would be more clearly seen because of the lower residential properties immediately alongside Underhill Street. These are simple three-storey dwellings without mansards, but their height is in contrast to the majority of buildings along this side of the street.
28. Due to its height, the appeal site stands somewhat in isolation and I consider the existing hard edge of the parapet creates an uncomfortable contrast to the profile of parapets along Arlington Road with their mansards or chimneys. A roof addition would be a positive change that reflects the characteristics of much of the surrounding development. The scale and solidity of the building is, in my view, sufficient for it to assimilate this large addition, even when perceived in the more open views from the south.
29. The chosen treatment, a simple grey finish with relatively large windows opening, is clearly modern in its conception. While the existing mansards in the area have variety, some with sloping fronts and most with slate finishes, this would be a clean and simple reflection of this concept, which would be clearly interpreted as a later, but relatively low-key addition. In my view the architectural approach here would be sympathetic to the surrounding character and appearance of the CA.

Side Elevation

30. The side elevation faces onto Underhill Street and steps down to the rear. There are no substantial openings, but recessed panels between the pilasters give some articulation and an impression of solidity. The introduction of new openings in an apparently random mix of sizing and placement, would, it was suggested by the Council, undermine this solidity and detract from the order and rhythm of the building.
31. The appellant's architect pointed out that the random element was a deliberate approach while reflecting the necessity of providing light and aspect to the rooms behind.
32. In my view, the windows proposed in the main body of the elevation, the majority of which retain common lintel heights and are contained within the recessed panels, would work well. The cill height of the lower windows, set well above pedestrian level, would limit their immediate presence and retain the solid character of the building at street level. The slight formality of their positioning means there would be an acceptable contrast with the strict rhythm of the front façade.
33. The small variation in the windows to the rear section is understandable as there would be a clear and legible difference between these two elements. The introduction of windows into the parapet above the cornice would be less successful, but I can appreciate that it may be a necessity. I note that the front bay parapet would be left intact and, due to the narrowness of the street, it is only this bay that is perceived in the long view along Arlington Road.
34. There are two doors and two ventilator grills in the existing elevation. The proposal would result in three doors and twelve windows, but I am satisfied that the solid to void ratio would not be compromised, particularly at the street level and in the majority of views achievable. I consider that the character of this part of the building would be preserved.

Rear Elevation

35. The proposal retains the corner and first bay of the rear elevation but the rest is removed, as agreed in pre-application discussions with the Council. The replacement structure is one of far greater articulation, with windows, bays and recessed courtyards providing light into the interior of the building and defensible space for ground floor properties and balcony and terrace areas for upper floors.
36. The Council set out their concerns that the proposed approach would significantly detract from the key characteristics of order, rhythm and symmetry, creating a rear elevation that competes with the remaining parts of the building.
37. The existing rear elevation has a much sparser architectural treatment than the other two elevations. Indeed, I am supportive of the Council's suggestion that there was a hierarchy of reduced articulation from the front to the rear. Undoubtedly this would be lost with the demolition of the existing rear elevation. However, I do not conclude that this loss inevitably leads to harm, either to the building or to the CA, and that must also be the case for the Council, who had condoned the principle of its demolition.
38. The proposed replacement is contemporary, and does not offer a similar ordered contrast of materials as that which features in the existing building. However, it does present a rhythmic form of bays and indents, and sets itself apart from the

original; it would clearly be a modern addition, yet one that retains a continuity of materials.

39. To understand whether this would be an acceptable approach it is necessary to consider both the appearance and the character of the building and of Stanmore Place. As I have noted above, this is not a high-quality part of the CA and is utilitarian in its character. Unfortunately this goes further to presenting an uninviting area, admittedly dominated by tarmac and railings, elements that are likely to be retained, but also dominated by the blank face of this rear elevation, the blank side wall of the Marks & Spencer building and the rear yards and service areas of shops along the High Street. The area immediately to the rear of the appeal building provides access to the neighbouring residential property, and this too is an uninviting space, as set out in a number of comments to this appeal.
40. I consider the proposed replacement would achieve notable benefits for the residential conversion of the building, but importantly would also provide a greater level of activity and overlooking to Stanmore Place. This will provide a positive improvement to the character of the area; it would make Stanmore Place more inviting, integrate it into the activity of the High Street and would enhance the pedestrian route through Underhill Passage.
41. When considering its appearance, I accept that the proposal would be higher than the existing form with a greater massing at height, albeit the pierced openings in the bays would, in my view, limit this. The predominant view of the building would be for those walking through Underhill Passage or exiting from the Marks & Spencer store at the corner of Underhill Street.
42. In these views, the retention of the corner and first bay is important as it clearly establishes the original form of the building as a whole, and would retain much of the original character and its positive contribution to the CA. Overall, I consider the existing rear elevation to be a neutral element in terms of its appearance, and a negative element in terms of the effect on the character of this part of the area. In a part of the CA acknowledged to have a variety of styles and ages of building, the proposed replacement would also have a neutral effect on the appearance, but an enhanced effect on the character of the area.
43. Nonetheless, I understand the logic of seeking a building which responds as a single unit to its role in the CA, and it is necessary to review the whole building, as well as these points of individual concern to the Council.

The Building as a Whole

44. The existing building has a strong design ethos readily apparent across all three sides. There is a difference in detail, so that the grander elements clearly define the front, with increasing simplicity to the rear. Nonetheless the use of materials and basic form are readily identifiable with a well-established hierarchy between the front, side and rear.
45. The proposal would do much to retain and enhance the front elevation, and while I consider that the roof addition and the side elevation would not alter the character or appearance of the building significantly, the proposed rear elevation would be notably different. I accept that there is a basic principle of subordination to secondary elevations, and in many ways, the considerably greater level of articulation and activity presented in this scheme to the rear could be considered to compete with the ordered and symmetrical façade. This

principle of subordination is set out in the Council's Design Guide, albeit I consider that guidance to be more focussed on extensions to properties of a domestic scale.

46. In my view, the scale of this building and the fact that the rear engages with a public space, mitigates against harm arising from the lack of clear subservience between front and back. Indeed, I consider that the more modern openings introduced in the side elevation and the breaking down of the form through the corner and first bay to the rear, would provide a transition from the original to the modern. This, in many ways, would work better than a form more closely matched to the original, with its consequential impacts on the practicalities of the internal layout and the perpetuation of a poor face to Stanmore Place.
47. Another element of the original building that would be altered is the stepped form from front to rear. However, I don't consider that this would be completely lost, and to the key views along Underhill Street, the retention of the corner of the building preserves that form.
48. Overall, I consider that the proposal would preserve the appearance and enhance the character of the area, in this way it would sustain and enhance the significance of the CA. It would comply with DPD Policies DP24 and DP25, London Plan Policy 7.8 and with the policies of the Framework in this regard.

Other Considerations

49. The Council considered that the roof addition and the additional height to the rear extensions were parts of the scheme that, in increasing the massing of the building and its presence in the streetscene, were additions that could not be justified in light of housing need. The appellant disputed this, identifying that policy in this area seeks to optimise the delivery of housing.
50. I accept that the Council consider they can meet their housing needs, but it is clear from the policies of both the London Plan, Policy 3.3, and the Council's Core Strategy, Policies CS1 and CS6, that the intention is to maximise housing, which is regarded as a priority for delivery.
51. I do acknowledge that seeking additional accommodation that would compromise the building and harm the CA, would need to be carefully assessed against the positive benefits arising. A finding of even less than substantial harm, as suggested here by the Council, would represent significant weight against such a proposal. However, in light of my findings above, such an assessment is not necessary here.
52. To the benefit of providing additional housing can be added the provision of affordable housing. This is a highly sustainable location and the scheme would introduce economic and social benefits. I find it to be sustainable development that accords with the development plan.

Other matters

53. I note local residents' concerns regarding noise, car parking and the access through Stanmore Place. These are elements that can be addressed in the S106 agreement or through conditions.
54. Local residents also raised some concerns about the effect of the development on their living conditions, although I note that the Council did not object on this basis. As regards sunlight and daylight, a technical assessment submitted by the

appellant concludes that the proposal would comply with Building Research Establishment guidelines for sunlight and daylight and I have no reason to disagree with that conclusion.

S106 Agreement

55. Although an agreement was submitted and signed by all parties with an interest in this proposal, the appellant maintained that some elements of this agreement should instead be addressed through conditions. The agreement before me comprises the following:
- provision of affordable housing;
 - notification for all future occupiers that the development is car free and they will not be entitled, other than as holders of a disabled persons badge, to a residents' parking permit or be permitted to contract to park in a car park owned, controlled or licensed by the Council;
 - improvements to the gated area;
 - provision of a financial contribution to education provision;
 - provision of a financial contribution to works to the public highway and public realm;
 - provision of a contribution to public open space provision;
 - provision of, and compliance with a Construction Management Plan;
 - provision of, and compliance with a Sustainability Plan and an Energy Efficiency and Renewable Energy Plan.
56. The S106 agreement is a material consideration. I am satisfied that provisions relating to affordable housing and financial contributions meet the three tests of the Community Infrastructure Levy Regulations 2010, in that they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Each may be justified by reference to the objectives of the relevant parts of the development plan.
57. With regard to the car free nature of the development, there is clearly parking pressures in the area and a proposal for 21 units would lead to an unacceptable increase in those pressures. The S106 agreement does not place any obligation specifically on the owner, with regard to parking permits, that can be considered to restrict the proposed use of the land. Nonetheless, I am conscious that, in this particular case, the Council have set out policies in relation to the requirement for developments to be car free in certain parts of the district, notably DPD Policy DP18. The Council's evidence refers to the relevant Traffic Management Order (TMO), which specifies their policy not to give parking permits to people who live in premises designated as car free. The power to do this is enshrined within the TMO, which links it to whether the development has entered into a car free S106.
58. The S106 designates this development as car free and covenants the owner to inform occupiers and specify the unit numbers. Consequently, while on this matter it does not place a specific obligation on the owner or the Council, in the terms set out in the Town and Country Planning Act 1990, I have no reason to suppose that the Council would do anything other than continue with their policy as set out in the TMO. In such circumstances, I am satisfied that the S106 would overcome the policy objection on parking grounds and I give it weight in my decision.
59. I am also satisfied that the requirement for submission and ongoing compliance with the three plans are in accordance with the three tests. However, although

the appellant accepted this and included them in the agreement, it was argued that such matters should properly be dealt with through conditions. To that end, the agreement includes a clause to specifically seek a variation should one or more of these matters be addressed through conditions.

60. Although much of the evidence informing these appeals was drawn up prior to the publishing the Planning Practice Guidance, the relevance of this, including the revocation of former guidance, such as Circular 11/95, was discussed at the Inquiry. It is consistent with earlier guidance that the Planning Practice Guidance states:

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation under section 106 of the Town and Country Planning Act 1990. In such cases the local planning authority should use a condition rather than seeking to deal with the matter by means of a planning obligation.

61. With regard to the Construction Management Plan, the Council accept that such plans can be secured through condition. However, in this case, they consider that the lack of space outside the building footprint to manage elements of the plan and the scale of the scheme lead to the need to secure the plan through an agreement. I can understand this concern to a certain extent as, for example, demolition of the rear elevation would take place immediately adjacent to the private access road that is not in the ownership of the appellant, and disruption and re-routing may be necessary.
62. However, such action taking place on land outside of the ownership of a developer is commonly dealt with through the imposition of a 'Grampian' type condition, and I can see no reason why such a condition could not be used in this case. On a site such as this there are additional hurdles that any developer may have to address, but these are properly dealt with in the requirement for any proposed plan to be approved by the local planning authority.
63. I note the Council's fears regarding enforcement but, on the evidence before me, I can see no particular impediment to the proper enforcement of an agreed Plan if secured by condition.
64. In relation to the Sustainability, Energy Efficiency and Renewable Energy Plans, these too are sought by the Council under the agreement, but challenged by the appellant as being more appropriately secured by condition. This is a finely balance assessment, but on the evidence before me, it would appear that there would be a requirement for ongoing monitoring. Such monitoring is not appropriate to be secured by condition and on these matters, I consider that they are appropriately addressed in the S106 agreement.

Conditions

65. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. With regard to Appeal A, in addition to the standard timescale condition (1), I have imposed conditions necessary to make the scheme acceptable in planning terms. Where necessary and in the interests of clarity and precision I have altered the proposed conditions to better reflect the relevant guidance. Otherwise than as set out in this decision and conditions, for the avoidance of doubt and in the interests of proper planning, it is necessary that the

development shall be carried out in accordance with the approved plans (2), although I have not found it necessary to include details of all relevant studies.

66. To ensure that the original building, identified as contributing in a positive way to the CA, is retained, I have required submission of a scheme to ensure such retention during the demolition and construction phase(3). To protect the living conditions of neighbouring occupiers, I have, as set out above, required submission of a Construction Management Plan (4), and a condition to ensure that relevant windows are maintained with obscure glazing (13).
67. To protect the character and appearance of the area, I have required submission of details of windows and doors, brickwork and materials (5, 6, 7), as well as restricted external lighting, aerials or other features (12). To address noise and fumes from plant and machinery, both internally and externally, I have imposed relevant conditions (8, 9, 10). I have further imposed a condition to ensure delivery of the proffered Lifetime Homes features (11).
68. With regards to Appeal B, for the protection of the character and appearance of the CA, it is necessary to impose a condition that links any demolition to contract details being in place for the replacement parts of the building.

Conclusions

Appeal A:

69. This is a scheme for the partial demolition, extension and change of use of a substantial and valued building located within a CA. I am satisfied that, subject to the imposition of suitable conditions and a S106 agreement, the proposed design would deliver a scheme that preserves the character and appearance of the CA, in accordance with the development plan and the Framework.

Appeal B:

70. In light of my findings on Appeal A, I am satisfied that the demolition of the rear elevation of the appeal building would preserve the character and appearance of the CA.
71. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be allowed.

Mike Robins

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Emmaline Lambert, of Counsel Instructed by Head of Legal Services
London Borough of Camden

She called

Tania Skelli-Yaoz Planning Officer
BSc(Hons) MSc London Borough of Camden

Hannah Walker Conservation Officer
BA(Hons) MSc London Borough of Camden

FOR THE APPELLANT:

James Strachan QC Instructed by Karen Cooksley
Winkworth Sherwood

He called

Charles Thompson MA Architect
Dip Arch (Cantib) RIBA Studio 54 Architecture
FRSA

Andrew Brown BA BArch Heritage Consultant
MSc MRTPI IHBC Woodhall Planning and Conservation

Iain Painting BSc(Hons) Planning Consultant
DipTP MRTPI Barton Willmore

INTERESTED PERSONS:

Julia McMillan Local Resident
Karen Cooksley Winkworth Sherwood
Jennifer Lumm London Borough of Camden
Hanna-Kaisa Lehikoinen Local Resident
Margarida Ferreira Local Resident

DOCUMENTS

- 1 Council Letter of Notification - Dated 18 March 2014
- 2 Late Submission – Mr and Mrs Anderson
- 3 Appellant’s opening statement
- 4 Council’s opening statement
- 5 Draft S106 Agreement
- 6 Camden Council Scheme of Delegation
- 7 E-mail correspondence re description
- 8 Draft Conditions
- 9 Justification for use of Planning Obligations rather than conditions
- 10 Appellant’s additional conditions
- 11 Council note on Construction Management Plans
- 12 Council’s Closing submissions
- 13 Appellant’s Closing submissions
- 14 Details of public realm contribution delivery

SCHEDULE 1:

APPEAL A CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans [Prefix 1223-] 100, (as existing:) 101-108/P01, (as proposed:) 150-155/P02, 156/P01, 250-252/P02, 300/P02, 301-302/P01, 350-352/P01.
- 3) No development shall take place, including any works of demolition until a method statement, which shall address the stability and retention of the three façade elements of the building during demolition and construction has been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with these details.
- 4) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall include, but not be limited to, details on:
 - i) The parking of vehicles for site operatives and visitors
 - ii) The proposed working hours in which vehicles will arrive and depart
 - iii) Details of proposed parking bay suspensions and temporary traffic management orders
 - iv) Details of alternative access routing for neighbouring dwellings
 - v) Loading and unloading of plant and materials
 - vi) Storage of plant and materials used in constructing the development
 - vii) The erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate
 - viii) Wheel washing facilities
 - ix) A scheme for the recycling/disposal of waste resulting from demolition and construction works
 - x) Details of any construction working group that will be set up, addressing the concerns of surrounding residents, as well as contact details for the person responsible for community liaison on behalf of the developer.
- 5) No development shall take place, including any works of demolition, until plans, sections and elevations at 1:10 of all new window and door openings (including jambs, head and cill) and the units to be installed therein have been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.
- 6) Prior to the commencement of the relevant part of the development, a sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority.

The relevant part of the works, for which the brickwork is to be used, shall be carried out in accordance with the approved details. The approved panel shall be retained on site until the work has been completed.

- 7) Prior to the commencement of the relevant part of the development, manufacturer's specification details of all facing materials and samples of those materials shall be submitted to and approved in writing by the local planning authority.

The relevant part of the works for which these materials are to be used, shall be carried out in accordance with the approved details and all approved samples shall be retained on site until the work has been completed.

- 8) Before building works commence on the site, a scheme shall be submitted to and approved by the Local Planning Authority providing for the insulation of the proposed dwelling units so plant noise levels and externally generated noise does not cause internal noise levels to exceed an indoor ambient noise level in unoccupied habitable rooms (Bedrooms between 2300-0700 hrs and Living Rooms between 0700-2300 hrs) of 30 dB (A) LAeq (1 hour) and individual noise event shall not exceed 45 dB L_{Amax} in Bedrooms between 2300-0700 hrs.

Prior to occupation, a representative random test sample on each dwelling type shall be carried out to verify compliance with this condition. A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval. The Noise report shall clearly contain standards used, measurements locations, raw tabulated and graphically represented data, time, date etc.

- 9) Prior to occupation, a scheme for the ventilation of and the extraction of fumes from the premises to an adequate outlet level (1 metre above the roof eaves) including details of sound attenuation for any necessary plant shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with any approval given and shall thereafter be maintained in accordance with the manufacturers specifications.

- 10) Any plant machinery, plant or equipment including air ventilation equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated and or sited that the noise generated by the operation of the machinery shall not increase the pre-existing background noise levels during day time expressed as LA₉₀ [1hour] (day time 07:00-23:00 hours) and Night time (23:00 to 07:00hrs) and/or (b) LA₉₀ [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. The development shall be carried out in such a manner to ensure that the above noise levels are permanently retained thereafter. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:1997.

All plant and machinery, and ventilation ducting shall be installed so as to prevent the transmission of noise and vibration within the building and/or at the boundary of any noise sensitive premises either attached to or in the vicinity of the premises to which this application refers.

- 11) Prior to occupation of any of the new residential units, the lifetime homes features and facilities and 10% wheelchair adaptable units, as indicated on the drawings and documents hereby approved shall be provided in their entirety, and shall be permanently maintained and retained thereafter.
- 12) Prior to occupation of any part of the scheme hereby permitted, details of any externally mounted features shall be submitted to and approved in writing by the local planning authority. Thereafter no lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, other than in accordance with these approved details.
- 13) The larger first floor window to the side elevation (to the affordable unit identified as 1.01 on drawing 1223-152 Rev P02) and the second floor smaller window to the side elevation (to the market unit identified as 2.05 on drawing 1223-153 Rev P02) shall be provided obscurely glazed to a minimum of 1.7m above internal floor level and retained and maintained as such thereafter.

SCHEDULE 2:

APPEAL B CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.