



PLANNING SERVICES

Town & Country Planning Act 1990 (as Amended)

Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

Town & Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000

The Town & Country Planning (Determination of Appeals by Appointed Persons) (Prescribed Classes) (Amendment) (England) Regulations 2009

PROOF OF EVIDENCE

Steve Cardno BSc Civil Engineering

FOR PUBLIC INQUIRY COMMENCING ON 9 April 2014

APPEAL SITE

Utopia Village, 7 Chalcot Road, NW1 7LH 8LH

APPELLANT

Utopia Property Sales Ltd

SUBJECT OF APPEAL

Appeal against London Borough of Camden's refusal of the prior approval application dated 03/12/2013 (Change of use from offices (Class B1a) to 53 residential units (Class C3)).

COUNCIL REFERENCE:

2013/6589/P

PLANNING INSPECTORATE REFERENCE:

APP/X5210/A/14/2212605

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INTRODUCTION

i. I, Steve Cardno, have prepared this proof of evidence for presentation at the Public Inquiry into this appeal. I hold a BSc in Civil Engineering from Napier University in Edinburgh. Transport Planning was one of the core modules that I studied as part of this degree. I am an associate member of the Institute of Highway Engineers. I am a Principal Transport Planner in the Public Realm and Planning Team at the London Borough of Camden where I have worked since June 2004. Prior to this I worked for Mouchel Consulting for 6 years and Hertfordshire County Council for 2 years as a Traffic Engineer.

ii. My proof concentrates on the transport issues relating to this appeal, namely:

- Reason for Refusal 1 – Car-capped development
- Reason for Refusal 2 – Associated highway works
- Reason for Refusal 3 – Construction Management Plan
- Reason for Refusal 4 – Cycle Parking
- Reason for Refusal 5 – Pedestrian and Environmental Improvements

However, it has been indicated by the appellants that reasons for refusal 1-4 can be dealt with by a Section 106 planning obligation.

iii. **STRUCTURE OF THIS PROOF OF EVIDENCE**

My evidence will be divided into five sections:

Section 1 (Legislation, Planning Policy and Guidance) highlights national, regional and local legislation, planning policies and guidance pertinent to the issues raised in my assessment.

Section 2 (Site and surroundings) describes those particular aspects of the site and surrounding highway network relevant to my evidence.

Section 3 (Assessment) assesses the merits of the proposed scheme in relation to the reasons for refusal covered by my evidence.

Section 4 (Outstanding S106 issues to be resolved) assesses the merits of the proposed scheme in relation to the reasons for refusal covered by my evidence which could potentially be resolved through the signing of a S106 planning obligation.

Section 5 (Summary and conclusions) summarises the arguments made in this proof of evidence.

1.0 LEGISLATION, PLANNING POLICY AND GUIDANCE

1.1 Legislation, Planning Policy, and Guidance considered relevant to my evidence is outlined below. Clauses specifically relevant to the Council's case are highlighted in **bold**.

1.2 Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

1.2.1 The key legislation relevant to this appeal is the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (the 'GPDO 2013') which came into force on 30 May 2013 and introduced Class J, which permits development consisting of a change of use of a building and any land within its curtilage to a use falling within C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a)(office) of that Schedule.

1.2.2 This is subject to a number of restrictions which are listed within sub-paragraph J.1 [(a)-(f)] and a subsequent condition set out in sub-paragraph J.2. The condition states that Class J development is permitted subject to the developer applying to the local planning authority for a determination as to whether the prior approval of the authority is required as to:

- **transport and highways impacts of the development;**
- contamination risks on the site; and
- flooding risks on the site.

The provisions of paragraph N shall apply in relation to any such application.

1.2.3 Paragraph N (8) states that the local planning authority shall, when determining an application: (amongst other matters)

- take into account any representations made to them as a result of any consultation under paragraphs (3) or (4) and any notice given under paragraph (6);

- have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application.

1.2.4 Therefore, the GPDO 2013 requires consideration of the National Planning Policy Framework in assessing applications for prior approvals. The implications of this are fully considered in the Assessment section below.

1.3 National Planning Policy Framework (March 2012)

1.3.1 The National Planning Policy Framework (NPPF) has various objectives. The NPPF objective most relative to my proof of evidence is to promote sustainable transport (covered in chapter 4).

1.3.2 Paragraph 29 of the NPPF states:

Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

1.3.3 Paragraph 30 of the NPPF states:

Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.

1.3.4 Paragraph 32 of the NPPF states:

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- **opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;**
- **safe and suitable access to the site can be achieved for all people; and**
- **improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.**

1.3.5 Paragraph 35 of the NPPF states:

Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- **accommodate the efficient delivery of goods and supplies;**
- **give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;**
- **create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;**
- **incorporate facilities for charging plug-in and other ultra-low emission vehicles; and**
- **consider the needs of people with disabilities by all modes of transport.**

1.3.6 Paragraph 39 of the NPPF states:

If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- **the accessibility of the development;**
- **the type, mix and use of development;**
- **the availability of and opportunities for public transport;**
- **local car ownership levels; and**
- **an overall need to reduce the use of high-emission vehicles.**

1.4 The London Plan, Spatial Development Strategy for Greater London

1.4.1 The Mayor published the replacement of the spatial development strategy for London – known as the London Plan – in July 2011.

1.4.2 The London Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London. London boroughs' local plans need to be in general conformity with the London Plan, and its policies guide decisions on planning applications by councils and the Mayor.

1.4.3 From 22 July 2011 this replaces the London Plan (consolidated with alterations since 2004) which was published in February 2008. The earlier document now has no formal effect.

1.4.4 On 11 October 2013, the Mayor published Revised Early Minor Alterations to the London Plan (REMA). From this date, the REMA are operative as formal alterations to the London Plan (the Mayor's spatial development strategy) and form part of the development plan for Greater London.

1.4.5 On 15 January 2014, the Mayor published Draft Further Alterations to the London Plan (FALP) for a twelve-week period of public consultation. However, this is not a material planning consideration in this case; the decision notice being issued on 03 December 2013.

1.4.6 The London Plan documents are available on the Greater London Authority website at the hyperlink below:

- <http://www.london.gov.uk/priorities/planning/london-plan>

1.4.7 The London Plan sets out a range of policies in relation to transport. **For the purposes of this appeal new developments should consider:**

- **encouraging patterns and nodes of development that reduce the need to travel, especially by car**
- **seeking to improve the capacity and accessibility of public transport, walking and cycling, particularly in areas of greatest demand**
- **supporting development that generates high levels of trips at locations with high public transport accessibility and/or capacity, either currently or via committed, funded improvements including, where appropriate, those provided by developers through the use of planning obligations**
- facilitating the efficient distribution of freight whilst minimising its impacts on the transport network
- **supporting measures that encourage shifts to more sustainable modes and appropriate demand management**
- **promoting walking by ensuring an improved urban realm**
- **Development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed. Development should not adversely affect safety on the transport network**
- Where existing transport capacity is insufficient to allow for the travel generated by proposed developments, and no firm plans exist for an increase in capacity to cater for this, boroughs should ensure that development proposals are phased until it is known these requirements can be met, otherwise they may be refused. The cumulative impacts of development on transport requirements must be taken into account
- Transport assessments will be required in accordance with TfL's Transport Assessment Best Practice Guidance for major planning applications. Workplace and/or residential travel plans should be provided for planning applications exceeding the thresholds in, and produced in accordance with, the relevant TfL guidance. Construction logistics plans and delivery and servicing plans should

be secured in line with the London Freight Plan and should be co-ordinated with travel plans

- **ensuring direct, secure, accessible and pleasant walking routes to stops**
- **provide secure, integrated and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3**
- **identify and implement accessible, safe and convenient direct routes to town centres, transport nodes and other key uses**
- promote the 'Legible London' initiative to improve pedestrian wayfinding
- **provide for the undertaking of audits to ensure that the existing pedestrian infrastructure is suitable for its proposed use**
- **encourage a higher quality pedestrian and street environment, including the use of shared space principles such as simplified streetscape, decluttering, and access for all.**
- **improving the extent and quality of pedestrian and cycling routes**
- **the contribution to London's sustainable development and regeneration including improved connectivity**
- **the extent of any additional traffic and any effects it may have on the locality, and the extent to which congestion is reduced**
- **how net benefit to London's environment can be provided**
- **how conditions for pedestrians, cyclists, public transport users, freight and local residents can be improved**
- **how safety for all is improved**
- **ensure that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles**
- **provide parking for disabled people in line with Table 6.2**
- **meet the minimum cycle parking standards set out in Table 6.3**
- **provide for the needs of businesses for delivery and servicing**

1.4.8 The above clauses are extracts from the explanatory and summary text for transport policies 6.1 (Strategic Approach), 6.3 (Assessing Effects of Development on Transport Capacity), 6.7 (Better Streets and Surface Transport), 6.9 (Cycling), 6.10 (Walking), 6.11 (Smoothing Traffic Flow and Tackling Congestion), 6.12 (Road Network Capacity) and 6.13 (Parking).

1.5 Camden's Local Development Framework (LDF), Core Strategy (2010)

1.5.1 The core strategies of relevance to the transport reasons for refusal are:

- CS11 (Promoting sustainable and efficient travel) [Appendix SC1](#)
- CS19 (Delivering and monitoring the Core Strategy) [Appendix SC2](#)

1.5.2 The summary text of CS11 states that the Council will promote the delivery of transport infrastructure and the availability of sustainable transport choices in order to support Camden's growth, reduce the environmental impact of travel, and relieve pressure on the borough's transport network.

1.5.3 The summary text of CS11 also states that in order to support Camden's growth and to promote walking, cycling and public transport, the Council will:

- **improve public spaces and pedestrian links across the borough, including by focussing public realm investment in Camden's town centres and the Central London area, and extending the 'Legible London' scheme;**
- **continue to improve facilities for cyclists, including increasing the availability of cycle parking, helping to deliver the London Cycle Hire Scheme, and enhancing cycle links.**

1.5.4 The summary text of CS19 states that the Council will:

- **use planning obligations, and other suitable mechanisms, where appropriate, to:**
 - **support sustainable development;**

- secure any necessary and related infrastructure, facilities and services to meet needs generated by development; and
- mitigate the impact of development.

1.6 Camden's Local Development Framework (LDF), Camden Development Policies (2010)

1.6.1 The development policies of relevance to the transport reasons for refusal are:

- **DP16 (The transport implications of development) Appendix SC3**
- **DP17 (Walking, cycling and public transport) Appendix SC4**
- **DP18 (Parking standards and limiting the availability of car parking) Appendix SC5**
- **DP19 (Managing the impact of parking) Appendix SC6**
- **DP20 (Movement of goods and materials) Appendix SC7** and
- **DP21 (Development connecting to the highway network) Appendix SC8**

1.6.2 The relevant transport development policies are summarised in more detail below. As already mentioned, text I have highlighted **bold** is particularly relevant to this appeal.

1.6.3 **DP16 – The Council will seek to ensure development is properly integrated with the transport network and is supported by adequate walking, cycling and public transport links. We will resist development that fails to assess and address any need for:**

- a) **movements to, from and within the site, including links to existing transport networks. We will expect proposals to make appropriate connections to highways and street spaces, in accordance with Camden's road hierarchy, and to public transport networks**
- b) **additional transport capacity off-site (such as improved infrastructure and services) where existing or committed capacity cannot meet the additional need generated by the development**

1.6.4 DP17 – The Council will promote walking, cycling and public transport use. Development should make suitable provision for pedestrians, cyclists and public transport and, where appropriate, will also be required to provide for interchanging between different modes of transport. Provision may include:

- a) convenient, safe and well-signalled routes including footways and cycleways designed to appropriate widths**
- b) other features associated with pedestrian and cycling access to the development, where needed for example seating for pedestrians, signage, high quality cycle parking, workplace showers and lockers**
- c) safe road crossings where needed**

1.6.5 DP18 – The Council will seek to ensure that developments provide the minimum necessary car parking provision. The Council will expect development to be car free in other areas within Controlled Parking Zones that are easily accessible by public transport. Development should comply with the Council’s parking standards, as set out in Appendix 2 to this document. Where the Council accepts the need for car parking provision, development should not exceed the maximum standard for the area in which it is located (excluding spaces designated for disabled people). Developments in areas of on-street parking stress should be ‘car capped’.

For car free and car capped developments, the Council will:

- a) limit on-site car parking to:**
 - spaces designated for disabled people**
 - any operational or servicing needs, and**
 - spaces designated for the occupiers of development specified as car capped**
- b) not issue on-street parking permits; and**
- c) use a legal agreement to ensure that future occupants are aware they are not entitled to on-street parking permits**

1.6.6 DP19 - The Council will seek to ensure that the creation of additional car parking spaces will not have negative impacts on parking, highways or the environment, and will encourage the removal of surplus car parking spaces.

We will resist development that would:

- a) **harm highway safety or hinder pedestrian movement**
- b) provide inadequate sightlines for vehicles leaving the site
- c) **add to on-street parking demand where on-street parking demand cannot meet existing demand, or otherwise harm existing on-street parking conditions**
- d) **require detrimental amendment to existing or proposed Controlled Parking Zones**
- e) **create a shortfall of parking provision in terms of the Council's Parking Standards for bicycles, people with disabilities, service vehicles, coaches and taxis**
- f) create a shortfall of public car parking, operational business parking or residents' parking
- g) create, or add to, an area of car parking that has a harmful visual impact

1.6.7 DP20 - In order to minimise the movement of goods and materials by road the Council will:

- a) expect development that would generate significant movement of goods or materials both during construction and in operation to minimise the movement of goods and materials by road, and consider the use of more sustainable alternatives such as rail and canal links

1.6.8 **DP21 – Development connecting to the highway network**

The Council will expect developments connecting to the highway network to:

- a) ensure the use of the most appropriate roads by each form of transport and purpose of journey, in accordance with Camden's road hierarchy
- b) avoid direct vehicular access to the Transport for London Road Network (TLRN) and other Major Roads

- c) avoid use of the local roads by through traffic

The Council will expect works affecting highways to:

- d) **avoid disruption to the highway network and its function, particularly use of appropriate routes by emergency vehicles**
- e) **avoid harm to on-street parking conditions or require detrimental amendment to Controlled Parking Zones**
- f) ensure adequate sightlines for vehicles leaving the site
- g) **address the needs of wheelchair users and other people with mobility difficulties, people with sight impairments, children, elderly people and other vulnerable users**
- h) **avoid causing harm to highway safety or hinder pedestrian movement and avoid unnecessary street clutter**
- i) **contribute to the creation of high quality streets and public spaces**
- j) **repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development**

Where development will be connected to the highway network, the Council will require all new public highways to be constructed to a standard it considers to be appropriate for adoption, and expect the routes to be adopted, owned and managed by the relevant Highway Authority.

1.7 Camden Planning Guidance (CPG) (2011)

1.7.1 Our CPG provides advice and information on how we apply our planning policies. The CPG does not have the same weight as the LDF but is consistent with it. The CPG has been split into different topic areas. The documents which are relative to my proof of evidence are listed below:

- **CPG 6 (Amenity)**
- **CPG 7 (Transport)**
- **CPG 8 (Planning Obligations)**

1.7.2 Section 8 of CPG6 provides guidance on Construction Management Plans including scenarios when they are required and the level of detail which needs to be provided. This complements the policy information provided in DP20 and DP21. This is relevant to our requirement for a S106 planning obligation in respect of reason for refusal 4 (Construction Management Plan).

1.7.3 Section 5 of CPG7 provides guidance on car free and car capped development. This complements the policy information provided in CS11, DP18 and DP19. This is relevant to our requirement for a S106 planning obligation in respect of reason for refusal 1 (Car Capped Development).

1.7.4 Section 8 of CPG7 provides guidance on streets and public spaces. This complements the policy information provided in CS11, DP17 and DP21. This is relevant to our requirement for a S106 planning obligation in respect of reason for refusal 2 (Associated Highway Works). Paragraph 8.6 states: *We will seek improvements to streets and spaces to ensure good quality access and circulation arrangements for all. This includes improvement to existing routes and footways that will serve the development. Key considerations informing the design streets and public spaces include the following:*

- Camden Streetscape Design Manual;
- **ensuring the safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments, and other disabilities;**
- **maximising pedestrian accessibility and minimising journey times;**
- providing stretches of continuous public footways without public highway crossings;
- **linking to, maintaining, extending and improving the network of pedestrian pathways;**
- **maximising pedestrian safety by providing adequate lighting and overlooking from adjacent buildings;**

- **taking account of surrounding context and character of area providing a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas, and using traditional materials (such as natural stone or granite setts) where appropriate,**
- **use of paving surfaces which enhance ease of movement for vulnerable road users; and**
- **avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by pavement parking or by street furniture.**

1.7.5 Section 8 of CPG7 provides guidance on cycling facilities. This provides guidance on acceptable cycle parking facilities and detailed layouts. This complements the policy information provided in CS11, DP17 and DP18. This is relevant to our requirement for a S106 planning obligation in respect of reason for refusal 4 (Cycle Parking).

1.7.6 CPG8 states that the Council's approach on the application of Section 106 planning obligations is based on the Community Infrastructure Levy (CIL) Regulations 2010; specifically regulations 122 and 123 (refer to paragraph 2.2 of CPG8).

1.7.7 The CIL regulations limit the use of planning obligations so that planning permission should only be granted subject to completion of a planning obligation where it meets all of the following tests. A planning obligation should be:

- (i) Necessary to make the development acceptable in planning terms;
- (ii) Directly related to the development
- (iii) Fairly and reasonably related in scale and kind to the development

1.7.8 Section 5 of CPG8 provides guidance on design. Paragraph 5.6 states:
A whole range of developments may require works to be carried out to the surrounding streets and public spaces to ensure that the site can be safely

accessed, and to allow a new development to properly and safely function. Some works may also need to be carried out to mitigate the impacts of development and could include the following:

- **new or improved footways and pedestrian facilities;**
- **pavement reinstatement and resurfacing;**
- **making access to new development easier and safer for disabled people;**
- **street furniture (in some cases removal/rationalisation of street furniture would be appropriate);**
- **improved street lighting;**

1.8 Camden Transport Strategy (2011)

1.8.1 The Camden Transport Strategy discusses the transport problems we face and the objectives and policies we have developed in order to deal with such problems.

1.8.2 Chapter 5 of the Camden Transport Strategy has a section titled 'Developer Contributions to Transport Improvements' (paragraphs 5.377 to 5.383).

1.8.3 An extract of the policies most relevant to this appeal is included in [Appendix SC9](#).

1.9 Camden Streetscape Design Manual (2000)

1.9.1 The Camden Streetscape Design Manual aims to raise the standard of street works consistently throughout the borough. Not only does the Manual set standards for the Council's own works, but it is also intended as a guide for contractors, developers, public utilities and other private agencies.

1.9.2 The Manual is available on the Council's website at the hyperlink below:

- <http://www.camden.gov.uk/ccm/content/transport-and-streets/transport-strategies/streetscape-design.en>

1.9.3 Section 3.01 of the Manual provides guidelines for maintaining 'clear footway' widths for different volumes of pedestrian traffic. The issue of reducing clutter is also discussed.

1.9.4 The following guidance is provided:

- 'Clear footway' width is not the distance from kerb to boundary wall, but the unobstructed pathway width within the footway.
- 1.8 metres – minimum width needed for two adults passing.
- 3 metres – minimum width for a busy pedestrian street (though greater widths are usually required).
- **Keeping the footway width visually free of street furniture is also important, allowing clear sightlines along the street. Combining or 'bunching' of street furniture can help to achieve this.**
- When given the opportunity to redesign footway width, try to predict peak pedestrian flow on each section and design accordingly. For instance, near school entrances, peak flow will be very high at certain times of the day, requiring wider footways in the near vicinity.
- **Footway obstructions are numerous and varied – some can be remedied quickly, while others require detailed consideration before removal or relocation can be approved.**
- Some pavement obstructions are a permanent feature of the street, required by traffic law or current safety considerations.
- **Typical footway obstructions include trees, traffic signs and posts, guardrail, bollards, cycle parking, litterbins, recycling bins, lamp columns, and post-boxes.**

1.10 Manual for Streets (2007)

1.10.1 Camden's Transport Design Team and Highways Management Team uses this document, issued by the Department for Transport, to inform and guide the design of road layouts in Camden to ensure designs are safe and function efficiently. It is widely used by transport planners and highways engineers alike and has been given weight by Inspectors at previous Inquiries.

1.10.2 The Manual is available on the Governments website at the hyperlink below:

- <https://www.gov.uk/government/publications/manual-for-streets>

1.10.3 The Manual for Streets provides guidance on the design of footways. I have summarised elements of this guidance which are of relevance to this appeal:

- **Paragraph 5.10.1. Street furniture, signs, bins, bollards, utilities boxes, lighting and other items which tend to accumulate on a footway can clutter the streetscape. Clutter is visually intrusive and has adverse implications for many disabled people. The agencies responsible for such items and those who manage the street should consider ways of reducing their visual impact and impediment to users.**
- Paragraph 6.3.10. Obstructions on the footway should be minimised. Street furniture is typically sited on footways and can be a hazard for blind or partially-sighted people.
- Paragraph 6.3.22. There is no maximum width for footways. In lightly used streets (such as those with a purely residential function), the minimum unobstructed width for pedestrians should generally be 2 metres. Additional width should be considered between the footway and a heavily used carriageway, or adjacent to gathering places, such as schools and shops.
- Paragraph 6.3.23. Footway widths can be varied between different streets to take account of pedestrian volumes and composition. Streets where people walk in groups or near schools or shops, for example, need wider footways. In areas of high pedestrian flow, the quality of the walking experience can deteriorate unless sufficient width is provided. The quality of service goes down as pedestrian flow density increases. Pedestrian congestion through insufficient capacity should be avoided. It is inconvenient and may encourage people to step into the carriageway (Fig. 6.9).
- **Paragraph 6.3.31. Surfaces used by pedestrians need to be smooth and free from trip hazards. Irregular surfaces, such as**

cobbles, are a barrier to some pedestrians and are unlikely to be appropriate for residential areas.

1.11 Summary

1.11.1 The London Plan, Camden's Core Strategy, Development Policies, Planning Guidance, Transport Strategy, and other guidance documents mentioned above are considered of relevance to this application in that they assist in the interpretation and application of the NPPF, including the determination of Section 106 planning obligations. The London Plan and Camden's Local Development Framework which includes the Core Strategy and Development Policies are up to date and in accordance with the NPPF.

2.0 SITE AND SURROUNDINGS

2.1 The features of the site and its surroundings relative to my evidence are described below.

Local Road Network

2.2 The appeal site is located adjacent to Chalcot Road and Egbert Street in Primrose Hill. Chalcot Road is a local distributor on Camden's road network. Egbert Street is a short cul-de-sac which is accessed from Chalcot Road. The nearest classified road is Prince Albert Road (A5205) which is a borough distributor on Camden's road network and is located approximately 300m to the south of the site. Chalk Farm Road (A502) is also a borough distributor on Camden's road network and is located approximately 660m to the north of the site. Camden High Street (A400) and Camden Road (A503), the closest TfL Red Routes on Camden's road network, are located approximately 1km to the east in Camden Town. Transport for London is the highway authority for these roads.

2.3 The site has two accesses from the public highway; one from Chalcot Road (between Nos 6 & 8) and the other from Egbert Street (between Nos 13 & 14). Both accesses accommodate walking, cycling and motor vehicle movements. The locations of the accesses and size of the car park/loading areas within the site allow vehicles capable of entering the site to enter and exit the site in a forward gear. It is understood that vehicle movements on-site generally operate one-way from the access off Chalcot Road with egress taking place onto Egbert Street. However, I noted on my most recent site visit on Saturday 8th March 2014 that the gates to the Chalcot Road access were closed; the Egbert Street access was open.

2.4 The appeal site is located within the Primrose Hill Controlled Parking Zone (CPZ) (CA-J). The CPZ hours of operation are Monday to Friday between 0830 and 1800 hours and 6.30pm. There are residents parking bays marked on Egbert Street directly adjacent to the appeal site. In addition, there are shared use bays (residents parking and pay and display parking) marked on Chalcot Road directly adjacent to the appeal site.

- 2.5 Road layout details for Chalcot Road and Egbert Street are indicated on the plans provided in [Appendix SC10](#) and [Appendix SC11](#) respectively.

Public Transport Accessibility

- 2.6 The site has a PTAL rating of 2 which suggests that it is not easily accessible by public transport. However, it is located within reasonable walking distance to Chalk Farm (660m north) and Camden Town (1km east) underground stations. The nearest bus stops are located on Prince Albert Road to the south and Chalk Farm Road to the north.

Cycle Facilities

- 2.7 London Cycle Hire docking stations are located nearby on Regent's Park Road (at junction with Oval Road) and Prince Albert Road (Regent's Park).
- 2.8 Cycle parking facilities are provided nearby including Regent's Park, Primrose Hill Park, and the various amenities on Regent's Park Road (e.g. shops, cafes, restaurants, public houses, and other businesses).
- 2.9 The section of Princess Road between Regent's Park Road and Chalcot Road is one-way eastbound for motor vehicles. However, cyclists are permitted to travel in both directions.
- 2.10 Dedicated cycling facilities are provided at various locations in the general vicinity of the site. This includes the following:
- Cycle track on Regent's Park Road on the bridge across the railway between Gloucester Avenue and Bridge Approach
 - Contra-flow cycle lanes on Bridge Approach
 - Contra-flow cycle lanes on Regent's Park Road between Bridge Approach and Chalk Farm Road
 - Signalised cycle crossing on Chalk Farm Road at junction with Regent's Park Road

- Cycle gap exempting cyclists from 'No Entry' signs on Gloucester Avenue at junction with Regent's Park Road

Pedestrian Routes

- 2.11 The pedestrian routes in the general vicinity of the site are of a high quality with wide unobstructed footways throughout the area. Footways are generally paved in York Stone paving slabs. However, some footways are paved in artificial stone paving slabs.
- 2.12 Pedestrian crossings are located at various locations on Regent's Park Road. These would provide safe places for residents of the proposed development to cross the road en-route to Regent's Park, Primrose Hill Park, and the various amenities on Regent's Park Road.
- 2.13 The roads in the general vicinity of the site including Regent's Park Road are subject to a 20mph speed limit. This has benefits for pedestrian safety.
- 2.14 Step free access to the Regent's Canal towpath is provided at Gloucester Avenue.

The Appeal Site

- 2.15 The building comprises a part two/part three storey building. The existing space consists of 23 separate business units, each occupying a separate business with some businesses occupying more than one unit. The site includes a management office and a number of vacant units. The site has the benefit of unrestricted parking spaces which can accommodate 20 vehicles. All units included within the proposed application area are in B1a Office use.
- 2.16 The applicant proposes to convert the business units into 53 residential units comprising 19 one-bedroom units, 22 two-bedroom units, 11 three-bedroom units, and 1 four-bedroom unit.
- 2.17 The site is accessed from the 2 vehicular accesses on Chalcot Road and Egbert Street. Deliveries are made using both of these entrances. The

proposal includes the provision of 11 car parking spaces for the new residential units. The parking areas would appear to be capable of accommodating some deliveries and servicing activities. However, it is assumed that large vehicles would service the site from the kerbside on Chalcot Road and Egbert Street.

3.0 ASSESSMENT OF THE PROPOSALS

3.1 The appeal proposal fails to meet national, regional and local planning policy and guidance in the absence of various planning obligations.

3.2 The appellant has indicated that they are willing to deal with reasons for refusal 1-4 by way of a Section 106 planning obligation. This is discussed further in section 4 of this report.

3.3 The appellant has indicated that they are not prepared to enter into a Section 106 planning obligation in respect to reason for refusal 5 (financial contribution towards pedestrian and environmental improvements in the area).

3.4 Reason for refusal 5 is described as follows:

The proposed development, in the absence of a Section 106 legal agreement to secure financial contributions towards pedestrian and environmental improvements in the area, would fail to mitigate the impact of the development created by increased trips contrary to the National Planning Policy Framework chapter 4, paragraphs 32 and 35.

3.5 Camden generally seeks to secure this type of financial contribution as a means of promoting sustainable transport choices such as walking, cycling and public transport as alternatives to motor vehicles. Funding is spent on a variety of measures to make walking and cycling more pleasant and therefore more attractive.

3.6 Camden also seeks to secure this type of financial contribution to allow impacts on the transport network to be mitigated. It is accepted that the proposed scheme would generate less peak hour trips when compared with the existing uses on site. There would be an increase in trips outside of standard office working hours (e.g. evenings and weekends). However, these additional trips would not have a significant impact on the operation of the road network in the local area.

- 3.7 I have undertaken some further research since the original GPDO application was determined. Conditions for walking and cycling in the area are good. Indeed it is worth noting that Camden implemented the Borough Wide 20mph project on 16th December 2013. This means that the speed limit is 20mph on all roads in the local area (if this was not the case already). Post-implementation monitoring surveys are to be undertaken in March 2014. However, I do not expect the results to identify significant traffic problems in the vicinity of the site.
- 3.8 Camden is currently developing a major traffic improvement scheme for Camden Town. The scheme aims to transform the public realm, reduce traffic congestion and improve road safety and will deliver significant benefits for cyclists and pedestrians. It could be argued that residents living at the appeal site (if approved) would benefit from the Camden Town scheme. However, I am mindful that any financial contribution would need to meet the 3 policy tests as described in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. It may be difficult given the timescales involved to calculate a financial contribution which could be reasonably related to the appeal site.
- 3.9. In summary, I do not consider a financial contribution towards pedestrian and environmental improvements in the area to be absolutely necessary in this case. Reason for refusal 5 is therefore no longer relevant.

4.0 OUTSTANDING SECTION 106 ISSUES TO BE RESOLVED

4.1 The appellant has indicated that they are willing to deal with the following matters by way of a Section 106 planning obligation. I understand that a Section 106 planning obligation is being prepared at the time of writing this proof of evidence.

Reason for Refusal 1

4.2 Car Capped Planning Obligation

4.2.1 Reason for refusal 1 is described as follows:

The proposed development, in the absence of a Section 106 legal agreement to secure the new development as car-capped, would be likely to contribute unacceptably to parking stress and traffic congestion in the surrounding area and would not promote use of sustainable transport contrary to the National Planning Policy Framework chapter 4, paragraphs 29, 30, 35 and 39.

4.2.2 LDF Development Policies DP18 (Parking standards and limiting the availability of car parking) and DP19 (Managing the impact of parking), CPG7 (Transport), and London Plan Policy 6.13 (Parking) address and point towards the need for car free and car capped development in areas of high public transport accessibility. The site has a PTAL of 2 which suggests that it is not easily accessible by public transport. However, it is located within reasonable walking distance to Camden Town and Chalk Farm underground stations and various bus stops are also located nearby. Our records indicate that the local controlled parking zone suffers from parking stress with a ratio of parking permits to parking spaces of 0.87. The Council needs to ensure that the proposed scheme does not contribute to parking stress. This is a significant concern given that the proposal would create 53 new residential units. The Council also needs to ensure that the proposal does not add to existing traffic and environmental problems in the local area (e.g. traffic congestion, road safety and air quality).

4.2.3 Failure to secure a car capped development would potentially have a severe impact on the operation of the CPZ in the vicinity of the site. Residents could obtain up to 200 on-street parking permits and this could add up to 200 cars to

the road network. This would do nothing to promote sustainable transport. Indeed it would actively encourage travel by motor vehicle. This would contribute to existing traffic congestion and pollution problems which Camden is currently working to address. More importantly, it would have a severe impact on parking stress in the local area. I understand that local residents have objected to the proposed scheme on this basis.

4.2.4 Therefore it is appropriate to require this development to be car capped. This should be secured through a Section 106 planning obligation which would prevent the occupiers of the development applying to the Council for the issue of on-street parking permits. The appellant will be required to ensure that future occupants are aware that they are not entitled to on-street parking permits, and that the Council will not grant permission for development that incorporates additional car parking spaces, other than spaces designated for people with disabilities or off-street loading bays.

4.2.5 I understand that the appellant is willing to sign a Section 106 planning obligation which would overcome this reason for refusal. The Council would then deem reason for refusal 1 to have been resolved.

Reason for Refusal 2

4.3 Financial contribution for associated highway works adjacent to the site

4.3.1 Reason for refusal 2 is described as follows:

The proposed development, in the absence of a Section 106 legal agreement to secure associated highway works, would fail to maintain the borough's transport infrastructure to the detriment of the safety of pedestrians, cyclists and vehicles, contrary to the National Planning Policy Framework chapter 4, paragraph 32.

4.3.2 The footways directly adjacent to the site frontages are in a good state of repair. The carriageway on Chalcot Road appears to be in a good condition. However, the carriageway on Egbert Street is in poor condition at various locations. It is unclear at this stage how the proposed works would be serviced. However, there is a risk that the public highway in the vicinity of the

site could be damaged during the construction period. The Council needs to ensure that any such damage can be repaired at the applicant's expense.

4.3.3 The footways adjacent to the site on Chalcot road and Egbert Street are paved in artificial stone paving slabs (ASP). It is worth noting however that other footways in the local area are paved in higher quality York stone paving slabs.

4.3.4 Camden has prepared a Conservation Area Statement (CAS) for Primrose Hill. This states that York stone paving is found in Albert Terrace Mews, Berkley Road, Chalcot Crescent, Chalcot Road (in front of Nos. 1-6 Chalcot Road), Chamberlain Street, Dumpton Place, Edis Street, Egbert Street, Gloucester Avenue (between St. Mark's Crescent and Fitzroy Bridge, inclusive), Gloucester Crescent, Kingstown Street, Manley Street, Mayfair Mews, Oval Road, Primrose Hill Road, Princess Road (in front of Nos. 2-24 Princess Road), Regent's Park Terrace, Rothwell Street and St. Mark's Crescent.

4.3.5 It is interesting to note that the footways adjacent to Nos 1-6 Chalcot Road and on the northwest side of Egbert Street are paved in York stone paving slabs.

4.3.6 The CAS states:

New development should be seen as an opportunity to enhance the Conservation Area. All development should respect existing features such as building lines, roof lines, elevational design, and where appropriate, architectural characteristics, detailing, profile, and materials of adjoining buildings. Proposals should be guided by the UDP (superseded by LDF) in terms of the appropriate uses.

4.3.7 Camden is committed to upgrading footways paved in ASP slabs throughout the Primrose Hill conservation area. This would typically involve replacing the ASP paving slabs with York Stone paving slabs. York Stone tends to last

longer than ASP and is more aesthetically pleasing. Such improvement works therefore make a positive contribution to the conservation area.

4.3.8 The highway works required on substantial completion of the proposed scheme would include the following elements on Chalcot Road and Egbert Street directly adjacent to the site:

- Repaving of the footway between the vehicular accesses to the site on Chalcot Road and Egbert Street
- Removal of any unnecessary street clutter from the aforementioned footway (e.g. redundant sign posts)
- Relocation of any street furniture items which may obstruct pedestrian movements on the aforementioned footway (e.g. poorly located lamp columns or sign posts)
- Repaving of the vehicular access to the site on Chalcot Road (i.e. between Nos 6 & 8).
- Repaving of the vehicular access to the site on Egbert Street (i.e. between Nos 13 & 14).
- Repaving of sections of the carriageway on Miller Street
- Any other works required as a direct result of the Development (being such works as considered necessary by the Council acting reasonably)

4.3.9 The highway works described above would allow the Council to tie the proposed development into the surrounding public highway network. They would also address existing maintenance issues while improving the public realm directly adjacent to the site. The highway works are therefore justified in accordance with LDF Development Policies DP16, DP17 and DP21.

4.3.10 Camden's Transport Design Team has estimated the cost of the highway works adjacent to the site at £70,000. A copy of the cost estimate is provided in [Appendix SC12](#). A financial contribution for this sum should be secured as a Section 106 planning obligation.

4.3.11 I understand that the appellant is willing to sign a Section 106 planning obligation which would overcome this reason for refusal. The Council would then deem reason for refusal 2 to have been resolved.

Reason for Refusal 3

4.4 Construction Management Plan (CMP)

4.4.1 Reason for refusal 3 is described as follows:

The proposed development, in the absence of a Section 106 Legal Agreement securing a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and be detrimental to general highway and pedestrian safety and residential amenity, contrary to the National Planning Policy Framework chapter 4, paragraph 29 and 32 .

4.4.2 A CMP outlines how construction work will be carried out and how this work will be serviced (e.g. delivery and removal of materials, set down and collection of skips etc), with the objective of minimising traffic disruption and avoiding dangerous situations for cyclists, pedestrians and other road users, and of minimising the impact on amenity on construction vehicle routes to and from the site (DP16, DP20, DP21, CPG6, CPG7 and CPG8). The scale, type and location of a development will dictate whether the impacts of servicing a development during construction are significant or not.

4.4.3 Section 8.8 of CPG6 (Amenity) states:

- Construction management plans are required for developments that are on constrained sites or are near vulnerable buildings or structures;
- They are essential to ensure developments do not damage nearby properties or the amenity of neighbours.

4.4.4 Section 8.8 of CPG6 also states that a CMP is usually required for sites that create 10 or more dwellings or 1,000 sqm or more of floor space. The proposed development far exceeds these thresholds. The proposed scheme would not involve any external physical works. However, the internal reconfiguration of the units and installation of kitchens and bathrooms could result in a significant amount of construction vehicle movements.

- 4.4.5 The extent to which the project could affect the operation of the public highway is unclear. The project is unlikely to make a significant contribution to traffic congestion in the local area. However, the safety of road users, particularly vulnerable road users such as cyclists and pedestrians, is our primary concern. This could potentially be a problem as pedestrian routes are located directly adjacent to the site on Chalcot Road and Egbert Street.
- 4.4.6 The site is located within the Primrose Hill conservation area which is a quiet residential neighbourhood. Primrose Hill Primary School is located 100 metres from the site on Princess Road. The proposed works are likely to have an impact on residents' amenity (i.e. noise, vibration, air pollution). I understand that local residents have objected to the proposed scheme on this basis.
- 4.4.7 Failure to secure a CMP would potentially have a severe impact on the operation of the public highway in the vicinity of the site. Construction vehicles arriving at or departing from the site on an unscheduled basis could contribute to traffic congestion in the local area, particularly during peak periods. However, road safety would be our primary concern. Vulnerable road users, especially cyclists and pedestrians would be at risk without dedicated arrangements to provide for their safety.
- 4.4.8 Given the above points and noting that the vehicular accesses to the site are constrained, a CMP is required to manage and mitigate any impacts on the operation of the public highway. The CMP should be secured as a Section 106 planning obligation.
- 4.4.9 I understand that the appellant is willing to sign a Section 106 planning obligation which would overcome this reason for refusal. The Council would then deem reason for refusal 3 to have been resolved.

Reason for Refusal 4

4.5 Cycle Parking

4.5.1 Reason for refusal 4 is described as follows:

The proposed development, in the absence of a Section 106 Legal Agreement to secure the provision and permanent retention of the cycle parking, would be likely to fail to contribute towards sustainable and efficient transport modes, contrary to the National Planning Policy Framework chapter 4, paragraph 29, 30, and 35.

4.5.2 The Council actively encourages sustainable and efficient transport and supports the provision of high-quality cycle parking in line with national planning policy.

4.5.3 The proposal includes provision for 74 on-site cycle storage spaces. The cycle parking provision is proposed with a two-tier mechanism within two areas on site. This is considered to comply with local and national policy and would need to be secured via a legal agreement to be provided and permanently retained thereafter.

4.5.4 Failure to secure cycle parking facilities within the site boundary would do nothing to promote sustainable transport. Residents would be unlikely to keep bicycles within the residential units. And it would be unreasonable to expect residents to park bicycles in the public realm as they would be open to the elements. Theft would also be a significant concern.

4.5.5 The absence of cycle parking facilities would most likely lead to short distance trips being made by public transport. Although public transport is defined as being sustainable, Camden gives a higher priority to promoting walking and cycling, especially for short distance trips. Camden has objectives to reduce public transport over-crowding. The provision of cycle parking facilities is one of the key tools we can employ in this regard.

4.5.6 I understand that the appellant is willing to sign a Section 106 planning obligation which would overcome this reason for refusal. The Council would then deem reason for refusal 4 to have been resolved.

4.5.7 When the application was determined it was not clear whether there was a mechanism in place to secure conditions on a prior approval application. The Council therefore looked to secure cycle parking facilities as a Section 106 planning obligation. However, the Explanatory Memorandum published on 13th March 2014 provided clarity on this matter advising in paragraph 4.7 that local planning authorities may attach condition to grants of prior approval, as long as those conditions are relevant to the matter on which prior approval is sought. The Council would therefore be willing to secure the cycle parking facilities by condition. The Council would then deem reason for refusal 4 to have been resolved.

5.0 SUMMARY AND CONCLUSIONS

- 5.1 The appeal proposal fails to meet national, regional and local planning policy and guidance as outlined above. This is because the proposed development would fail to promote sustainable transport in the absence of various planning obligations.
- 5.2 Reason for refusal 5 (financial contribution towards pedestrian and environmental improvements in the area) is no longer relevant following further research undertaken by The Council.
- 5.3 However, the transport reasons for refusal could potentially be resolved through a Section 106 planning obligation. I understand that the appellant is willing to sign a Section 106 planning obligation which would overcome reasons for refusal 1-4. The Council would then deem reasons for refusal 1-4 to have been resolved.
- 5.4 In summary, reasons for refusal 1-4 would be addressed by the signing of a Section 106 agreement and reason for refusal 5 is no longer relevant.

LIST OF APPENDICES

SC1	Core Strategy CS11
SC2	Core Strategy CS19
SC3	Development Policy DP16
SC4	Development Policy DP17
SC5	Development Policy DP18
SC6	Development Policy DP19
SC7	Development Policy DP20
SC8	Development Policy DP21
SC9	Extracts from Camden's Transport Strategy
SC10	Plan of Chalcot Road public highway layout
SC11	Plan of Egbert Street public highway layout
SC12	Cost Estimate for Associated Highway Works