

**STATEMENT OF CASE ON
BEHALF OF KENTISH
TOWN DEVELOPMENTS
LTD**

**INFILL SIDE EXTENSION
TO 1ST FLOOR OFFICE
(CLASS B1A), AND 2ND
AND 3RD FLOOR
RESIDENTIAL UNITS
(CLASS C3) WITH
TERRACES, AND
ASSOCIATED
BALUSTRADE, AND
INSTALLATION OF TWO
ROOFLIGHTS**

LPA REF: 2014/3385/P

PINS REF:

APP/X5210/A/14/2224561

**PREPARED BY KR
PLANNING**

1. INTRODUCTION

- 1.1. This appeal follows the failure of the London Borough of Camden to determine a planning application for an amended design for an extension to the existing mixed use development.

2. SITE DESCRIPTION & PLANNING HISTORY

- 2.1. The application was supported by a Design and Access Statement and the Appellant intends to rely upon the site and contextual analysis contained within that document

- 2.2. The site description from the previous decision letter is as follows:

2.2.1. The appeal property is a four storey building with a large plant room occupying the roof area. It currently provides office space and 14 residential flats. At the time of my site visit the office space at ground floor level was unoccupied.

2.2.2. The surrounding area is of mixed character with a range of buildings in terms of age, form, external materials, scale and use. Relatively modern 5 and 6 storey flats are located to the west and south-west of the site, with 2 storey retail warehouse and office buildings to the north, and predominantly 3 storey dwellings to the east of the site. A tall 2 storey building lies immediately to the east of the appeal site.

3. PLANNING POLICIES

- 3.1. The relevant Government Guidance is contained within the NPPF, and its companion guides such as By Design and Better Places to Live. The Development Plan for the purpose of section 70 TCPA 1990 and s 38(6) PCPA 2004 is the 2011 London Plan and the 2011 LDF.

- 3.2. The NPPF retains the '*presumption in favour of sustainable development*', which is defined by five guiding principles as set out in the UK Sustainable Development Strategy (2005):

- Living within environmental limits
- Ensuring a strong, healthy and just society
- Achieving a sustainable economy
- Promoting good governance
- Using sound science responsibly

- 3.3. The Government believes that there are three dimensions to sustainable development, economic, social, and environmental, and these give rise to the need for the planning system to play three critical roles in England:

- An economic role- contributing to building a strong, responsive, and competitive economy

- A social role- supporting strong, vibrant and healthy communities
- An environmental role-contributing to protecting and enhancing our natural, built and historic environment

3.4. The NPPF sets out 12 core land-use planning principles which "*should underpin both plan-making and decision-taking.*" These stipulate that planning should:

- Be genuinely plan-led, empowering local people to shape their surroundings
- Not simply be about scrutiny
- Pro-actively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs
- Always seek to secure a high-quality design and a good standard of amenity for occupants for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them
- Support the transition to a low-carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources and the use of renewable resources
- Contribute to conserving and enhancing the natural environment and reducing pollution;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land);
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas
- Conserve heritage assets "in a manner appropriate to their significance"
- Actively manage patterns of growth to make fullest possible use of public transport, walking and cycling
- Take account of and support local strategies to improve health, social and cultural wellbeing for all

Brownfield land

3.5. The NPPF makes explicit that local plans should encourage brownfield sites to be brought back into effective use, provided that the site is not of high environmental value. Local authorities can consider setting local targets for the use of brownfield land.

Design

3.6. Section 7 of the NPPF focuses on the importance of good design. It states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." It encourages local plans to set out policies and consider design codes to set the design expectations of an area based on objectives for its future, including optimising "the potential of the site to accommodate development" and responding to "local character and history". However, such policies should

avoid unnecessary detail or prescription and imposing particular architectural style, allowing innovation in design.

The Development Plan

The London Plan (July 2011)

- 3.7. The London Plan 2011 is the statutory plan for London and sets out the strategic, citywide guidance for London, to which individual boroughs' planning policies are required to be in broad conformity. The original London Plan was published in 2004, and was revised in 2008 before being replaced this year. Further early alterations were published in October 2013. A new Plan is currently going through EIP. The Application is unlikely to engender consideration of strategic issues.
- 3.8. Policy CS6 states that: "The Council will aim to minimise social polarisation and create mixed and inclusive communities across Camden by j): seeking a diverse range of housing products in the market and affordable sectors to provide a range of homes accessible across the spectrum of household incomes; k) seeking a range of self-contained homes of different sizes to meet the Council's identified dwelling-size priorities; l) seeking a variety of housing types suitable for different groups, including families, people with mobility difficulties, older people, homeless people and vulnerable people; and m) giving priority to development that provides affordable housing and housing for vulnerable people."
- 3.9. Development Policy DP2 (Making full use of Camden's capacity for housing)' seeks to maximise the supply of additional homes in the Borough to meet housing targets.
- 3.10. Policies CS14, DP24 and DP26 seek high quality design in redevelopment schemes without harm arising to identified material considerations, including neighbour amenity.
4. PLANNING HISTORY
 - 4.1. The site has a varied planning history, most recently the approval to convert the ground and basement floors to permanent residential accommodation. The material change of circumstance since the last appeal appeal was dismissed has been the allowing of appeals at both 61-63 Holmes Road and 65-69 Holmes Road, with a further permission granted at 65-69 Holmes Road at local level.
5. MERITS OF THE APPEAL PROPOSED
 - 5.1. As a non-determination appeal, little is known about the Borough's attitude to the application, despite it being 7 weeks overdue.

5.2. The NPPF states that any attempt by local authorities to influence or stipulate what buildings should look like, as opposed to matters of mass and layout which may be contextually justified as described below, should not survive an appeal. The only exceptions to this rule are likely to be where local distinctive features are present throughout the area of search – a circumstance which will not trouble the decision maker in this instance.

5.3. For site specific considerations, the highly urbanised form of the area needs to be considered. The area has been the subject of recent re-development – all for proposals at least the height of the appeal scheme, and with façade treatments with significantly more robust built form than the appeal scheme.

6. THIRD PARTY COMMENTS

6.1. The Appellant was made aware of an objection based on loss of sunlight/daylight and provided a response which is already included within the Appeal papers. Where necessary, further response may be required upon production of the questionnaire

7. OTHER MATTERS

7.1. Officers are placed on notice of an application for a partial award of costs, relaying upon the advice at para :049 Reference ID: 16-049-20140306

8. CONCLUSION

8.1. The application site is previously developed land within the urban area and it has been previously determined that it can sustain further development. The application should have been approved at local level.