

**PLANNING STATEMENT OF ON
BEHALF OF TLX CAPITAL LTD
NEW DWELLING TO THE REAR
OF THE ALBERT PUBLIC HOUSE
SITE AT THE ALBERT PUBLIC
HOUSE, 11 PRINCESS ROAD,
LONDON, NW1 8JR**

KR PLANNING

OCTOBER 2014

1 INTRODUCTION

- 1.1 This Planning Statement has been submitted in support of TLX Capital's redevelopment proposals for the rear garden of 11 Princess Road, NW1
- 1.2 TLX Capital is delighted to bring forward a scheme of the highest quality in all respects, to this opportunity site located within the boundaries of the London Borough of Camden.
- 1.3 The Applicant has instructed leading architects Brooks/Murray to conceive a design solution of exemplary quality for the site.
- 1.4 The proposals have been revised and refined following negotiation with Officer of the London Borough of Camden. The scheme has evolved positively to respond to the issues raised during stakeholder consultation and has been revised to incorporate comments received where considered appropriate.
- 1.5 In headline terms the scheme entails:
- The provision of an two storey plus basement residential building on the Kingston Street frontage
 - The retention of the public house use, and its beer garden function
 - Architecture of the highest quality, meeting the policy objective to create a development of the highest order which creates its own identity but also integrates with this part of Camden;
- 1.6 This statement should be read in conjunction with the following documents:
- Scheme Drawings by Brooks/Murray
 - Design and Access Statement by Brooks/Murray
 - Heritage Impact Assessment by AHP
 - Sustainability/Code for Sustainable Homes/CMP/BIA and BRE Assessment by Create Engineering
- 1.7 For the reasons set out in this Planning Statement, we consider that the proposals are in accordance with the objectives of planning policy and guidance, and should be granted planning permission accordingly.

2 SITE AND SURROUNDS

- 2.1 The site and surrounds, the local context and the area of search are all identified within the Design and Access Statement.
- 2.2 The Albert is an attractive three storey corner pub, close to Primrose Hill which dates from the mid-19th century. The building shares common characteristics with the adjacent terrace to the north, with a strong stucco parapet and stucco surrounds to its timber sashes, but with a traditional timber and tiled ground floor frontage. To the rear is a large garden that encompasses both this site and part of the rear garden of the adjacent building at no.13 Princess Road.
- 2.3 The ground and basement floors are in Class A4 pub use whilst the first and second floors are in ancillary residential use to the pub. The property is not listed but is located within the Primrose Hill Conservation Area.
- 2.4 The existing site is located in the Primrose Hill Conservation Area. The Conservation Area appraisal states:
“There are five public houses within this part of the Conservation Area. These are located on prominent corner sites and are generally larger in width and height than the neighbouring terrace properties, with strong parapet lines to all elevations. The ground floor frontages are highly decorative with ornate columns, detailed joinery, timber panelling and high stallrisers
- 2.5 In June 2014, the Borough resolved to grant planning permission for the:
Conversion of residential accommodation (ancillary to public house) on 1st and 2nd floors to create 2 self contained 2-bedroom flats (Class C3), and erection of a mansard roof extension to provide a self contained 1 bedroom flat, plus associated alterations to ground floor rear entrance.

3 THE PROPOSAL

- 3.1 It is proposed to construct a two storey plus basement dwellinghouse on a portion of the rear garden of The Albert Public House.
- 3.2 The proposed scheme would be similar in scale, mass, height and alignment to other dwellinghouses within the immediate area of search. In terms of style, it will have a flat roof.
- 3.3 The house will be accessed from a pedestrian gate on Kingston Street. It will be constructed on three levels, with a combined living/kitchen/diner at basement level, then bedrooms on the floors above. The house will be provided with external amenity space.

4 LEGISLATION

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: "If regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 4.2 Section 38(5) of the Planning and Compulsory Purchase Act 2004 states that: "If to any extent a policy contained in a Development Plan for an area conflicts with another policy in the plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be)."
- 4.3 The Planning Act 2008 provides for an amendment to S39 of the Planning and Compulsory Purchase Act 2004, to identify neighbourhood plans as part of the Development Plan.
- 4.4 The enactment of the Planning Act 2008 provides for an amendment to S39 of the Planning and Compulsory Purchase Act 2004, to require LPA's, when complying with their S.39 duty to achieve sustainable development, to have regard (in particular) to the desirability of achieving good design.
- 4.5 S72 of the Planning (Listed Building and Conservation Area) Act 1990 requires that: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 4.6 Section 106 of the Town and Country Planning Act 1990 does not restrict the types of arrangements which can be entered into: relevant general provisions are that the s.106 obligation can be used for "restricting the development or use of the land in a specified way" (s.106(1)(a) and "requiring a sum or sums to be paid to the authority on a specified date or dates or periodically" (s.106(1)(d)).
- 4.7 The Community Infrastructure Levy Regulations 2010 prevents planning obligations being reasons to grant permission unless they are (1) necessary to make the development acceptable in planning terms, (2) directly related to the development, and (3) fairly and reasonably related in scale and kind to the development (regulation 122(2)).

5 PLANNING POLICY

National Planning Policy Framework

- 5.1 The 'introduction' of the Presumption in Favour of Sustainable Development ("the Presumption") in the NPPF is not a new concept to planning, but now takes on a much more prominent role. In the Foreword, Greg Clarke MP states:

"Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations." He continues: "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

- 5.2 Firstly, commenting on the presumption itself. For decision making, it means (for sustainable development):

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be Restricted.

- 5.3 The Presumption is also caveated with "unless material considerations indicate otherwise" so given the very wide remit of what constitutes a material consideration, it remains with the decision maker to identify assess and apply any known considerations.

- 5.4 There are two other aspects to bear in mind. Firstly, the Presumption is for "sustainable development" only. This has a lengthy definition at paragraph 7, listing an economic role, social role and an environmental role as the three dimensions to the definition. However, clarity for decision makers is still lacking, and the three "roles" are bound to conflict with each other. In addition, somewhat unhelpfully, at paragraph 6, it states:

"The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system."

- 5.5 The Applicant would commend the application scheme as being epitome of sustainable development.
- 5.6 Secondly, is the issue of when a development plan might be considered not to be “up-to-date”. This is specifically dealt with at paragraphs 211 to 216 in Annex 1. In short, for the 12 months following the publication of the NPPF, any local plan adopted after the 2004 Planning Act came into force will not be considered out of date as applied in this instance.
- 5.7 It is also important to consider the material change of policy brought about the introduction of the NPPF, and its considerations of heritage matters.
- 5.8 At the outset, it is important to note that the statutory duties of the Planning (Listed Buildings & Conservation Areas) Act 1990 have not changed in respect of protection and control for listed buildings and their settings, and conservation areas. The Act provides a strong legislative background, which has been well tested over the years. It remains the primary legislation.
- 5.9 Section 12 of the NPPF is entitled 'Conserving and enhancing the historic environment'. It condenses the outgoing PPS5 Planning for the Historic Environment, which was itself a drastic cull of PPGs 15 and 16, into sixteen short paragraphs.
- 5.10 The NPPF maintains the spirit of the PPS and its predecessors in upholding the general principle that heritage assets should be "sustained" and "enhanced" for the benefits they bring to the community. There is a clear direction to local authorities in paragraph 126 that these general aspirations should be linked into a positive strategy for conservation within local plans.
- 5.11 The logical and practical relationship between "significance assessment" and "impact assessment" established in PPS5 remains, requiring that the specific heritage value of an asset is clearly defined at the outset of a development proposal and that its influence is carried through into the detail of a scheme. The direction that significance assessment should be "proportionate" to the value of the assets also remains, although experience has shown that Local Planning Authorities have some difficulty in interpreting this effectively.

- 5.12 Appropriate assessment of value is also a point made expressly in Paragraph 127, where the policy requires that Conservation Areas not be "devalued" through the designation of area that lack special interest. This counters the tendency for Conservation Area to include areas with 'hope value' for improvement, which can sometimes stifle opportunities for re-development.
- 5.13 The assessment of potential "harm" also aligns with PPS5, so that impacts are either judged as "substantial harm" or "less than substantial harm", balanced with a series of tests including the potential for harm to be outweighed by "public benefits". These terms will be the focus of the application of the policy and the numerous appeals, which will test their applicability
- 5.14 The statutory development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 comprises:-
- The London Plan being the Spatial Development Strategy for Greater London adopted by the Mayor of London ('Mayor') in July 2011, hereinafter referred to as the London Plan. This is to be regarded as an up to date development plan to which significant weight should be accorded.
 - The Camden Core Strategy (Nov 2010)
 - The Camden Development Management Plan (Nov 2010)

The London Plan (Early Revision Oct 2103)

- 5.15 The London Plan 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.
- 5.16 In summary the London Plan sets out to:
- Meet the needs of a growing population with policy on new homes, including affordable housing, housing design and quality, and social infrastructure, which will promote diverse, happy and safe local communities;
 - Support an increase in London's development and employment with policy on: outer London, inner and central London; finding the best locations for development and regeneration, and

- protecting town centres; encouraging a connected economy and improving job opportunities for everyone, so that London maintains its success and competitiveness;
- Improve the environment and tackle climate change by: reducing CO2 emissions and heat loss from new developments; increasing renewable energy; managing flood risk, ensuring water supply and quality; improving sewerage systems; improving London's recycling performance and waste management; and protecting our open spaces making London a green and more pleasant place to live and visit;
- Ensure that London's transport is easy, safe and convenient for everyone and encourage cycling, walking and electric vehicles.

5.17 The Development Plan also requires regard to be had to the need to encourage, rather than restrain, residential development. Para 3.13 advises:

The Mayor is clear that London desperately needs more home in order to promote opportunity and real choice for all Londoners, with a range of tenures that meets their diverse and changing needs and at prices they can afford

5.18 And this is then expressed in terms of Policy 3.3, where it states:

The Mayor recognizes the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford

5.19 It is surmised that the policy issues raised at Policy 3.4 (Optimising Housing Potential), 3.5 (Quality and Design in Developments) and Policy 3.8 (Housing Choice) are all relevant to the determination of the application.

5.20 The London Plan Policy 6.1 encourages the closer integration of transport and development by encouraging patterns of development that reduces the need to travel, especially by car, seeking to improve the capacity and accessibility of public transport, walking and cycling, supporting developments that generate high levels of trips only at locations with high levels of public transport accessibility and improving the interchange between different forms of transport.

5.21 At the strategic level adopted London Plan Policy 7.1 looks to ensure that adequate provision of social infrastructure and community facilities, in accord with the principles of a Lifetime Neighbourhood.

- 5.22 Core Strategy CS6 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. This is to be achieved by 'resisting *alternative development of sites considered particularly suitable for housing*'.
- 5.23 Policy DP5 (Homes of different sizes) states that the Council will contribute to the creation of mixed and inclusive communities by securing a range of self-contained homes of different sizes. The Council will seek to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table, including conversion of existing residential and non-residential floor space and will expect a mix of large and small homes in all residential developments.
- 5.24 CS10 details that a key part of the strategy for managing Camden's future growth is ensuring services, facilities and infrastructure to support the local community and visitors is provided in suitable locations. This is to meet increasing demand caused by a growing population in the borough. Part f of CS10 states that the Council will "support the retention and enhancement of existing community, leisure and cultural facilities".
- 5.25 DP15 compliments policy CS10 by providing a detailed approach to the protection of existing community facilities (amongst other matters). The policy states that:
The Council will protect existing community facilities by resisting their loss unless:
- a replacement facility that meets the needs of the local population is provided; or,
 - a replacement facility that meets the needs of the local population is provided; or, the specific community facility is no longer required in its current use. would not create, or add to, a shortfall in provision for the specific community use and demonstrate that there is no demand for any other suitable community use on the site.
- 5.26 Para 15.7 of the DPD advises:
We will also resist the loss of local pubs that serve a community role (for example by providing space for evening classes, clubs, meetings or performances) unless alternative provision available nearby or it can be demonstrated to the Council's satisfaction that the premises are no longer economically viable for pub use.

5.27 Policy DP24 and DP26 seeks high quality design in redevelopment schemes without harm arising to identified material considerations, including neighbour amenity. DP24 is an aspirational criteria based police. DP 25 seeks to conserve Camden's heritage, and to ensure the new development responds to the characteristics of the designated assets. DP26 is a development control policy, further comment on which is provided below.

5.28 In our view, the scheme is compatible with the national, regional and local policy objectives:

- It enables the replacement of an existing underutilised site (NPPF paragraph 17, Core Strategy CS8 and Development Policies DP2).
- The proposal will provide much needed housing (NPPF 6, London Plan Policies 3.3 and 3.4, Core Strategy CS1 and CS6, Development Policies Policy DP2).
- The high quality design creates usable, durable and adaptive places (NPPF 7, London Plan Policies 7.4, 7.5 and 7.6, Core Strategy Policy CS14, Development Policies DP24 and DP25).
- It responds appropriately to heritage assets, namely the designated Conservation Area and removing a building identified as making a negative contribution to the character of the Conservation Area (NPPF 12, London Plan Policies 7.4 and 7.8, Core Strategy Policy CS14 and Development Policies Policy DP25).
- Prudent use of natural resources through energy efficiency and renewable energy generation (NPPF 10, London Plan Policies 5.2, 5.3 and 5.7, Core Strategy Policy CS13 and Development Policies Policy DP22).

6 PLANNING MERITS

PRINCIPLE OF DEVELOPMENT

- 6.1 The beer garden, whilst an amenity to the customers, cannot be said to be performing a community role. Furthermore, a beer garden in reduced size will remain in situ on the site and the public house use will be retained (not Development as defined by the 1990 Act) with no change in its floor area or function.
- 6.2 The principle of redeveloping the site for housing of the nature and density proposed is considered to be acceptable. There can be no objection to the removal of the gap, and residential provision is welcomed as the acknowledged priority of the Development Plan.

The Design of the Scheme

- 6.3 The conservation area predominantly comprises Victorian terraces. The pub site has two frontages, being at the junction of Princess Terrace and Kingston Street. This detachment by the pub yard, latterly styled a beer garden, is fortuitous and not a design feature. It is apparent that the strategic design decision to remove the previous terraced housing, and replaced it with set piece flatted development has been a townscape disaster.
- 6.4 It is more usual for the terraces to terminate with taller elements, particularly at street corners. As noted within the Heritage Impact Assessment some of these were built as public houses, very frequent emphatic corner features of Victorian developments. This virtual convention from that era is still respected.
- 6.5 The opportunity to repair in the townscape, and in response to the character and appearance of the conservation area, that the massing of the proposal should include continuation of the terraces, linking the site to the greater built form aspecting onto the main road. The latter seems to me to be conceived to accentuate the townscape role of the site as the context demands.

- 6.6 The materials and fenestration of these lower elements, and indeed of the proposal as a whole, are designed to relate seamlessly to the elevational rhythm and the development grain of the terraces. The materials and detailing are contemporary and handled with sensitivity. The design demonstrates how in skilled hands modern architecture can harmonise with historic settings. In my judgement the proposed massing is particularly successful in integrating the proposal into the townscape.
- 6.7 The proposals will contribute to meeting strategic housing targets for LB of Camden set out within the London Plan. The provision of high quality homes will contribute to the availability of permanent residential accommodation in the Borough.
- 6.8 Aesthetically, the building is a modern piece of architecture, constructed using modern methods. However, it is important to reflect local vernacular materials to achieve a sense of place and fit in with the feel of the locality. Here, high quality materials, subtly brought together with considered detailing provide a high class finish whilst remaining respectful to the surroundings.

Quality of Residential Accommodation

- 6.9 Consideration must also be given to the quality of the accommodation provided to ensure that the living conditions of the units reach acceptable levels for future occupiers. The scheme exceeds the Mayor's requirements for minimum floor area.
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Neighbour Amenity

- 6.11 The Application site is separated from its neighbours by roads on each side. In terms of privacy the proposed windows overlook public space or beer garden rather than onto surrounding properties and therefore in regards to privacy and over dominance, the proposed development is acceptable.

- 6.12 The Application is supported by a BRE Daylight/Sunlight assessment. This analysis demonstrates that the impact on neighbouring properties will be in accord with these nationally recognised, objective standards. The one window that does fail serves a room that is also lit by south facing French doors and will therefore suffer very little diminution to its amenities.
- 6.13 A draft CMP is included within the Application materials so that neighbours can ascertain potential impacts during construction and understand the processes intended to mitigate those impacts.

Lifetime Homes

- 6.14 The Applicants have indicated that the proposals comply with Part M of the Building Regulations in the context of Lifetime Homes. A full Lifetime Homes assessment is provided within the Design and Access Statement.

Sustainability

- 6.15 It is proposed that the dwelling will achieve the mandatory energy requirements of Code for Sustainable Homes Level 4. This requires that Building Regulations Part L (2010) is achieved

7 CONCLUSION

- 7.1 National, strategic and local planning policies all place strong emphasis on the need to re-cycle urban land in order to safeguard Greenfield sites and land in other sensitive areas. The proposed development successfully achieves a balance between the potentially competing objectives of development and the conservation of the environment, and thereby satisfies the goal of "sustainability". They properly maximise the use of this central "brownfield" site without giving rise to any planning problems – in particular, by avoiding compromising the living and working of adjoining residents and businesses.
- 7.2 It is considered that the proposal is acceptable in land use terms and it:
- Re-uses previously developed land
 - Optimises the use of the Site, by providing a high density and quality of development in a location that benefits from an excellent level of public transport facilities
 - Encourages the use of public transport and energy-efficient transport
 - Promotes reduced levels of car parking
 - Provides a safe, accessible, efficient connection to the local area and pedestrian network
 - Assists in meeting the recognised Borough and London need for housing including mix
 - Will maintain the viability of the existing public house
- 7.3 A design-led approach has been undertaken that has considered the local context, setting, and accessibility of the Site. The proposal would not have a significant effect on the residential amenity of adjoining occupiers in terms of loss of light, outlook or privacy and would be of an acceptable visual appearance in terms of design, scale and massing.
- 7.4 In providing a building of appropriate scale and mass, the proposal would preserve the character and appearance of the conservation area.
- 7.5 In accord with the development plan, the LPA's priority is for the provision of permanent housing, and this scheme achieves that laudable aim. The proposal is therefore the epitome of compliance with the Development Plan and it deserves the presumption in favour of its approval.

APPENDIX A