

PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

Planning (Listed Buildings and Conservation Areas) Act 1990

APPEAL

STATEMENT OF CASE

Appeal by Mr P Ross against non determination

Site at 152 Royal College Street, London, NW1 0TA

Erection of 5 x apartments and a retail unit comprising 39sqm.

This statement sets out the Council's decision which would have been made had an appeal not been lodged. A copy of the decision notice had an appeal not been lodged is included within Appendix 1.

1.0 Summary

- 1.1 The proposed application is for the redevelopment of a currently vacant site at 152 Royal College Street to provide a new end of terrace property comprising a new basement plus four storeys along with a basement and ground floor rear addition.
- 1.2 The proposal includes the provision of a ground floor retail unit and 5 residential units.
- 1.3 The proposal is considered to be contrary to the following policies:
 - LDF Core Strategy and Development Policies
 - CS6 Providing quality homes
 - CS11 Promoting sustainable and efficient travel
 - CS13 Tackling climate change
 - CS14 Promoting high quality places and conserving our heritage
 - CS15 Protecting and improving our parks and open spaces
 - CS18 Dealing with our waste and encouraging recycling
 - CS19 Delivering and monitoring the Core Strategy

DP5 Homes of different sizes
DP6 Lifetime homes and wheelchair homes
DP16 The transport implications of development
DP17 Walking, cycling and public transport
DP18 Parking standards and the availability of car parking
DP19 Managing the impact of parking
DP22 Promoting sustainable design and construction
DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP28 Noise and vibration
DP32 Air quality and Camden's Clear Zone

Supplementary Planning Policies
Camden Planning Guidance 2013:
CPG1 Design
CPG2 Housing
CPG3 Sustainability
CPG4 Basements
CPG7 Transport
CPG8 Planning Obligations

Camden Broadway Conservation Area Appraisal

2.0 The status of the Development Plan

2.1 The Statutory Development Plan is the London Borough of Camden Local Development Framework Core Strategy and Development Policies, adopted following all due consultation and examination in November 2010.

3.0 Council's case

3.1 The Council would have refused this application on the following grounds had an appeal not been made:

Design

3.2 Policies CS6 and DP24 of the Council's LDF states that the Council will require all development to be of the highest standard of design and will expect developments to consider character, setting, context and the form and scale of neighbouring buildings, as well as the character and proportions of the existing building, where alterations are proposed.

3.3 Policies CS14 and DP25 of the Council's LDF states that the Council will only permit development within conservation areas that preserves and enhances the character and

appearance of the area and where development would not cause harm to the special interest of a listed building.

- 3.4 The proposal fails to respect and in fact overwhelms the existing terrace in terms of its elevations treatment. The submitted scheme demonstrates a rather plain character, so much as the openings and alignment take little or no cue from the adjacent 19th Century terrace but also fail to have a character of its own. Any scheme on this site should provide a pared down contemporary version of a terraced townhouse. The building should therefore represent a rectangular vertical envelope with simple palette of materials and regular punctured openings. The design fails to respond to, and reinforce the classical facades of the adjoining 19th Century terrace.
- 3.5 In addition, while the proposal is set back at roof level on the Royal College Street elevation, it is not recessed on the Baynes Street elevation. This results in an over-dominant roof level which is taller than the remainder of the terrace and not subservient.
- 3.6 The proposal therefore fails to respect the existing terrace in terms of its design, and would result in an over-dominant and bulky roof addition. The proposal is therefore considered to harm the adjacent terrace as well as the surrounding Conservation Area and is therefore contrary to policies CS6 , CS14, DP24 and DP25, CPG1 and the Camden Broadway Conservation Area Appraisal.

Quality of Residential:

- 3.7 Policy DP5 seeks to ensure that all residential development contributes to meeting the priorities for dwelling sizes. Schemes of this nature are expected to provide at least 40% of market housing as two bedroom units, and 1 bed and studio flats are identified as being a low priority for the borough.
- 3.8 The housing mix and size of units is set out in the below table.

Floor Level	Unit No.	Bedrooms/Persons	Floorspace (GIA sqm)	CPG	London Plan
B	5	1/2	41	48	50
G+B	4	1/2	60	48	50
1	1	1/2	51	48	50
2	2	1/2	46	48	50
3	3	1/2	39	48	50

- 3.9 The proposal comprises 4 x 1 bed flats and 1 x studio flat. This is contrary to policy DP5 which expects at least 2 units to be 2 bedroom. No justification has been provided for the proposed housing mix which is contrary to policy.

- 3.10 Policies CS6 and DP26 requires that residential developments provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space. CPG2 and the Mayor's Housing SPG sets out minimum dwelling sizes which are repeated in the table below. In addition, these documents require a good level of amenity for new residential development including acceptable levels of sunlight and daylight. With regard to dwellings within basements, natural light is required to be provided to all habitable rooms and walls or structures should not obstruct windows by being closer than 3m.
- 3.11 As the above table sets out units 2, 3 and 5 all fail to meet the relevant minimum dwelling size. In addition, the submitted plans show a poor level of amenity for the basement and ground floor residential units, with the bedroom of flat 4 failing to receive any natural light other than what might be provided through a glazed walkway above. The applicant has not demonstrated that flats 4 and 5 would achieve satisfactory levels of daylight and sunlight in accordance with CPG2.
- 3.12 Policy DP6 requires that all residential development meets the requirements of Lifetime Homes. The applicant has submitted an Access Statement with the application however this does not demonstrate out how the 16 requirements of Lifetime Homes have been met and the plans and Design and Access Statement fail to demonstrate this. This is again indicative of the poor quality of housing proposed and contrary to Policies CS6, DP6, CPG2 and the Mayor's Housing SPG.

Basement Impact Assessment:

- 3.13 Policy DP27 and CPG4 requires the assessment of the impact of the basement on drainage, flooding, groundwater conditions and structural stability and requires that a Basement Impact Assessment (BIA) is submitted and carried out by qualified individuals. The BIA has not been prepared by a Hydrogeologist with the "CGeol" (Chartered Geologist) qualification from the Geological Society of London, as required by CPG4. This is a pre-requisite in this instance given that the site is located in an area of concern regarding Subterranean (groundwater) flow. The proposal has therefore failed to provide adequate information to satisfactorily demonstrate that the proposals would not result in a detrimental impact on ground water flows. Further, as the BIA has not been independently assessed it fails to demonstrate compliance with policy DP27 and CPG4.

Transport

Cycle Parking

- 3.14 It is proposed to use a semi-vertical cycle rack which is not in line with CPG7 Transport guidance and the Council advise against using this substandard type of cycle parking. The Council's design standards require either the standard Camden M-Stand, Sheffield stands or 2-tier Joster. If the appeal is allowed it should be conditioned that these plans be revised to meet our standard, with 5 cycle spaces which must be allocated to the residential units.

Management of Construction Impacts on the Public Highway in the local area

- 3.15 The proposal would involve construction works from the public highway, as there is insufficient room on the property to build it on site. This is likely to generate a number of construction vehicle movements during the overall construction period. The Council's primary concern is public safety and also the need to ensure that construction traffic does not create (or add to existing) traffic congestion or cause problems to other road users. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). If this appeal is allowed the Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A Construction Management Plan (CMP) should therefore be secured as a Section 106 planning obligation.
- 3.16 The Council have a pro-forma that is recommended to be prepared once a Principal Contractor has been appointed. The CMP, in the form of the pro-forma, would need to be approved by the Council prior to any works commencing on site. A Key element of the CMP should address (amongst others) best practice guidelines in TfL's Standard for Construction Logistics and Cyclist Safety (CLOCS) scheme:
- o <http://www.clocs.org.uk/standard-for-clocs/>
- 3.17 The Council has now adopted a CMP pro-forma and this is recommended to be completed as part of a Section 106 agreement if this appeal is allowed. Due to the ease of access to the site, the Council would not need to approve a CMP before planning permission is granted. However, the final CMP would need to be approved by the Council prior to works commencing on site.
- 3.18 The Developer must also ensure that they are granted all relevant Highways licences before the commencement of works.

Servicing and refuse collection

- 3.19 The Refuse storage area is proposed to be located at basement level and will require the storage units to be pulled or carried up two flights of stairs. This design is not appropriate for this residential unit, would be unusable by disabled occupants and is contrary to Camden Planning Guidance 6: design, figure 16 which states that, '*Storage facilities must be at or near street level, and should be accessible via appropriately sized and graded ramps to allow bins to be wheeled to and from the collection point easily.*'
- 3.20 There is also no recognisable refuse storage for the commercial use of the site and this is contrary to CPG6.

Car Free

- 3.21 This proposed site has a PTAL rating of 6a and is deemed to have excellent public transport connections, therefore if this appeal is allowed the residential units should be classified as

Car Free to minimise impact on the limited local residence parking bays and be included as a S106 condition.

Pedestrian, Environmental and Cycle Contributions

3.22 The Council has an on-going project to develop the local area to explore ways of encouraging walking and cycling as the primary modes of transport for trips to and from Royal College Street. The Council can do this by making improvements to walking and cycling routes in the local area. If this appeal is allowed the Council would seek to secure a financial contribution of £6,950 for Pedestrian, Cycling and Environmental Improvements in the local area. A financial contribution of £6,950 should be secured as a section 106 planning obligation.

Highways Contribution

3.23 The proposed works are likely to lead to a significant level of damage to the footways and carriageway directly adjacent to the site on Baynes Street and Royal College Street. The proposal would also require changes to the existing vehicular access arrangements on Baynes Street. Camden would need to undertake highway works following completion of the proposed works. This would allow the proposed scheme to be tied into the surrounding public highway. The highway works would include

- Removal of the existing vehicle crossover on Baynes Street.
- Repaving of the footways on Baynes Road and Royal College Street as Required (directly adjacent to site)

3.24 A financial contribution for highway works should be secured as a section 106 planning obligation.

Sustainability

3.25 Policies CS13 and DP22 set out that all new developments should minimise the effects of and adapt to climate change. All development is encouraged to meet the highest feasible environmental standards.

3.26 While the application includes a Code for Sustainable Homes pre-assessment, it fails to demonstrate the proposal would reach level 4 for Code for Sustainable Homes, with a minimum standard for categories of 50% in energy, water and materials and is therefore contrary to policies CS13 and DP22.

S106

3.27 The applicant has failed to secure certain measures by way of Section 106 legal agreement. Notwithstanding the above reasons for refusal, such measures would be required in order for the proposals to be acceptable.

- 3.28 The proposed development results in the requirement to provide an open space contributions. Many developments by the extent and nature of their occupancy will lead to an increase demand for and use of public open spaces. The protection and improvement of these spaces and the provision of new open spaces in Camden is encouraged by policies CS15 and DP31 of the LDF. It is considered that this development will contribute to demand for open space in the area and as such should contribute to the provision on improved open space in the local area. In accordance with the formula laid out in CPG8: Planning obligations, the expected contribution for this development would be £4,085.
- 3.29 The proposed development results in the requirement the proposed development results in the requirement for the provision of pedestrian, cycle and environmental improvements. CPG8 states that a while range of developments, will normally be expected to contribute towards improvements to the surrounding streets and public realm. The expected contribution for this development would be £6,950.
- 3.30 The proposed development is required to agree to a bond of £5,000 to make good any damage to the public highway as a result of the construction of the development, should this appeal be allowed. CPG8 states that Highways Works can be secured via the S106 Agreement.
- 3.31 The proposal is required to be car-free development. The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent). The London Plan 2011 and Policy DP18 identify that car-free and car-capped should not only be sought for housing but also for developments in general and should be ensured by Boroughs in areas of high public transport accessibility. Therefore, this development should be made car-free through a Section 106 planning obligation.
- 3.32 The proposed development would require a Construction Method Statement to be secured as part of the S106 Agreement to ensure the impact of the construction on neighbouring properties and the local highway is minimised in accordance with policy DP26, DP27 DP28, DP32 and CPG4.

4.0 CONCLUSION

- 4.1 The Council has set out above the reasons why the planning application was refused and why it upholds the reasons for refusal.

4.2 The inspector is therefore respectfully requested to dismiss the appeal against the refusal of planning permission and listed building consent.

5.0 CIL

5.1 If the appeal is allowed the proposed scheme would be liable for Mayor of London's Community Infrastructure Levy due to the scale of the development.

6.0 CONDITIONS TO BE IMPOSED

10.1 If the Inspector allows the appeal it is recommended that following conditions should be imposed: