

# **Section 9**

# **Concluding Summary**

## Conclusion

The applicant has instructed AHMM to design the proposed scheme, having regards to the guidance contained within the Hawley Wharf Area Planning Brief and other national, regional and local policy guidance.

At a national level, the proposals are highly sustainable. The existing low quality, under-utilised site will be regenerated into a successful mixed use development.

At a regional level, the London Plan prioritises development in locations which are well served by public transport. The site is partially located within Camden town centre and public transport links are excellent. The London Plan also supports sustainable developments and the provision of housing.

At a local level, the proposals are at the heart of the strategic Core Strategy objectives.

The proposal:

- Creates a sustainable development, plugging into the Hawley Wharf DEN.
- Provides employment opportunities.
- Provides additional open space to the towpath and encourages walking and cycling, thus enabling people to lead active, healthy lives.
- Creates a safe and secure environment for existing and future residents and workers.
- Aims to improve a key access point to the towpath and a space currently disturbed by crime and anti-social behaviour.

It is considered that the proposed development will regenerate and transform the existing disused site into a new high quality mixed use scheme. The development will deliver significant improvements to the public realm in this part of Camden and will be a successful addition to the approved Hawley Wharf masterplan, completing the open space that leads from the 'Arches space' to Kentish Town bridge and introducing further 24hr activity into this area of the site.

The proposal demonstrates that it satisfies and exceeds planning policies and guidance at national, regional and local levels. The application fully accords with policy objectives to deliver a sustainable, mixed use and balanced community.





# **Appendix A**

# **Heritage Statement**

## Spatial and character analysis of Area E

The site falls within the Regent's Canal Conservation Area, a heritage corridor of unique character, but the elements which contribute towards the neighbourhood identity, are not necessarily confined to the Conservation Area or other boundaries.

The character of the environs developed over the years and today, largely derives from the presence of four distinct but interrelated elements: the Regent's Canal, Chalk Farm Road, the Railway viaduct and the market activities.

The street pattern is almost unaltered from those established in the 1840's when the Hawley Estate was laid and Camden Town expanded following the opening of the Regent's Canal.

The passing of the North London Railway Act in 1846, to connect the West India Docks at Blackwell to Camden Town facilitated the construction of these eight miles of railway on extensive viaducts, which reached Camden Town in 1850 before extending to Hampstead Road the following year. The construction of the railway had a major impact in the character of the area, with several villas demolished including those on the subject site, detracting from the original uniformity of Kentish Town Road in particular. The arrangement of the buildings, the size of plots and links between spaces underwent changes in the second half of the 19th century, after the railway viaduct, depots and goods yards were introduced. In recent years, as for many other areas in London, large footprint buildings have replaced those of a small footprint.

The streetscape of Kentish Town Road is that of a busy road, with four to five storey terraces to the west of the railway viaduct. Nos. 48 to 64 Kentish Town Road are statutorily listed at Grade II for their architectural or historic interest, all set back with long front gardens behind low brick walls with railings.

The Jeffrey's Street Conservation Area runs from one small triangular open space at the junction of Kentish Town Road and Camden Street, opposite the listed terrace west of the Site, to another, where St Pancras Way branches off Royal College Street. It consists, mainly, of 18th and 19th century terraced houses set between areas of green open space. The massive brick viaduct of the North London railway cuts diagonally across the southern end of the area, impeding any views to and from the subject site from the public realm.

The demolition of the former buildings on Area E was approved by appeals APP/X510/A/05/1183439 and APP/X510/E/05/1190971 dated 6th June 2006, in accordance with the terms of the applications ref. 2005/3226/C refused 22nd September 2005 and 2005/0530/P refused 6th June 2005, which also consented the construction of a new four storey building with ancillary residential accommodation and office space. The renewal of the latter was refused on 23rd June 2011 (ref. 2011/1209/P), due to the replacement of residential units with commercial uses on a site considered particularly suitable for housing, among other considerations.

Area D of the consented planning permission 2012/4628/P granted on 23/01/2013 bounds the site to the north. The committee report refers to the scheme as follows: 'Area D is a residential building with a frontage on Kentish Town Road and onto the canal at its western end, but is otherwise contained by the merged viaduct and the Samuel Smiths site. As supported previously, the building is suitably influenced by robust brick warehouse architecture and is appropriate in scale to Kentish Town Road (six storeys with the top floor set back by 3m)'.

## The Regent's Canal

The character of Regent's Canal changes dramatically along its course, ranging from enclosed spaces to wider open spaces; hard industrial townscapes to semi-rural sections; buildings against the Canal edge to those that are set back with landscaping adjacent to the Canal.

Following the decline of traditional related commercial activities, the Regent's Canal has been increasingly recognised as a valuable resource in terms of water-based tourism and leisure activities, informal recreation, biodiversity and transportation potential. Leisure boat trips are regularly available and the towpath is a well-used and appreciated amenity for residents and visitors.

The Canal traverses the area under consideration, from West to East, flowing gently through a series of locks, two of which are in the Regent's Canal Conservation Area (Sub-area one).

The relationship with the canal is an important aspect of the historical development of the area. Today the early mercantile role of the Canal is superseded, but the environmental quality of the waterfront still plays a determinant part on the character of the area.

The continuity of the open space, the presence of the water, and the informal greenery and planting confer to the area a natural and picturesque quality. In this section of the Canal, the bridges as well as the passages below are important features and essential parts of the canal side experience.

The passage below Hampstead Bridge is a feature that was added with the construction of the new bridge in 1877 to allow continuity of the tow path. Prior to that horses had to be unhitched and taken over the road, as the tow path changes sides.

The redevelopment of the underused Camden Lock site after the decline of canal-related activities for the craft markets started in the 1970s.

## Views

From Hampstead Bridge the views towards Hawley Wharf are dominated by the lock and the taller elements, historic and contemporary, behind it.

The changing relationship between water and buildings, and the different types of built forms facing the canal contribute to the variety of views.

The view from the Hampstead Bridge looking east towards the Hawley Lock reveals the steepest fall along the canal that drops considerably over the three flights of locks. The wharf and the basin have a slightly more open aspect, as the canal widens at this point and their height varies up to 3-4 storeys. Their relationship with the waterway is less formal and the frontages do not lie parallel to the canal. To the right, the view is dominated by the former TV-AM buildings, converted in 1981-82 by Terry Farrell and more recently by Jacobs Webber for new owner Viacom. Looking to the North-East, the view will be that of the Hawley Wharf development, consented in January 2013 and currently progressing. In the background the railway viaduct is the main horizontal element, and will continue to dominate the view.

Approaching the site from the Kentish Town Bridge, the view towards the west is characterised by the lock in the forefront and the sinuous layout of the canal, which has the towpath on the northern side. The railway viaduct is in the background.

The view at towpath level looking towards the site is characterised by the water, the Hampstead Road cast-iron girder bridge, and the large-scale buildings in the background. Permeability from the towpath towards the site and Chalk Farm Road on this side of the canal is compromised by the changing levels. Daily usage confirms that there is a lower vitality and appreciation of the canal on this side compared to the bridge on the West.



The terraces on Chalk Farm Road and Kentish Town Road, which represent the earliest developments near the site, were conceived without any attempt to make connection with the canal. The waterways were then considered exclusively for their commercial purpose. Interactions with the canal were fully exploited some years later in the second half of the 19th century after the arrival of the railway. The subject site became a very busy depot first and an industrial site later.

The isolation of the residential uses from the canal has remained since their construction, while the interrelationship between the canal, the railway viaduct and the site was lost completely until the regeneration of the Hawley Wharf.

### Conservation Areas

Area E is located within Sub Area 1 of Regent's Canal Conservation Area. Although the Regent's Canal is a continuous area of open space it is not perceived as such because of its twisting route. The special character of the area is largely derived from the nature of the Canal and tranquil space created by the surrounding townscape largely turning its back on the Canal.

To the northeast of the site, the neighbouring Jeffrey's Street Conservation Area is considered to have a distinct quality that largely retains its Georgian character.

### Listed Buildings

Nos. 55 and 57–63 Kentish Town Road are listed Grade II. Their rear gardens end against the eastern boundary of the site. No 55 is a detached villa dating from the early C19, built of yellow stock brick with slated pitched roof with pitched dormers. Nos. 57-63 are two pairs of semi-detached villas also dating from the early C19, their facades finished in stucco and with slated hipped roofs.

### Non-designated Structures

Whilst not designated, the existing elevated railway viaducts which bisect the site are of interest with regard to their heritage. The arches supporting the railway viaduct and the bridges over the street have a strong and imposing identity which contributes to the legibility and vivid image of the area. They impose an industrial rhythm and monumental scale to the street scene. Their dramatic intervention, shown on the historic maps, typifies the Victorian dynamism in planning. Their legibility is partly obstructed by the structures built within. In the past the arches were used as storage for coal, but also as linkages between spaces.

### Significance of the heritage assets

In assessing the significance of the heritage assets, consideration has been given to the policies contained in the National Planning Policy Framework (NPPF), and the guidance contained in English Heritage's "Conservation Principles" (2008); DCMS "Principles for Selection for Listing Buildings" (2010); and the "Hawley Wharf Area Planning Framework Supplementary Planning Document 2009". The general principles are as follows:

- Intrinsic architectural merit (architectural design, plan form, decoration, craftsmanship, building type and technological innovation or virtuosity);
- Completeness in terms of external characteristics, internal features and plan form; any alterations to the early or period features or layout were considered detrimental to the completeness of the building and therefore to its significance;
- Contribution to the character of the area due to its value as a landmark, or as particular good example of local traditions, or for the space that it defines in term of mass and scale;

- The extent to which the building illustrates important aspects of the nation's social, economic, cultural or military history and/or close historical associations with important people or events.

Consideration has also been given to the setting of the heritage assets according to the National Planning Policy Framework. The NPPF defines 'setting of a heritage asset' as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'.

### Evidential value

"Evidential value derives from the potential of a place to yield evidence about past human activity" (Conservation Principles para 35).

"Evidential value derives from the physical remains or the genetic lines that had been inherited from the past. The ability to understand and interpret the evidence tends to be diminished in proportion to the extent of its removal or replacement" (Conservation Principles para 36).

In the case of Hawley Wharf, the evidential value is the built form and physical development which took place because of the industrial revolution, though it evolved over pre-existing patterns of landholding. The development of various transport infrastructures at the site has been key in imparting its singular character to the site; in particular the man-made Regent's Canal and the railway arches were fundamental for the development of the area and for the characterization of the landscape.

The construction of the canal was a major event contributing to Camden Town's configuration and an important aspect of the historical development of the area as a whole.

Today, the early mercantile role of the Canal has been superseded, but the environmental quality of the waterfront still plays an integral part in the character of the area.

In the early 1970s with local industries in serious decline, rents became reduced and many artists and craftsmen moved to the area. In 1971 some old industrial buildings were leased on short term lets to local craftsmen and soon a weekend market started. Over the next decade the area became so popular that three other markets were opened on or near Chalk Farm Road. The area now is synonymous with the market, with the Regent's Canal providing a scenic backdrop.

The Regent's Canal Conservation Area is varied in scale and character in its whole extension. 'Different sections of the canal vary considerably in terms of aspect, level, width and orientation and in the nature and function of adjacent buildings and landscape'.

The Hampstead Road locks were completed in 1820 and are the only original double locks still operating on the canal. They are unusual in being clearly visible from the street at Hampstead Road Bridge. The original Hampstead Road Bridge was completed at the same time but was subsequently demolished and replaced by the existing grade II listed bridge in 1876.

The continuity of the open space, the presence of the water, and the informal greenery and planting confer to the area a natural and picturesque quality. In this section of the Canal, the bridges as well as the passages below are important features of evidential value and essential parts of the canal side experience.

The railway arches hold high evidential value for the Camden area as a whole. They are strong contributors, along with the Regent's Canal, to the industrialisation and expansion of the area from the beginning of the 18th century.



The arches are still used by the railways today, with many small industries operating from the archways.

Therefore, the physical attributes of the Regent's Canal Conservation Area in and near the site, which comprise the evidential value, are an ensemble of elements that encompass a diversity of structures of different periods, of which many survive today, though not always in good condition.

The evidential value of the group of dwellings at Nos. 55 and 57-63 Kentish Town Road is that of their location and their remaining features as a late Georgian frontage. Although all these properties were seriously damaged during WWII (see Fig. 2), the repaired buildings are still good examples of the late Georgian architecture that would have been present throughout most of the area at the time of their construction.

Jeffrey's Street Conservation Area holds high evidential value since Jeffrey's Street is one of the oldest complete streets in Camden, laid out circa 1800. The Conservation Area consists of early 19th century residential development, largely unchanged save for the construction of the North London Railway in 1850 which cut through residential developments.

### Historical value

"Historical value derives from the ways in which past people, events and aspects of life can be connected through a place to the present. It tends to be illustrative or associative." (Conservation Principles para 39).

"The historical value of places depends upon both sound identification and direct experience of fabric or landscape that has survived from the past, but is not as easily diminished by change or partial replacement as evidential value. The authenticity of a place indeed often lies in visible evidence of change as a result of people responding to changing circumstances. Historical values are harmed only to the extent that adaptation has obliterated or concealed them, although completeness does tend to strengthen illustrative value." (Conservation Principles para 44).

The Regent's Canal Conservation Area provides a rich and vivid connection to the past in a very physical sense. The construction of the canal in the early 18th century was a major factor contributing to Camden Town's configuration, however the fact the canal passed through Camden did little to increase the prosperity of the area. It was only with the arrival of the railways that the situation changed. With the arrival of the London to Birmingham railway the synergy between the canal and the railway contributed to Camden's expansion as a major centre.

The railway arches are intrinsically linked to the history and development of the area. In 1832, the London & Birmingham Railway Co. announced that the railway was to terminate at Camden Town. In 1835 an Act was passed that authorised the company to extend the line near to Euston Square. This extension presented a difficult problem and the railway had to be built on arches which played an important role in the industrial development of the area.

The synergy of the Regent's Canal and the railway contributed to Camden's industrial expansion and wider development of the area. The railways still continue to be used to this day, and the arches beneath provide workshops and storage for many small industries.

Today the early mercantile role of the Canal has been superseded; however the concentration of industrial archaeology along this section of the canal, and its associated railway features are of high historical interest and quality. Although no longer a working canal in the sense for which it was constructed, the canal still provides a powerful connection to the industrial era in which it was built.

Nos. 55 and 57-63 Kentish Town Road have their historical value recognised by their statutory Grade II listing. This terrace of buildings dates from the early 19th century and display design features and details typical of that era.

The historical value of Jeffrey's Street Conservation Area is closely associated to its evidential value since Jeffrey's Street and the nearby terraces Nos. 55 and 57-63 Kentish Town Road (built around 1800) remain largely intact and as such are a significant example of their historic period.

### Aesthetic value

"Aesthetic value derives from the ways in which people draw sensory and intellectual stimulation from a place". (Conservation Principles para 46).

"Aesthetic values can be the result of conscious design of a place including artistic endeavour. Equally they can be the seemingly fortuitous outcome of the way in which a place has evolved and be used over time. Many places combine these two aspects... Aesthetic values tend to be specific to a time cultural context and appreciation of them is not culturally exclusive." (Conservation Principles para 47).

"Design value relates primarily to the aesthetic qualities generated by the conscious design of the building, structure or landscape as a whole. The embraces composition (form, proportions, massing, silhouette, views and vistas, circulation) and usually materials or planting, decoration or detailing, and craftsmanship." (Conservation Principles para 48).

On the one hand the aesthetic value of Hawley Wharf resides in the canal front, the natural habitat and the greenery. On the other hand, the value is represented by being part of a remarkable man-made waterway. In particular the following attributes contribute to the aesthetic appreciation of the place by people and potentially contribute to create place identity:

The docks, bridges (including the listed Hampstead Road Bridge) and railway arches besides having an aesthetic value in themselves, constitute the architectural language and historical link to the industrial past; the advantage of an open view (potentially) of these elements offers urban space quality; the cultural heritage nature of the canalside views positively influence the aesthetic performance of the place.

The aesthetic value of Jeffrey's Street Conservation Area lies in the high level of preservation of original





features throughout the conservation area, which largely retains its Georgian character.

### **Communal value**

“Communal value derives from the meanings of place for the people who relate to it will for whom it figures in their collective experience or memory. Communal values are closely bound up with historical (particularly associative) and aesthetic values, but tend to have additional specific aspects.” (Conservation Principles para 54).

“Social value is associated with places that people perceive as a source of identity, distinctiveness, social interaction and coherence.” (Conservation Principles para 56).

The remembrance of a vibrant communal past, which gave Camden Town a largely renowned character associated with markets and trade, is probably the strongest communal value.

Social value is paramount in this element of significance as the area has distinctiveness and coherence that is based upon its historical development. There is a strong sense of identity with the place, nurtured by the demographic and historical market and industrial use, and as such bestowing the Regent’s Canal Conservation Area, including the Hampstead Road Bridge, high communal value.

The railway arches are high in communal value since they are a vivid representation of the history and development of the area. The fact that they are still in use brings together past and present common uses by the community.

Nos. 55 and 57-63 Kentish Town Road also have communal value in terms of the contribution they make to the character of the area and to the collective experience of a particular period in England’s history.

The communal value of Jeffrey’s Street Conservation Area lies in the continuous use of the residential properties within the conservation area since they were built. The layout of the streets also remains unchanged since they were laid out circa 1800.

### **Impact of the proposed development on the significance of the heritage assets**

The NPPF does not contain an express presumption in favour of the conservation of designated heritage assets as PPS5 did, but the presumption in favour of sustainable development is a presumption in favour of development that meets the objectives and policies of the NPPF, which has the conservation of heritage assets as one of its 12 core principles.

The policies contained within the NPPF seek to attain the Government’s aim of achieving sustainable development. Resolution 42/187 of the United Nations General Assembly defined “sustainable development” as development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.

Paragraph 6 of the NPPF states: “The purpose of the planning system is to contribute to the achievement of sustainable development. 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.” The entire Framework constitutes a definition of “sustainable development” with no one part assuming greater weight than any other.

Change is at the heart of sustainable development. The three dimensions of sustainability: economic, social and environmental, are not static; neither is the built environment. Buildings need to change in order to adapt to climate change and move towards a low carbon economy (NPPF Paragraph 7).

NPPF Paragraph 128 states that “In determining applications local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contributions made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on that significance”.

Furthermore, NPPF Paragraph 129 states that ‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal’.

As recommended in Paragraphs 128 and 129, an assessment of the significance of the heritage assets has been provided earlier in this section. The significance assessment was based on detailed historic research and consultation of relevant historic records and was examined according to the criteria set out in EH’s “Conservation Principles”.

This section aims at fulfilling the National Policy requirement for provision of proportionate information which will enable the assessment of the likely impacts of proposed development on the heritage assets by the Local Planning Authority.

The assessments and analyses that have been carried out have largely informed the design process and are believed to be “sufficient to understand the potential impact of the proposal on the significance of the heritage assets.”

Paragraph 131 states: ‘In determining applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desire of new development making a positive contribution to local character and distinctiveness’.

“Conservation” is defined in the NPPF only for heritage policy as: “the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.” This implies that enhancement is not a requirement, but sustaining the heritage assets, is.

The proposed development has been very carefully considered and designed so as to ensure that its setting and its immediate context will be sustained and enhanced overall, after consideration of mitigating benefits where appropriate. An understanding of the significance and characteristics of the historic environment within and in the vicinity of the site has informed the design concept throughout.

The proposed building, which should be considered as an extension of the consented building in Area D, flows effortlessly with a sense of continuity and rhythm and has synergy with other buildings in the wider context to which it relates. The building is suitably influenced by robust brick warehouse architecture thereby respecting the materials found in the surrounding conservation areas.

The appearance and use of the stretch of towpath fronting the site will also represent a significant improvement over the current situation.

New buildings bring economic vitality and numerous other benefits to the conservation area generally and to the wider context of the city.



Paragraph 134 states: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use'.

It is considered that the proposed works would cause no harm to the conservation area "as a whole" and the particular assets within and in its proximity.

The design, materiality and articulation of the new building have been carefully considered within the Regent's Canal Conservation Area and subarea. Due cognisance has been taken of the views from the public realm and this has influenced and informed the design process.

A leading objective of the proposed design has been to create a sympathetic interface with the Regent's Canal Conservation Area by utilising significant characteristics such as the materials and architectural language.

There is also a consideration of "public benefit" deriving from the proposal.

The public benefit that the proposal provides is in the "optimum viable use" for this particular site, within the Regent's Canal Conservation Area, as well as the enhancement to historic environment provided by the design quality of the proposal. The planning statement details other benefits which are a material consideration in weighing the proposal.

Paragraph 9 seeks positive improvements in the quality of the built, natural and historic environment stating: 'Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;
- moving from a net loss of bio-diversity to achieving net gains for nature;

- replacing poor design with better design;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes'.

The designated heritage assets and their settings constituting the historic environment affected by the proposal have been examined earlier; those which have recognised heritage values within the immediate context of the new building and their wider setting which have an assertive or dominant contribution in the townscape have also been noted. Dominance is not necessarily the product of mass bulk or height, but also of articulation, detailed design and materiality.

The scale of the proposed residential building on Area E is appropriate to the scale of the main road. The addition of this fine residential building, will bring a positive balance to the townscape quality, enhancing the street overall, even in the long views from Jeffrey's Street Conservation Area.

### Local planning policy

Camden Local Development Framework, Camden Core Strategy, 2010 -2025, Adopted Version, November 2010.

The Camden Core Strategy provides the vision, objectives and spatial policies to guide development in the borough up to 2025. The Development Policies contribute to delivering objectives of the Core Strategy by setting out detailed planning policies that the Council use for determining planning applications. Both documents constitute the Camden Local Development Plan adopted 8 November 2010.

Policy CS14 – 'Promoting high quality places and conserving our heritage', sets out the requirements to safeguard Camden's heritage. The overall strategy is to sustainably manage growth in Camden in a way that conserves and enhances the heritage and valued places that give the borough its unique character.

CS14 states that Council will ensure that Camden's places and buildings are attractive, safe and easy to use by: 'preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens'.

LDF policy DP25 of the Camden Local Development Framework (LDF) indicates that to maintain the character of Camden's conservation areas, the Council will:

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
- b) only permit development within conservation areas that preserves and enhances the character and appearance of the area.

It is considered that the proposal not only preserves but enhances the character of the historic environment through a new residential building of high quality which retains and enhances the elements of significance within and in the vicinity of the site.

### Conclusion

The significance of the Regent's Canal and Jeffrey's Street Conservation Areas and of the designated and non-designated heritage assets in the vicinity of the site is not challenged. It is our belief that there is no harm caused to the conservation area "as a whole" and the impact in general is negligible within the settings of designated heritage assets.


Notwithstanding the tenets of English Heritage Conservation Principles (para 154) "... A high quality of design of proposed intervention is not mitigation, but essential in any significant place." and the cross-reference to Principle 4.6: "New work should aspire to a quality of design and execution which may be valued now and in the future." The architectural ethos generated by the brief and the opportunities and constraints of the place, have inspired the architects to produce a residential building of high quality. In our view, the construction of this extension to the consented building D on Area E preserves the character or appearance of the conservation area and makes a positive and regenerative contribution to it.

This proposal complies with policy at the heart of NPPF in respect of new development. The new proposal preserves the significance of the Regent's Canal Conservation Area and the heritage assets within and in the vicinity of the site by virtue of its design, which has been informed by a demonstrable understanding of the significance of the historic environment. The NPPF contains an express presumption in favour of sustainable development which should be taken into account when making planning decisions.

In light of the above, it is considered that the relevant criteria policies of NPPF have all been complied with, and thereby must also satisfy the relevant local plan policies.

### Appeal notice referred to in text

Appeal Decision APP/X5210/A/05/1183439



**Appeal Decision**  
Site visit made on 06 June 2006

**by Roy Foster MA MRTPI**  
an Inspector appointed by the First Secretary of State

1. The Town and Country Planning Act 1990  
2. The Planning (Listed Buildings and Conservation Areas) Act 1990  
3. The Planning (Listed Buildings and Conservation Areas) Regulations 2001  
4. The Planning (Listed Buildings and Conservation Areas) Act 1990  
5. The Planning (Listed Buildings and Conservation Areas) Regulations 2001  
6. The Planning (Listed Buildings and Conservation Areas) Act 1990  
7. The Planning (Listed Buildings and Conservation Areas) Regulations 2001

---

**Appeal No 1 Ref: APP/X5210/A/05/1183439**  
39-45 Kentish Town Road, London NW8 8NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 by Samuel Smith Southern and is against the refusal of planning permission by the London Borough of Camden for the demolition of existing buildings and the construction of a new building containing B1 units and a public house with garden.
- The application [ref 2005/0530/P] was dated 10 February 2005 and refused by notice dated 11 May 2005.

**Summary of Decision:** The appeal is allowed, and planning permission is granted subject to conditions set out below in the Formal Decision.

---

**Appeal No 2 Ref: APP/X5210/E/05/1190971**  
39-45 Kentish Town Road, London NW8 8NX

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is against the refusal of conservation area consent by the London Borough of Camden for the demolition of all existing buildings on the site.
- The application [ref 2005/3226/C] was dated 2 August 2005 and refused by notice dated 22 September 2005.

**Summary of Decision:** The appeal is allowed, and conservation area consent is granted in the terms set out below in the Formal Decision.

**Main issue**

- From the representations, complemented by my site visit, it is clear that the main issue in appeal No 1 is whether or not renewal of the present planning permission would have a harmful effect on the living conditions of residents in the area as a result of increased noise, disturbance and anti-social behaviour.

**Inspector's consideration of the issue**

- The first permission for a public house on this site was granted in 1987. This was followed by a second planning permission (this time in the same form as now proposed) in 1991. That permission was subsequently "renewed" in April 2000.
- As indicated in Circular 11/95, one of the factors which may justify refusal to renew an extant permission is that circumstances have materially changed since it was granted. However, there appear to have been no material changes in the surroundings of the site since the most recent renewal. To the east, across Kentish Town Road, are the residential development at Camden Gardens and the flats at Grand Union Walk. To the west, along the north side of the canal between the bridges at Kentish Town Road and Chalk Farm Road, are a number of B1 buildings and an area of market stalls, while on the south side are a TV

Appeal Decision APP/X5210/A/05/1183439

studio and other commercial buildings. Against that background the Council does not object to the design of the scheme, which is the same as twice previously approved.

- Turning to the policy background, the quoted policies from the adopted UDP [RE2 – residential amenity and environment, and SH18 – food and drink] were already extant at the time of the last permission. The emerging review of the UDP amends the policy background to a certain extent by introducing new policies R2 and R3. However, the Council concedes that these policies should bear little weight, since they attracted "fundamental objections", as yet unresolved.
- The element of new policy primarily relied upon by the Council is the supplementary guidance for planning and licensing purposes on Food, Drink and Entertainment in Camden Town (SPG), adopted in May 2003. This is said to add more detail to the policies of the adopted UDP, in particular the references to cumulative impact in policy SH18. Under the SPG the application site is said to fall within an "environmental frontage", defined as one where commercial frontages occur opposite residential frontages, so that there is "likely to be the greatest conflict between late-night activities and residential amenity". The two criteria for acceptability in these locations are that new food drink and entertainment uses should not exceed 30% of each frontage and that they should be small-scale (typically with a maximum gross floor area of 100sq.m). The Council does not object on grounds of the first criterion as the pub would occupy around 30% of the frontage. The principal parties disagree about the extent to which the proposed pub exceeds the second criterion, but it seems to me that the two floors of the pub take it significantly above that guideline.
- I recognise the need for caution in accommodating food, drink and entertainment uses outside the areas positively identified in the UDP/SPG. However, I do not consider that the proposal's size or nature infringes the SPG guidelines by such an extent as to make it unacceptable, bearing in mind the particular characteristics of its location. Most of the pub's windows, together with its garden, are designed to face away from Kentish Town Road and Camden Gardens/Grand Union Walk towards the interesting, varied and attractive scene alongside the lock and the canal stretching away towards Chalk Farm Road. Moreover, the building itself would be placed between the Kentish Town Road and the garden, thus shielding residents on the opposite side from noise arising from use of the external areas behind the pub. I appreciate that a certain amount of noise may occur as people arrive at or disperse from the pub along Kentish Town Road, but this is a busy and fairly noisy road and would not be an attractive place for patrons to linger, compared with the more pleasant canal-side scene. Nonetheless, I support the continuing imposition of "traditional" opening hours, as in the previous permissions, and the inclusion of a condition offered by the appellant to prevent the installation of TVs, the playing of music or the performance of live entertainment in the customer areas as these restrictions would place the public house in the position of catering for a quieter market.
- In conclusion, I consider that neither the policy background nor the physical circumstances of the surroundings have changed sufficiently to justify refusal to renew the planning permission. I shall therefore allow the appeal, subject to the conditions previously imposed (with some minor rewording) as I consider that the reasons stated for those conditions still apply. I will also include within condition 5 the additional restriction requested by the Council concerning the ancillary residential accommodation.

Appeal Decision APP/X5210/A/05/1183439


- Although the site is within the Regents Canal Conservation Area the Council has not suggested that any aspect of the proposal would fail to preserve or enhance its character or appearance. In my view construction of the new proposed buildings and the introduction of new uses to the site would make a much more positive and regenerative contribution to the character and appearance of the area than retention of the present semi-derelict buildings standing in this abandoned site, and this is a further factor in favour of renewing the permission. It follows from this that I shall also allow the appeal against the refusal of conservation consent for the demolition of the buildings. I no longer consider it necessary to impose the condition imposed in 1991 (requiring demolition to await the completion of a contract to construct the approved development) since the current state of the site would not be worsened if the buildings were to be demolished now.

**Formal Decisions**

- I allow appeal No 1, and grant planning permission for the demolition of the existing buildings and the construction of a new building containing B1 units and a public house with garden at 39-45 Kentish Town Road, London NW8 8NX in accordance with the terms of the application [ref 2005/0530/P] dated 10 February 2005 and the plans submitted therewith, subject to the following conditions:
  - The development hereby permitted shall begin before the expiration of five years from the date of this decision.
  - No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.
  - The garden and terrace shown on plan number P101 shall be made available for use by the customers of the public house and not excluded from the area open to the public during licensing hours without the prior agreement in writing of the local planning authority.
  - Construction of the development hereby permitted shall not take place until full details of hard and soft landscaping of the open areas referred to in condition 3, together with the means of enclosing them, have been submitted to and approved in writing by the local planning authority.
  - All the hard and soft landscaping works, including the enclosing walls and/or fences, shall be completed in accordance with the details referred to in condition 4 before the occupation of the public house hereby permitted. Any trees or planting which die, are removed or become seriously damaged or diseased within 5 years of the completion of the landscaping works shall be replaced as soon as reasonably possible and, in any case, by not later than the end of the following planting season unless written consent is given for any variation by the local planning authority.
  - The residential accommodation on the second and third floors of the public house shall only be occupied for the purpose of staff accommodation in connection with the public house and shall remain permanently ancillary and subservient to the primary use of the premises as a public house. No part of this ancillary residential accommodation shall be used for other ancillary purposes such as the preparation or

Appeal Decision APP/X5210/A/05/1183439

- I also allow appeal No 2 and grant conservation area consent for the demolition of all the existing buildings on the site at 39-45 Kentish Town Road, London NW8 8NX in accordance with the terms of the application [ref 2005/3226/C] dated 2 August 2005 and the plans submitted therewith, subject to the condition that the development hereby permitted shall begin before the expiration of 5 years from the date of this decision.

  
 INSPECTOR