



16 June 2015

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Dear Sir

**CAMDEN: 122 DRUMMOND STREET LONDON NW1 2HN**

This letter is the appellant's statement in respect of the Council's refusal of application 2014/5443/P for *Part retrospective planning permission for the change of use of basement from A1(shop) to 1x one bed self-contained flat (C3) and proposed alterations to the external pavement vault to form a bedroom.*

**Procedure**

1. It is requested that the appeal should be dealt with by the Written Representations procedure.

**Reasons for Refusal**

2. The application was refused on 8 January for two reasons:
  1. *The basement by virtue of its inadequate outlook, layout and location provides substandard accommodation to the detriment of the amenity of current and future residential occupiers.*
  2. *The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area.*
3. These are said to be contrary to adopted Camden Core Strategy policies CS5 (Managing the impact of growth and development), CS6 (Providing quality homes), CS11 (Promoting sustainable and efficient travel), CS14 (Promoting high quality places and conserving) and CS19 (Delivering and monitoring the Core Strategy) and Camden Development Framework policies DP18 (Parking standards and the availability of car parking), DP19 (Managing the impact of parking) and DP26 (Managing the impact of developers on occupiers and neighbours).
4. Significantly the Council does not claim in the reasons for refusal that it is inconsistent with Camden Planning Guidance (CPG) 2 Housing, a document formally adopted in September 2013 that sets out the operation

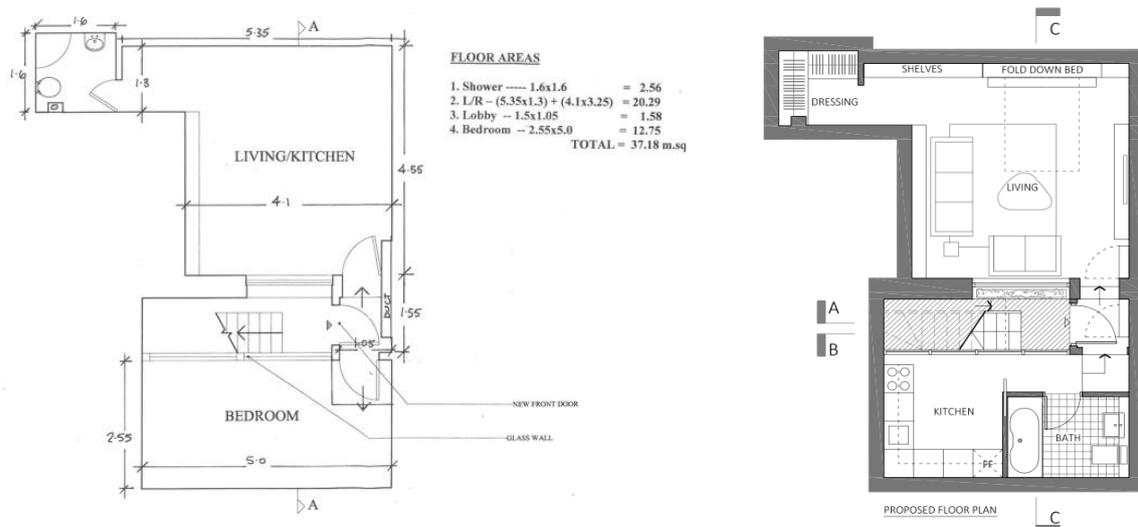
parameters for the above policies – the Council's standards and development criteria for new and converted dwellings consistent with the policies in the adopted CS and DMP.

### The Application Documents

- The application was registered in 18 September 2014 and determined the following January on the basis of the following documents: *Drawing Nos: C11726.14.001, 4462/B1, 4462/21 B, 4462/30/A, 4462/B1, 4462/B2 A, 4462/B3, 4462/B4 A, Design and Access Statement, Lifetime Homes, Basement Impact Assessment (18/8/14), Site report colour maps 1 and 2, Historic Map - Segment A13, Historic Map - Slice A, Desk Study and Ground Investigation Report (May 2014), Desk Study and Ground Investigation Report Appendix, CIL form*

### Revised Plan

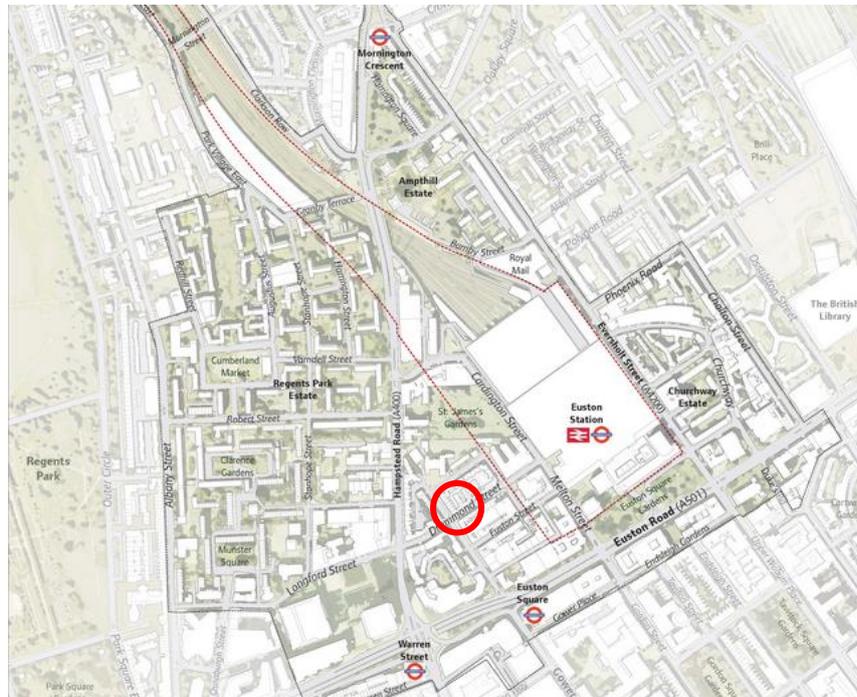
- On 31 October the Council issued a draft approval document (**Annex 1**) and the applicant proceeded on the basis the application would be approved. The refusal came as a bolt from the blue in these circumstances – there was no warning of it - and the appellant was obviously denied the ability to alter the application plans and provide a s106 agreement to respond to the Council's concerns.
- In the light of this it is requested that application plan 4362/B2 A should be replaced by plan 021/PP02/P1 (**Annex 2**). This applies to exactly the same application site. It simply reorganises the application internal layout to place non-habitable rooms (the kitchen and bathroom) in the existing vaults using the increased headroom identified in the application proposal and this allows the habitable bed-sitting studio in the basement to be enlarged by the removal of the kitchen and bathroom from it. It can be incorporated by condition.
- The application plan and the proposed revision are compared below:



9. Copies of the new plan have been sent to all parties that made representations on the appeal application. Their responses are **Annex 3**. None consider they have been prejudiced by the change.

### General Location

10. The site is west of Euston Station within the Drummond Street Neighbourhood Centre and Euston Growth Area. The surrounding area is in mixed uses, including hotel, residential, retail, offices and leisure.



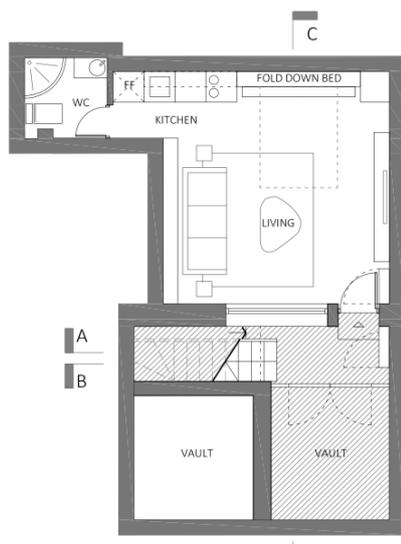
11. It is not within a conservation area and there are no other heritage assets material to the decision.

### The Site

12. This is the entire basement of a mixed use 4-storey (a mansard roof has been added since the photo below) early Victorian terraced building with residential accommodation above and a parcels office on the ground floor. The building is not listed.



13. The basement is lit by a light well that extends across the whole front of the building. It is accessed externally from stairs in the well - there is no internal access. Two vaults extend out from the light well beneath the road for about 2.6m. The eastern one has an arched entrance.
14. The existing studio flat was completed in 2012 and was laid out as below. It was the subject of the 2013 appeal application discussed below.



### History

15. **2013/1039/P** was an application submitted in April 2013 that sought retrospective consent for *Conversion of basement level ancillary from ground floor shop (Class A1) to self-contained studio flat (Class C3), including the re-opening of front lightwell with the addition of an external staircase (retrospective)*. It differed from the present proposal by not making use of the vaults as an active part of the studio - it was shown unmodified as a storage area.
16. It was refused by the Council in May 2013 and the subsequent appeal APP/X5210/A/13/2200117 (**Annex 4**) was refused in October 2013.
17. The Case Officer's report on that application established that the principle of residential use of the basement was acceptable to the Council. This still appears to be the case.
18. The key paragraphs of the appeal decision say:

*12...I find that whilst the development may provide for some additional storage space, this would be so restrictive as to fail to provide any living accommodation. The living accommodation provided, at 24 square metres, is so substantially below the minimum threshold of 32 square metres as to provide an unacceptably small living area. During my site visit, whilst the development was highly innovative, I still*

*found the studio to be small and noted that there would be relatively little circulation space once the bed was lowered into place.*

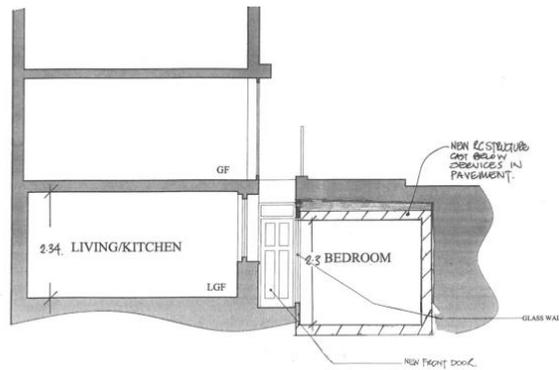
*13. Whilst the appellant, in support of her case, considers that there should be flexibility in the consideration of size thresholds, I note above that the minimum threshold for the Borough already takes into account the need for some flexibility. I am also particularly mindful that the threshold is a minimum and that as such, developments should normally be in excess of 32 square metres.*

*14. During my site visit, I noted that the only outlook from the studio was a single aspect outlook towards the walls of the proposed storage area – which at the time of my visit, was empty. I consider that this relatively poor outlook, whilst not so harmful as to warrant dismissal of the appeal on its own, adds weight to my decision...*

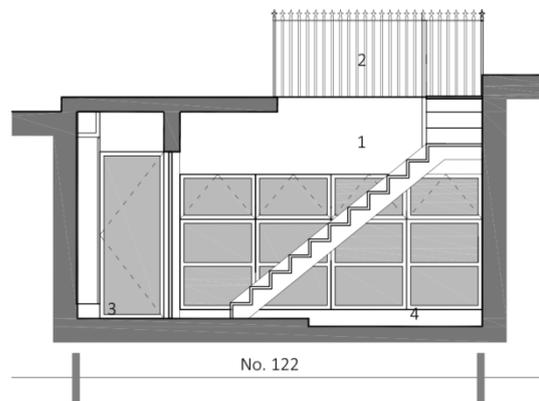
19. On a positive note the Inspector concluded that: *I note that the development provides for acceptable levels of daylight and is located in an accessible area with plentiful available services, but these are not factors which outweigh the harm identified.*
20. The appeal decision identifies the principal issue that the revised scheme addresses - can the accommodation be brought within the Council's residential space standards for a studio flat?

### **The Proposal**

21. This basement is an interesting planning problem. It has a single external staircase access only. Its lack of visibility means that it will never be a retail unit and the health and safety and disabled access issues raised by its single staircase access seriously inhibit its use as a restaurant, bar or office.
22. It is hard to envisage any alternative use that has a greater social benefit than the proposed small rental flat. Low market rent flats of this type are scarce in central London, where they are particularly sought after by those working anti-social hours - for example low income hotel, restaurant and entertainment staff and workers in the major hospitals and rail terminals in this area.
23. As shown on the first plan at para 7 above the application proposal sought:
- A sitting room and kitchen in the basement;
  - A bedroom and bathroom in the vaults;
  - A glazed link between the basement and the vaults.
24. This involved:
- Excavating the vaults to provide 2.3m headroom:



- Inserting a new window in the wall of the vaults fronting the light well. Its position was shown on the application plan but no elevation was shown because it would not materially affect the external appearance of the building. It is envisaged that it would look like this:



25. As the second plan at para 7 shows, as proposed to be modified this becomes:
- Enlargement of the existing bed-sitting room in the basement by incorporating the existing kitchen as storage space, providing a habitable room of about 24sqm;
  - Use of the excavated vaults as a kitchen and bathroom providing about 13sqm of floorspace;
  - A similar proposed glazed link and new window.
26. The studio flat as now proposed has 37sqm internal floorspace - the same as the application proposal. The only difference is that the non-habitable rooms (bathroom and kitchen) are within the vaults.

### Policy

27. The provision of further housing is consistent with **Policy CS6** of Camden's Core Strategy.
28. **Policy CS14** says the Council will only give permission to developments that preserve the character and appearance of the area. **Policies CS5** of the Core Strategy and **DP24** of the Development Policies say the Council will require all developments including alterations and extensions to existing buildings to be of the

highest design standard in terms of the character, sitting, context, provision of light, standards of accommodation form and scale to the existing building and the general area and of a good light standard, space standard and general amenity.

29. The proposal is not specifically precluded by any of the policies identified by the Council in the reasons for refusal. All require judgement to be exercised.

**Reason for Refusal 1: *The basement by virtue of its inadequate outlook, layout and location provides substandard accommodation to the detriment of the amenity of current and future residential occupiers.***

30. **Camden's CPG2** requires:

- all rooms in basements must have a height level of at least 2.1-2.3 metres – headroom in the habitable room is 2.34m and in the kitchen and bathroom 2.3m;
- all one bed flats should have a minimum floorspace of at least 32sq metres – the total area is 37sqm;
- all first and double bedrooms must be 11sq metres or more – the habitable room is 24sqm.

31. The Case Officer's report (**Annex 5**) accepts:

- the plans submitted with the application show that the development '*is 'more than compliant with the (CPG2) criteria'.*
- '*Given the site constrains it would be unreasonable to expect compliance of all 16 lifetime homes criteria. However details have been submitted which shows that the development will aim to meet some of the criteria. Therefore it is considered that reasonable consideration has been given to the Lifetime Homes criteria in accordance with policy DP6;*
- '*(The excavated) area is below street level and does not in actually relate to the building itself.. However a BIA was submitted in support of the application and is considered acceptable;*
- '*The proposed lightwell was previously assessed under the previous application and considered acceptable as there are other front lightwells in the area on the same side as the site. This element of the proposal would therefore be in keeping with the location. It is also necessary if adequate light is to be provided to the flat;*
- '*No light assessment was submitted as part of the current application; however a light assessment was submitted with the previous application. The assessment dated April 2013, was completed by Daniel Armstrong Associates and concluded that the previous proposed design "satisfies all of the requirements" set out within the BRE Digest 209: "Site Layout Planning for Daylight and Sunlight" document in terms of levels of light to the unit;*

- *'The unit is located below street level and the proposed use is unlikely to lead to any loss of amenity to those shop units at ground floor or other nearby residential units. Therefore it is acceptable on neighbour amenity grounds'.*

32. We agree with all these points. It follows that there is now consensus that the previous appeal inspector's single reason for refusal has been completely addressed. This strongly favours granting consent and it is not surprising that the Council issued the draft consent on the strength of it.

33. The Case Officer's report explains the Council's change of heart as follows:

- *'the position of the proposed bedroom especially, being within an existing external vault and under the street level fails to create the standard of living space expected by the Council especially given its proposed use as a bedroom. It is also likely that given its proximity to the shopping area it would experience inappropriate levels of disturbance from those using the high street'.*
- *'The space for the proposed unit although meets Camden's space standards, feels enclosed because there is only one exit to and from the property. Due to the constraints of the site there is no outdoor amenity which in itself would not be considered adequate to refuse the application. However together with the lack of outlook officers consider that the proposed standard of accommodation is below what is considered acceptable in terms of amenity'.*
- *'Additionally, it would not be possible to view the sky in any part of the property which would lead to poor outlook and a sense of enclosure. Although the Appeal Inspector recognised that the design of the unit was innovative it has no special characteristics, such as a garden area, patio or balcony or a generous outlook, to offset the layout and enclosed nature of the unit. Therefore the design still results in a poor standard of accommodation'.*

34. These paragraphs identify six new issues:

- The proposed bedroom in the vault is not appropriate living space;
- It will be disturbed by those using the high street;
- The flat is single aspect;
- It has no outdoor amenity space;
- It is not possible to view the sky so it lacks outlook;
- This would lead to a sense of enclosure.

35. The revised plans address some of these points and the others are wholly ill-founded:

36. First, the existing bed-sitting room is retained in its original place in the basement (with enlarged kitchen and bathroom facilities in the vaults). The Council did not object to this in the first application, nor did the previous appeal inspector and it is inconsistent to do so now.
37. Second, the revised plan addresses the criticism that users of the bedroom will be disturbed by people using the shopping centre. Neither the Council nor the appeal Inspector objected to the effect of the shopping centre on the existing bed-sitting room previously.
38. Third, small flats are usually single aspect and have no outdoor amenity space - yet they provide good living accommodation for small households.
39. Fourth, the last appeal inspector considered outlook/sense of enclosure but did not consider by itself it was a determining issue. The outlook from the basement is improved in the current proposal by the visual interest added by the window that will be placed in the vault wall of the area as part of the conversion to a full headroom kitchen and bathroom.
40. The criticism that there is no view of the sky is untrue – it can be seen from inside the flat near the existing window through the railings to the right of the bridge that crosses the light well to provide access to the ground floor. This view will not change with the proposed use of the vaults.
41. Equally, the single storey building immediately west of the site (now occupied by a barber) means there will be a view of the sky from the large window in the proposed kitchen area.

**Reason for Refusal 2: *The proposed development, in the absence of a legal agreement to secure car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area.***

42. The Case Officer's report says the '*application is supported by the Highway Officer subject to a S106 agreement for car free development*'. A s106 agreement that deals with this point is at **Annex 6**.

### **Conclusions**

43. The previous appeal set out the parameters for the decision in this case. The Council now accepts the proposal satisfies all relevant space standards, the only reason for refusal of the previous appeal proposal.
44. The additional objections identified by the Council have either been addressed by the revised plan or were equally applicable to the previous appeal proposal, where they were not identified as objections.
45. The Inspector is respectfully asked to allow the appeal.

Yours faithfully

Mike Burroughs

**Michael Burroughs Associates**

# Tab 1

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michael burroughs associates

Mr. Rob O'Carroll  
DPDS Consulting Group  
Old Bank House  
5 Devizes Road  
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Swindon  
Wiltshire  
SN1 4BJ

Application Ref: **2014/5443/P**  
Please ask for: **Nanayaa Ampoma**  
Telephone: 020 7974 **2188**

31 October 2014

**DRAFT**

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

**Full Planning Permission Granted**

Address:  
**122 Drummond Street**  
**London**  
**NW1 2HN**

**DECISION**

Proposal:  
Change of use of basement to 1 No. self contained flat and associated works  
Drawing Nos: C11726.14.001, 4462/B1, 4462/21B, Design and Access Statement, Lifetime Homes, Basement Impact Assessment (18/8/14)

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as



possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans C11726.14.001, 4462/B1, 4462/21B, Design and Access Statement, Lifetime Homes, Basement Impact Assessment (18/8/14)

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 The Mayor of London intends to introduce a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time will need to pay a CIL including those submitted before April. This CIL will be collected by Camden on behalf of the Mayor of London. From April Camden will be

sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable. The proposed charge in Camden will be £50 per m2 on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented and we will issue a CIL demand notice setting out what monies needs to paid when and how to pay The CIL will be collected from Camden on behalf of the Mayor.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Culture & Environment

**DECISION**

# Tab 2

michael burroughs associates

Belfast Office:

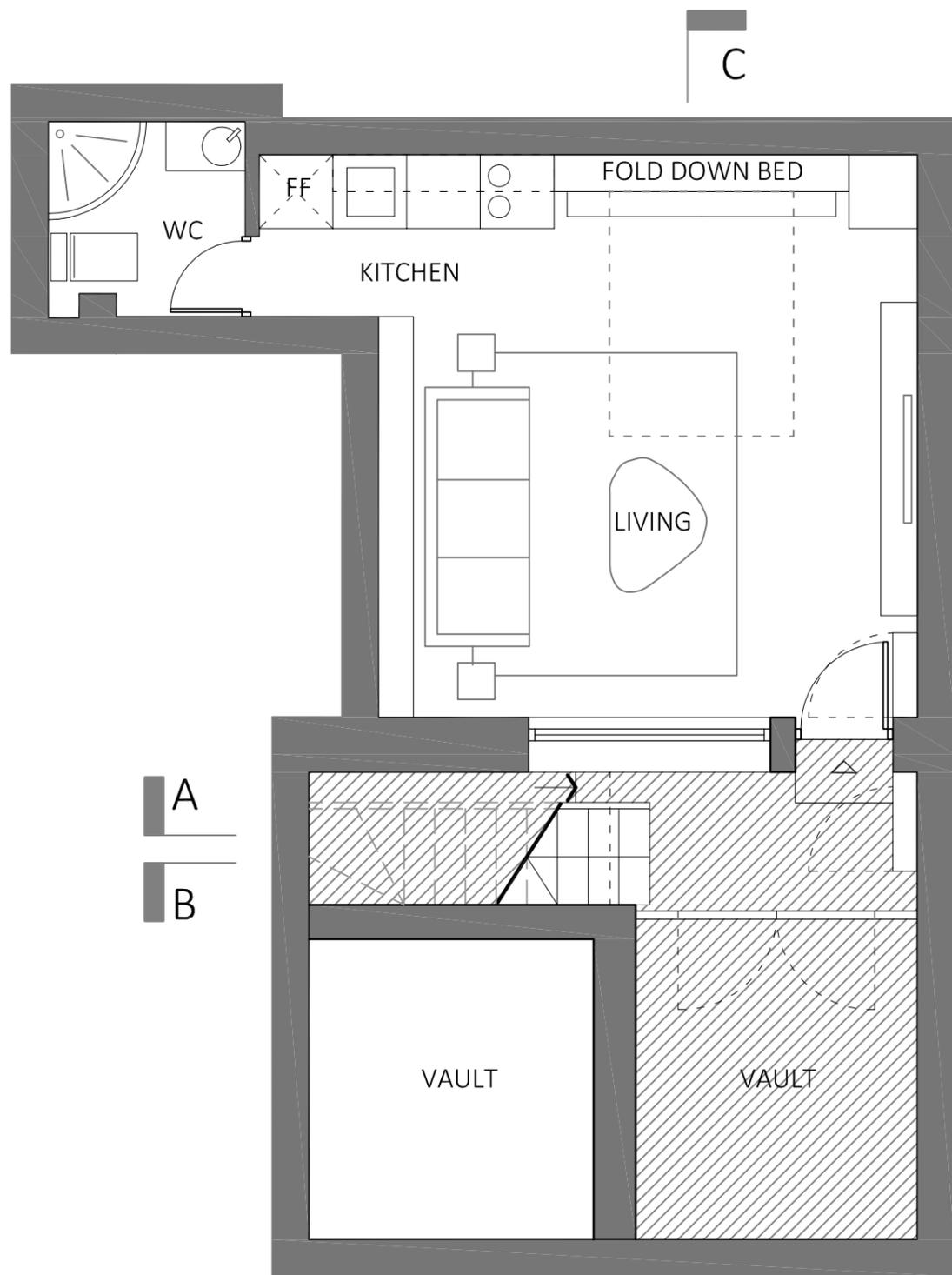
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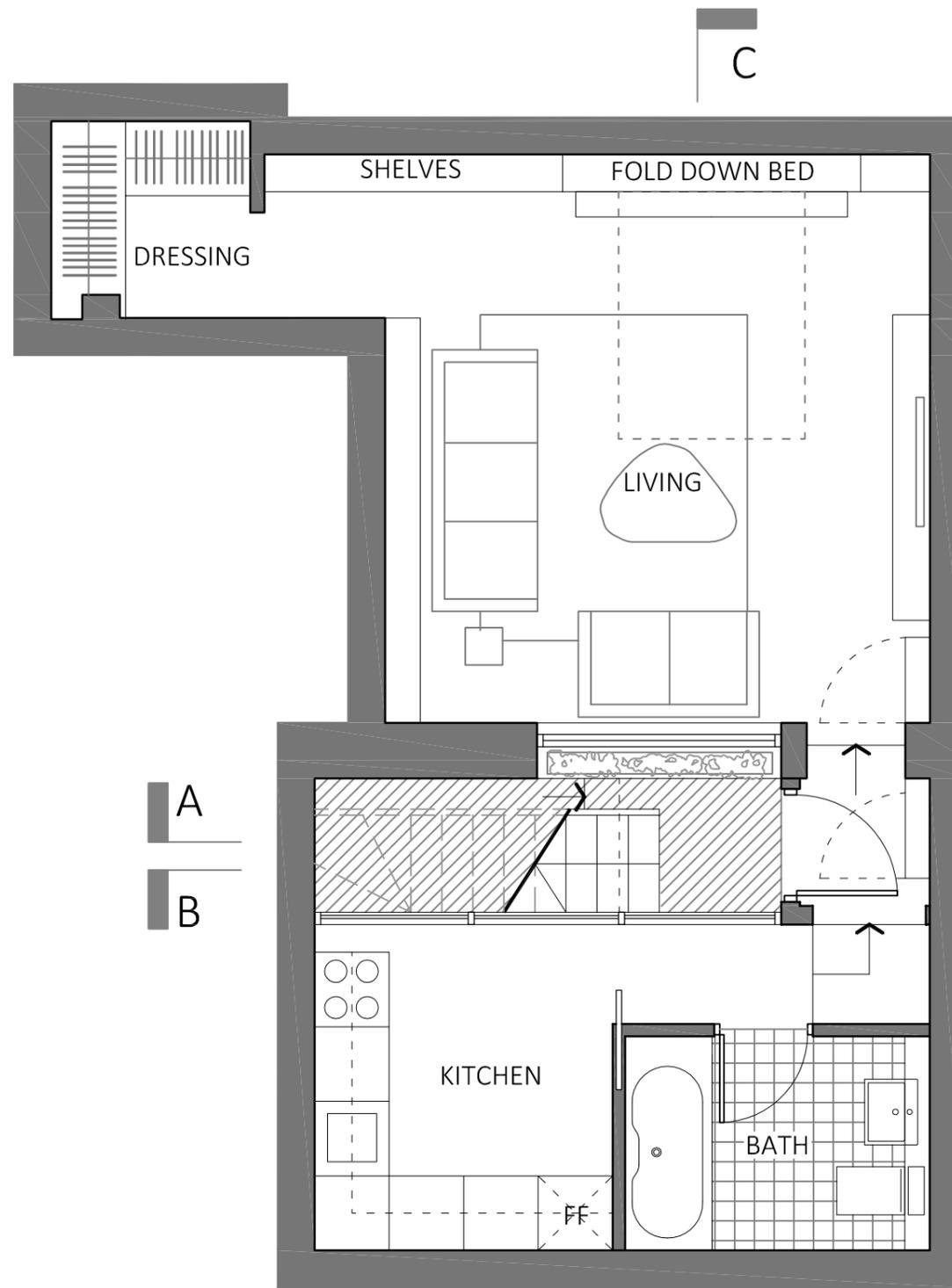
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EXISTING FLOOR PLAN



PROPOSED FLOOR PLAN



YARD ARCHITECTS

STUDIO@YARDARCHITECTS.CO.UK

PROJECT BASEMENT FLAT, 122 DRUMMOND STREET, NW1 2HN

DRAWING TITLE EXISTING & ALTERNATIVE PROPOSED PLANS

DATE APRIL 15 JOB NO. 021

SCALE @ A1 1:50 @ A3 REV. P1 DRAWING NO. PP-02

# Tab 3

michael burroughs associates

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**From:** Julia Pyper [mailto:julia@pyper.org]  
**Sent:** 15 May 2015 12:39  
**To:** Mike Burroughs  
**Cc:** Emma McBurney  
**Subject:** FW: Planning Appeal: 2014/5443/P

To: the Appeal Inspector  
From: Yamato Europe  
Re: 122 Drummond Street 2014/5443/P

To Whom it May Concern:

This letter is to confirm that we have seen the revised plans for the above Appeal and have no objection to the proposed re-configuration of the internal space. As the retail tenants occupying the ground floor of 122 Drummond Street, we support this development. The revised use of the rooms is logical and would not affect our use of the retail space. We would welcome the added security and surveillance during non-trading hours that residential use of this space would bring.

We actively support this application to provide a single person flat in an area of increasingly high need and demand, which is undergoing rapid development and where there already is a shortage of residential accommodation. As previously stated the planned HS2 and Google Headquarters will further add to the pressure on housing. We regard this application as adding vibrancy to the area and as an efficient and effective use of a space which is otherwise of limited use.

Sincerely,

*Marcus*

Marcus E Marsh  
Deputy Branch Manager  
**Yamato Transport Europe BV**  
Unit 2 Heathrow International Trading Estate,  
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(秘密保持について)

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**Consider your responsibility to the environment - think before you print!**

**From:** ana de pellegrin [<mailto:anita-dp@hotmail.com>]

**Sent:** 12 May 2015 19:45

**To:** Julia Pyper

**Subject:** Appeal of Planning Application 2014/5443/P

### **Support for Revised plans for Appeal of Planning Application 2014/5443/P**

Previously I wrote to the Council expressing support for this application but it was nevertheless refused. We are the tenants of the Top Flat, [122 Drummond Street, London NW1 2HN](#)

The Council notified us of the application plans and we have now been sent revised plans by the applicant Julia Pyper. The change to using the space in the vaults as a kitchen and bathroom is a considerable improvement on the previous plans.

Recently there was an article in the Sunday Times (29.03.2015) highlighting the increasing number of single people renting in inner London Boroughs (Islington 60%, Lambeth and Hackney 58%). It is very hard to find reasonably priced single accommodation in central London. Before moving into my current premises I found there was a great shortage of small flats on the rental market. Conversion of the basement at [122 Drummond Street](#) would provide a high standard of accommodation for single persons including key workers on lower budgets who wish to live in Camden and is highly desirable.

Whilst there are a number of large, newly constructed, high end luxury apartments, these are out of the range of most people's incomes. Even though this is only one studio flat, it would be a genuine contribution to the problem.

I would be grateful if you could register our support accordingly and I hope that the Appeal is allowed.

Yours sincerely,

Ana De Pellegrin & Julieta Scopinaro

# Tab 4

michael burroughs associates

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# Appeal Decision

Site visit made on 17 October 2013

**by N McGurk BSc (Hons) MCD MBA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 November 2013**

---

**Appeal Ref: APP/X5210/A/13/2200117**  
**122 Drummond Street, London, NW1 2HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Julia Pyper against the decision of the Council of the London Borough of Camden.
  - The application Ref 2013/1039/P, dated 22 February 2013, was refused by notice dated 17 May 2013.
  - The development proposed is retrospective conversion of basement to a studio apartment, including creation of a new external steel staircase from street level.
- 

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Council did not attend the site visit as arranged. With the appellant's agreement, I carried out an unaccompanied site visit.
3. The development the subject of this appeal has already taken place.
4. One of the Council's reasons for refusal related to making the development car free. The Council comments that the completion of a Section 106 Agreement in this regard would overcome this reason for refusal. I note that a Section 106 Agreement has been completed and consequently, I find that this reason for refusal no longer applies.

## Main Issue

5. The main issue in this case is whether the living conditions of future occupiers would be acceptable with regards to living space and outlook.

## Reasons

6. No 122 Drummond Street is a four storey end of terrace property. The property has a commercial use at ground floor level and flats above. The surrounding area is mixed use, including residential, retail, offices and leisure uses.
  7. The appeal site comprises a basement, which as noted above, has been converted into the studio apartment the subject of this appeal.
-

8. The Council's Planning Guidance CPG2<sup>1</sup> sets a minimum unit size for one person occupancy of 32 square metres. This minimum size threshold is considerably below the requirement of 37 square metres, set out in the London Plan 2011, for a one person studio/flat. In this regard, I am mindful that the Council's CPG2 is providing for significant flexibility, by allowing for a much smaller minimum size threshold than would generally be the case in London.
9. The Council states that the floor area of the studio apartment the subject of this appeal is 24 square metres. The appellant states that the studio provides a total floor area of 31.49 square metres, inclusive of an external storage area providing 6.9 square metres of floorspace. The appellant does not dispute that the head height of this storage area is below that required for living accommodation, but considers that it increases the amount of useable space available for an occupier. In this regard, the appellant, in support of her case, suggests that two cases, elsewhere, recognise a need to be flexible in the application of minimum floor standards.
10. I have considered these two cases. The first relates to an application for a larger studio flat than the development the subject of this appeal, where the Council considered that it would benefit from the provision of an external terrace. This studio provided more living accommodation than the development before me and I find there to be little similarity between an external terrace and an internal storage area with restricted head height. Consequently, this does not provide a relevant comparison.
11. The second of the cases relates to an appeal decision<sup>2</sup> where the Inspector considered that no harm would arise from the layout of a specific studio. I find that that decision was specific to that development and note that, in that case, the Inspector did not identify the dimensions of the development in any detail.
12. With regards the above, I find that whilst the development may provide for some additional storage space, this would be so restrictive as to fail to provide any living accommodation. The living accommodation provided, at 24 square metres, is so substantially below the minimum threshold of 32 square metres as to provide an unacceptably small living area. During my site visit, whilst the development was highly innovative, I still found the studio to be small and noted that there would be relatively little circulation space once the bed was lowered into place.
13. Whilst the appellant, in support of her case, considers that there should be flexibility in the consideration of size thresholds, I note above that the minimum threshold for the Borough already takes into account the need for some flexibility. I am also particularly mindful that the threshold is a *minimum* and that as such, developments should normally be in excess of 32 square metres.
14. During my site visit, I noted that the only outlook from the studio was a single aspect outlook towards the walls of the proposed storage area – which at the time of my visit, was empty. I consider that this relatively poor outlook, whilst not so harmful as to warrant dismissal of the appeal on its own, adds weight to my decision below.

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<sup>1</sup> Camden Planning Guidance 2011. CPG2 (Housing).

<sup>2</sup> Ref APP/X5210/A/12/2180548.

15. Taking all of the above into account, I find the development to be harmful to the living conditions of future occupiers with regards to living space and outlook. This is contrary to the Framework, the London Plan 2011, the Council's CPG2, Core Strategy<sup>3</sup> policy CS5 and Development Policies<sup>4</sup> policy DP26, which together amongst other things seek to protect residential amenity.

### **Other Matters**

16. I note that the development provides for acceptable levels of daylight and is located in an accessible area with plentiful available services, but these are not factors which outweigh the harm identified.

17. I also note that local letting agents could let a very small unit in an area of high demand and that there are small units with poor outlooks available for rent and sale in the area, but again, these are not factors which outweigh the harm identified.

### **Conclusion**

18. For the reasons given above, the appeal does not succeed.

*N McGurk*

INSPECTOR

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<sup>3</sup> Camden Core Strategy 2010-2025 Local Development Framework (2010).

<sup>4</sup> Camden Local Development Framework Development Policies (2010).

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# Tab 5

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<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		13/11/2014	
		N/A / attached		<b>Consultation Expiry Date:</b>		29/10/2014	
<b>Officer</b>				<b>Application Number(s)</b>			
Nanayaa Ampoma				2014/5443/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
122 Drummond Street London NW1 2HN				See Decision Notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Part retrospective planning permission for the change of use of basement from A1(shop) to 1x one bed self-contained flat (C3) and proposed alterations to the external pavement vault form a bedroom.							
<b>Recommendation(s):</b>		Refuse Planning Permission and issue Warning of Enforcement Action					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>06</b>	No. of responses	<b>02</b>	No. of objections	<b>00</b>
				No. electronic	<b>00</b>		

<b>Summary of consultation responses:</b>	<p>Adjoining neighbours were notified. Two supporting comments have been received from neighbouring properties. Specifically:</p> <ul style="list-style-type: none"> <li>▪ Top Flat 122 Drummond Street, London</li> <li>▪ Unit Poyle, 14 Newlands drive, Berkshire SI3 0DX/ Ground floor 122 Drummond Street</li> </ul>
	<p>These comments can be summarised as follows:</p> <ul style="list-style-type: none"> <li>▪ Accommodation in the area is expensive this would be more affordable</li> <li>▪ Development would make no change to street scene</li> <li>▪ Would bring into use vacant unit</li> <li>▪ There is a shortage of these forms of rental properties in the area</li> <li>▪ Development would have no impact on shop unit at ground floor</li> <li>▪ Proposal adds vibrancy to the area and is an efficient and effective use of the space.</li> </ul>

**CAAC/Local groups\*****comments:**

\*Please Specify

The application site is not within a CA.

**Site Description**

The application site relates to a mixed use four storey building with a residential accommodation above and retail use at ground floor and basement.

The application site has been designed as falling within the Neighbourhood Centre and Euston Growth Area under the Camden Council proposals Map

The application site has been the subject of an enforcement investigation and an Enforcement Notice issued under Section 172 of the Town & Country Planning Act 1990 as amended, requiring the cessation of the basement unit for C3 purposes. At the time of the site visit for the current application (14<sup>th</sup> October 2014) it did not appear that the property was currently occupied.

The application site is not within a conservation area and is not listed.

**Relevant History**

**2013/1039/P:** Conversion of basement level ancillary to ground floor shop (Class A1) to self-contained studio flat (Class C3), including the re-opening of front lightwell with the addition of an external staircase (retrospective). - **Refused by the Council and Warning of Enforcement Action to be Taken 17-05-2013.**

**Application appealed (see PINs reference: APP/X5210/A/13/2200117) decided on 7<sup>th</sup> October 2013. Appeal dismissed.**

## **Relevant policies**

### **National Planning Policy Framework (2012)**

### **London Plan (2011)**

#### **Local Development Framework**

##### *Core Strategy (2011)*

- CS5 Managing the impact of growth and development
- CS6 Providing quality homes
- CS7 Promoting Camden's centres and shops
- CS8 Promoting a successful and inclusive Camden economy
- CS10 Supporting community facilities and services
- CS11 Promoting sustainable and efficient travel
- CS14 Promoting high quality places and conserving our heritage
- CS19 Delivering and monitoring the Core Strategy

##### *Development Policies (2011)*

- DP2 Making full use of Camden's capacity for housing
- DP3 Contributions to the supply of affordable housing
- DP6 Lifetime homes and wheelchair homes
- DP16 The transport implications of development
- DP17 Walking, cycling and public transport
- DP18 Parking standards and limiting the availability of car parking
- DP19 Managing the impact of parking
- DP22 Promoting sustainable design and construction
- DP24 Securing high quality design
- DP26 Managing the impact of development on occupiers and neighbours
- DP27 Basements and lightwells
- DP28 Noise and vibration

##### *Supplementary Guidance*

- CPG 1 Design
- CPG 2 Housing
- CPG 3 Sustainability
- CPG 4 Basements and lightwells
- CPG 6 Amenity
- CPG 7 Transport
- CPG 8 Planning obligations

##### Revised Central London Guidance (2007)

## Assessment

### Proposal

The application seeks retrospective planning permission for the change of use of the current vacant A1 (shop) use at basement to a 1x one bedroom flat with some alterations and minor basement works to the current external cellar. The application is retrospective as much of the works have already been implemented. The property has already been converted with the proposed lightwell and what remains is the works to the cellar which will be converted into a bedroom.

### Discussion

The main areas of consideration are:

- Principle of Change of Use
- Design and space standards
- Amenity
- Transport
- Waste Storage

#### *Principle of Change of Use*

The application follows a previously refused scheme under reference (2013/1039/P) for the same works. This earlier proposal was refused for two reasons:

1. *The basement residential unit, by reason of its inadequate outlook, layout and size, provides substandard habitable accommodation and an unacceptable level of residential amenity for future occupiers contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
2. *Failure to sign a legal agreement for car free housing*

The application was later dismissed at appeal (APP/X5210/A/13/2200117). The officer's report for the earlier application established that the principle of use was acceptable. This was not contradicted by the Appeal Inspector.

The Inspector noted that the space provided falls below the minimum space standards and that it would provide a "*single aspect outlook towards the walls of the proposed storage area*". However whilst a better outlook would have been preferred, the single aspect outlook alone was not reason enough to refuse the application but did add weight to the decision to refuse. The inspector agreed to dismiss the appeal on the grounds that the development would be "*...harmful to the living conditions of future occupiers with regards to living space and outlook*" contrary to Camden Council policy.

The provision of further housing is in keeping with policy CS6 of the Core Strategy. Rented accommodation falls within the Government's definition of affordable housing which is currently a priority talking point.

The main areas of consideration for the current application relates to the previous reasons for refusal, the appeal decision and whether the current application has answered these concerns.

#### *Design and Space Standards*

Policy CS14 requires that all alterations respect and enhance the character of the area and location. The Council will only give permission to those developments that preserve or enhance the character and appearance of the area. This is further supported by policies CS5 of the Core Strategy and DP24 of the Development Policies which state that the Council will require all developments including alterations and extensions to existing buildings, to be of the highest design standard in terms of the character, sitting, context, provision of light, standards of accommodation form and scale to the existing building and the general area. Also, of a good light standard, space standard and general amenity.

In line with policies CS5, CS6, CS14 of the Core Strategy and DP6 and DP26 of the Development Policies, supplementary guidance CPG 2 (section 4) provides details on the required residential development standards as highlighted in the London Plan for all new residential units. The Council has established its own requirements, which includes the following: all rooms in basements must have a height level of at least 2.1-2.3 metres; all one bed flats should have a minimum space of at least 32sq metres; all first and double rooms must be 11sq metres or more. Plans submitted with the application show that the development is more than compliant with the above criteria.

In addition, policy DP6 requires all new housing developments comply with Lifetime Homes requirements as far as is reasonable. Given the site constrains it would be unreasonable to expect compliance of all 16 lifetime homes criteria. However details have been submitted which shows that the development will aim to meet some of the criteria. Therefore it is considered that reasonable consideration has been given to the Lifetime Homes criteria in accordance with policy DP6.

CPG 4 on (Basements and Lightwells) states that the Council will only permit basement developments that do not cause harm to the built and natural environment and local amenity; result in flooding; or lead to ground instability. The proposal includes basement excavations to lower the ground floor of the existing cellar by 0.3 metres. This area is below street level and does not in actually relate to the building itself. Therefore the works are relatively minor. However a BIA was submitted in support of the application and is considered acceptable.

The proposed lightwell was previously assessed under the previous application and considered acceptable as there are other front lightwells in the area on the same side as the site. This element of the proposal would therefore be in keeping with the location. It is also necessary if adequate light is to be provided to the flat.

#### *Amenity*

The standard of accommodation in terms of inadequate outlook represented one of the main previous reasons for refusal. The previous application proposed a single aspect outlook and while the current application proposes another window opposite the existing, the level of light captured nor the amount of outlook or level of amenity provided has not significant improved.

When assessing applications of this kind policy DP26 (Managing the impact of development on occupiers and neighbours) requires the consideration of the following:

- a) visual privacy and overlooking;
- b) overshadowing and outlook;
- c) sunlight, daylight and artificial light levels;
- d) noise and vibration levels;
- e) odour, fumes and dust;
- f) microclimate;
- g) the inclusion of appropriate attenuation measures.
- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;
- i) facilities for the storage, recycling and disposal of waste (see Waste section);
- j) facilities for bicycle storage (see Highways section); and
- k) outdoor space for private or communal amenity space, wherever practical.

The position of the proposed bedroom especially, being within an existing external vault and under the street level fails to create the standard of living space expected by the Council especially given its proposed use as a bedroom. It is also likely that given its proximity to the shopping area it would experience inappropriate levels of disturbance from those using the high street.

The space for the proposed unit although meets Camden's space standards, feels enclosed because there is only one exit to and from the property. Due to the constraints of the site there is no outdoor amenity which in itself would not be considered adequate to refuse the application. However together with the lack of outlook officers consider that the proposed standard of accommodation is below what

is considered acceptable in terms of amenity.

Therefore it is considered that the development has failed to fully respond to the previous reasons for refusal in terms of outlook and standard of accommodation and fails to comply with policy DP26

Under section 7 of supplementary planning guidance CPG 6 (Amenity), all developments are required to have regard for the amenity of existing and future occupants. Policies CS5 (Core Strategy) and DP26 (Development Policies) state that the council will protect the quality of life for existing and future occupiers, as well as neighbours by only granting permission for those developments that would not have a harmful effect on amenity. Such issues include visual privacy, overlooking, overshadowing, outlook, sunlight, daylight and artificial light levels.

No light assessment was submitted as part of the current application; however a light assessment was submitted with the previous application. The assessment dated April 2013, was completed by Daniel Armstrong Associates and concluded that the previous proposed design “satisfies all of the requirements” set out within the *BRE Digest 209: “Site Layout Planning for Daylight and Sunlight”* document in terms of levels of light to the unit.

Daylight to the basement flat was further assessed under the previous application and considered to be acceptable as the below report extract demonstrates:

*“[The basement]... would be served by approximately 0.48sq allowable window area which is not blocked by walls within 30°. This window area is above the threshold of 10% of the floor area in accordance with the Council’s standards shown on Figure 10 of CPG2. According to section 6 of CPG6 a minimum for dwellings the ADF (average daylight factors) figures should be 2% for kitchens, 1.5% for living rooms and 1 to confirm that the basement flat receives adequate daylight in accordance with the BRE guidelines which the Council’s daylight standards based on. The basement flat achieves ADF value of 2.26 and therefore it is considered... [that the basement would]... receive adequate daylight in accordance with the Council’s standards.”*

The current application would create an additional window and entrance area that is likely to bring more light to the property. However as no Daylight Assessment has been submitted as part of this application it is unclear what the level of light to the newly propose bedroom would be. The proposed unit would have a height of 2.3 metres whilst this meets policy it is not generous. Additionally, it would not be possible to view the sky in any part of the property which would lead to poor outlook and a sense of enclosure. Although the Appeal Inspector recognised that the design of the unit was innovative it has no special characteristics, such as a garden area, patio or balcony or a generous outlook, to offset the layout and enclosed nature of the unit. Therefore the design still results in a poor standard of accommodation.

Two neighbour responses, both in support of the development, have been received. The unit is located below street level and the proposed use is unlikely to lead to any loss of amenity to those shop units at ground floor or other nearby residential units. Therefore it is acceptable on neighbour amenity grounds however lacking in amenity for future occupiers as discussed above.

#### *Transport*

The second reason for refusal under the previous application related to the signing of a Section 106 with a Car free head of terms.

The Council as a Highways Authority has recognised that there are significant pressures on the current parking facilities throughout the borough, especially in dense residential areas close to Town Centres. In the interest of sustainable transport practices, the Council has established highways policies that strongly discourage the use of private motor vehicles and aim to control any future unnecessary increase in off street parking (CS11 – Core Strategy, also DP16, DP17, DP18, DP19, DP22 – Development Policies).

The application is supported by the Highway Officer subject to a S106 agreement for car free

development.

*Car free:* The site is within the Somers Town Parking Zone (CA-G). All CPZ's are identified as suffering from a high level of parking stress with more than 100 permits issued for every 100 parking bays and overnight demand exceeding 90%.

Policy DP18 states that the Council expects new developments in areas of high on-street parking stress to be either car free or car-capped. The reasons for this are to facilitate sustainability and to help promote alternative, more sustainable methods of transport and stop the development from creating additional parking stress and congestion. This is also in accordance with policies CS11, CS19, DP18 and DP19.

The application site has a Public Transport Accessibility Level (PTAL) of 6b (excellent). In light of the above, a car free development should be secured by the means of a Section 106 legal agreement as a planning obligation is considered the most appropriate mechanism for securing the development. This is because it relates to controls that are outside of the development site and the ongoing requirement of the development to remain car free. The level of control is considered to go beyond the remit of a planning condition. This obligation is worded to comply with S106 of the Town and Country Planning Act.

As such, it is the Council's position that securing car free accommodation is policy compliant and accords with the requirements of Section 106 as it is necessary to make the development acceptable and is directly related to the development. It is also felt that the powers required to deal with this matter are too significant to be dealt with under a condition. This is in accordance with Circular 11/95, where it states at Appendix B as an example of an unacceptable condition, is one requiring loading and unloading and the parking of vehicles not to take place on the highway, as it purports to exercise control in respect of a public highway which is not under the control of the applicant.

The applicant has confirmed that they are happy to comply with the highways requirements however has not completed the agreement.

In line with policies DP17 and DP18, the Council will require the provision of one cycle space. The applicant has yet to demonstrate where this will be and how this can be complied with.

#### *Waste Storage*

As the proposed vaults would be used as a bedroom, it is unclear where the storage of waste would be. This has not been identified under the plans and is required. However this can be dealt with by way of condition.

#### **Conclusion:**

Although the applicant has addressed some of the reasons for the refusal of the previous application they have failed to adequately respond to issues of outlook and standard of accommodation. Therefore the application is recommended for refusal as it fails to comply with policies CS5 of the Core Strategy and DP26 of the Development Plan.

#### **Recommendation:**

That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

#### **The Notice shall allege the following breach of planning control:**

Use of the basement as a self-contained residential flat.

**Period of compliance:**

The Notice shall require that within a period of **6 months** of the Notice taking effect the following works are undertaken:

Use of the basement as a self-contained residential flat shall cease and all fixtures and fittings relating to the residential use including bathroom and kitchen fittings to be removed permanently from site.

**The Notice shall specify the reason why the Council considers it expedient to issue the notice:**

The basement by virtue of its inadequate outlook, layout and position provides substandard accommodation to the detriment of the amenity of current and future residential occupiers, contrary to policies CS5 (Managing the impact of growth and development), CS6 (Providing quality homes) and CS14 (Promoting high quality places and conserving) of the London Borough of Camden Core Strategy Development Plan Document and policy DP26 (Managing the impact of developers on occupiers and neighbours) of the London Borough of Camden Development Framework Development Policies

The enforcement reference number is EN14/1156.

# Tab 6

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Draft: ~~16 June 2015~~~~03 November 2014~~~~31 October 2014~~

DATED

20154

(1) JULIA SARAH PYPER

and

(2) THE MAYOR AND BURGESSES OF  
THE LONDON BOROUGH OF CAMDEN

**A G R E E M E N T**  
relating to land known as  
**122 DRUMMOND STREET**  
**LONDON NW1 2HN**  
pursuant to Section 106 of the Town and Country Planning  
Act 1990 (as amended)

Andrew Maughan  
Head of Legal Services  
London Borough of Camden  
Town Hall  
Judd Street  
London WC1H 9LP

Tel: 020 7974 1918  
Fax: 020 7974 2962

CLS/COM/FP/1685. (2014/5443/P)  
V34 ~~3~~34.110.2014

THIS AGREEMENT is made the  
~~2014-~~

day of

June 2015

**B E T W E E N:**

1. **JULIA SARAH PYPER** of Hareswith House Est Chiltington Road Storrington Pulborough RH20 4BP (hereinafter called "the Owner") of the first part
2. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the second part

1. **WHEREAS**

- 1.1 The Owner is registered at the Land Registry as the freehold proprietor with Title absolute of the Property under Title Number LN89831.
- 1.2 The Owner is the freehold owner of and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 A Planning Application for the development of the Property was submitted to the Council and validated on 18 September 2014 and the Council resolved to grant permission conditionally under reference number 2014/5443/P subject to the conclusion of this legal Agreement.
- 1.4 The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated and considers it expedient in the interests of the proper planning of its area that the development of the Property should be restricted or regulated in accordance with this Agreement.
- 1.5 For that purpose the Owner is willing to enter into this Agreement pursuant to the provisions of Section 106 of the Act.

2. **DEFINITIONS**

In this Agreement the following expressions (arranged in alphabetical order) shall unless the context otherwise requires have the following meanings:-

- 2.1 "the Act" the Town and Country Planning Act 1990 (as amended)
- 2.2 "the Agreement" this Planning Obligation made pursuant to Section 106 of the Act
- 2.3 "the Development" change of use of basement to 1 No. self-contained flat and associated works as shown on drawing numbers:- C11726.14.001, [021/PP02/P14462/B1](#), 4462/21B, Design and Access Statement, Lifetime Homes, Basement Impact Assessment (18/8/14)
- 2.4 "the Implementation Date" the date of implementation of the Development by the carrying out of a material operation as defined in Section 56 of the Act and references to "Implementation" and "Implement" shall be construed accordingly
- 2.5 "Occupation Date" the date when any part of the Development is occupied and the phrases "Occupy", "Occupied" and "Occupation" shall be construed accordingly
- 2.6 "the Parties" mean the Council and the Owner
- 2.7 "the Planning Application" a planning application in respect of the development of the Property submitted to the Council and validated on 18 September 2014 for which a resolution to grant permission has been passed conditionally under reference number 2014/5443/P subject to conclusion of this Agreement

- 2.8 "Planning Obligations Monitoring Officer" a planning officer of the Council from time to time allocated to deal with all planning obligations pursuant to S106 of the Act to whom all notices, correspondence, approvals etc must be sent in the manner prescribed at clause 6.1 hereof
- 2.9 "the Planning Permission" a planning permission granted for the Development substantially in the draft form annexed hereto
- 2.10 "the Property" the land known as 122 Drummond Street London NW1 2HN the same as shown shaded grey on the plan annexed hereto
- 2.11 "Residents Parking Bay" a parking place designated by the Council by an order under the Road Traffic Regulation Act 1984 or other relevant legislation for use by residents of the locality in which the Development is situated
- 2.12 "Residents Parking Permit" a parking permit issued by the Council under section 45(2) of the Road Traffic Regulation Act 1984 allowing a vehicle to park in Residents Parking Bays

**NOW THIS DEED WITNESSETH** as follows:-

- 3.1 This Agreement is made in pursuance of Section 106 of the Act, and is a planning obligation for the purposes of Section 106 as aforesaid, and shall be enforceable by the Council against the Owner as provided herein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning

obligation its provisions may be enforceable by the Council under any relevant statutory powers.

3.2 Words importing the singular shall include the plural and vice versa and any words denoting actual persons shall include companies corporations and other artificial persons.

3.3 Any reference to a specific statute or statutes include any statutory extension or modification amendment or re-enactment of such statute and any regulation or orders made under such statute.

3.4 The clause and paragraph headings do not form part of this Agreement and shall not be taken into account in its construction or interpretation.

3.5 It is hereby agreed between the Parties that save for the provisions of clauses 1, 2, 3, 5, 6 and 7 hereof all of which shall come into effect on the date hereof the covenants undertakings and obligations contained within this Agreement shall become binding upon the Owner upon the Implementation Date.

3.6 The Council hereby agrees to grant the Planning Permission on the date hereof.

3.7 The Parties save where the context states otherwise shall include their successors in title.

3.8 The Parties acknowledge that the Development shall be treated as being permanently designated as "car free" housing in accordance with Clause 4.1 for all relevant purposes.

#### 4. **OBLIGATIONS OF THE OWNER**

4.1 The Owner hereby covenants with the Council to ensure that prior to Occupation of any residential unit forming part of the Development each new resident of the Development is informed by the Owner of the Council's policy that they shall not be entitled (unless they are the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Residents Parking Permit to park a vehicle in a Residents Parking Bay and will not

be able to buy a contract to park within any car park owned, controlled or licensed by the Council.

4.2 The Owner for itself and its successors in title to the Property hereby acknowledges that the provision in Clause 4.1 above will remain permanently.

4.3 On or prior to the Occupation Date the Owner shall inform the Council's Planning Obligations Monitoring Officer of the official unit numbers of the residential units forming part of the Development (as issued and agreed by the Council's Street Name and Numbering Department), identifying those residential units that in the Owner's opinion are affected by the Owner's obligation in Clause 4.1 of this Agreement.

5. **NOTICE TO THE COUNCIL/OTHER MATTERS**

5.1 The Owner shall give written notice to the Council on or prior to the Implementation Date specifying that Implementation of the Development has taken or is about to take place.

5.2 Within seven days following completion of the Development the Owner shall certify in writing to the Planning Obligations Monitoring Officer in the manner outlined at clause 6.1 hereof quoting planning reference 2014/5443/P the date upon which the Development will be ready for Occupation.

5.3 The Owner shall act in good faith and shall co-operate with the Council to facilitate the discharge and performance of all obligations contained herein and the Owner shall comply with any reasonable requests of the Council to have access to any part of the Property or any requests to provide documentation within the Owner's possession (at the Owner's expense) for the purposes of monitoring compliance with the obligations contained herein.

5.4 The Owner agrees declares and covenants with the Council that it shall observe and perform the conditions restrictions and other matters mentioned herein and shall not make any claim for compensation in respect of any condition restriction or provision imposed by this Agreement and further shall jointly and severally indemnify the Council for any expenses or liability arising to the Council in respect of breach by the Owner of any obligations contained herein save to the extent that any act or omission

of the Council its employees or agents has caused or contributed to such expenses or liability.

6. **IT IS HEREBY AGREED AND DECLARED** by the Parties hereto that:-

6.1 The provisions of Section 196 of the Law of Property Act 1925 (as amended) shall apply to any notice or approval or agreement to be served under or in connection with this Agreement and any such notice or approval shall be in writing and shall specifically refer to the name, date and Parties to the Agreement and shall cite the clause of the Agreement to which it relates and in the case of notice to the Council shall be addressed to the London Borough of Camden, Planning Obligations Officer, Placeshaping Service, Urban Design and Development Team, 2<sup>nd</sup> Floor, 5 Pancras Square, London, N1C 4AJ, quoting the planning reference number 2014/5443/P and in the case of any notice or approval or agreement from the Council this shall be signed by a representative of the Council's Environment Department.

6.2 This Agreement shall be registered as a Local Land Charge by the Council.

6.3 The Owner agrees to pay the Council its proper and reasonable legal costs incurred in preparing this Agreement on or prior to the date of completion of the Agreement.

6.4 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Agreement in the Charges Register of the title to the Property and will furnish the Council forthwith with official copies of such title to show the entry of this Agreement in the Charges Register of the title to the Property.

6.5 Nothing contained or implied in this Agreement shall prejudice or affect the Council's powers to enforce any specific obligation term or condition nor shall anything contained or implied herein prejudice or affect any provisions, rights, powers, duties and obligations of the Council in the exercise of its functions as Local Planning Authority for the purposes of the Act or as a local authority generally and its rights, powers, duties and obligations under all public and private statutes, bye laws and regulations may be as fully and effectually exercised as if the Council were not a party to this Agreement.

- 6.6 Neither the Owner nor their successors in title nor any person deriving title from them shall be bound by the obligations in this Agreement in respect of any period during which it no longer has an interest in the Property but without prejudice to liability for any breach committed prior to the time it disposed of its interest.
- 6.7 For the avoidance of doubt the provisions of this Agreement (other than those contained in this sub-clause) shall not have any effect until this Agreement has been dated.
- 6.8 If the Planning Permission is quashed or revoked or otherwise withdrawn or expires before effluxion of time for the commencement of Development this Agreement shall forthwith determine and cease to have effect.

7. RIGHTS OF THIRD PARTIES

7.1 The Contracts (Rights of Third Parties) Act 1999 shall not apply to this Agreement

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owner have executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY  
JULIA SARAH PYPER  
in the presence of:

} Julia Pyper

  
.....  
Witness Signature

Witness Name: GABRIEL COX

Address: Church Farm House, Shroton, Dorset, DT11 8QB

Occupation: Housewife

THE COMMON SEAL OF THE MAYOR )  
AND BURGESSES OF THE LONDON )  
BOROUGH OF CAMDEN was hereunto )  
Affixed by Order:- )

.....  
Authorised Signatory