



ADN Planning Ltd

Chartered Town Planners

DRAFT STATEMENT OF COMMON GROUND

**THE LEIGHTON ARMS,
101 BRECKNOCK ROAD,
LONDON N7 0DA**

DAVID NORRIS BA (Hons.); BTP; MRTPI

ADN Planning Ltd

8 Kerria Way, West End, Woking, Surrey GU24 9XA

Telephone: 01483 808983 **Mobile:** 07503 745 077 **Email:** enquiries@adnplanning.co.uk

Website: www.adnplanning.co.uk

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1 DESCRIPTION OF THE APPEAL SITE AND THE SURROUNDING AREA

- 1.1** The appeal property comprises a three storey Edwardian building that is located on the corner of Brecknock Road and Torriano Avenue. The upper two floors of the front façade are constructed from London stock bricks with plastered architraves. Some stucco detailing is missing from window architraves as a result of previous low maintenance of the building. The ground floor is finished in stucco, which is painted grey/blue, with pilasters marking corners on the doorways. The large shop-front type windows and door have timber boarding surrounding them, both below and between.
- 1.2** The ground floor of the building is in use as a public house with the basement used as a cellar to the use above. Two upper floors of the building have a residential use and, due to the internal stairway, were undoubtedly previously used by the publican as living accommodation. The kitchen is part of the self-contained residential unit on the first and second floors. To the rear (south-west) of the building there is an open space that was previously used as an outdoor terrace for customers. This land, which is now in separate ownership, was severed from the public house in 2014. A mature tree, which is located in the south west corner of the site, will be retained as part of the proposal.
- 1.3** The character of the immediate area is predominantly residential. Brecknock Road forms the boundary between the original Edwardian streets and the generally 1950s blocks of flats to the east. These flats are typically set within gardens, set back from the pavement edge, and vary in design and quality. Development in Torriano Avenue, and surrounding streets, comprises largely of four storey buildings in height and although built as single family dwellings have subsequently been converted to flats. This includes the building on the opposite corner, which has an additional floor within the roof space built behind the parapet wall. In addition, many have mansard roofs, which vary considerably in quality. On the opposite side of Brecknock Road there is a five storey block of flats. Neither the existing building, nor the surrounding area has been classed as Heritage Assets (conservation area/listed building).

2 THE PROPOSAL

- 2.1** Planning permission is sought for the demolition of the existing single storey and two storey rear additions, existing staircase and some interior partitions. The facades and floors of the building will be retained. It is also proposed to extend at the rear of the building and at roof level to accommodate 5 flats. Internal alterations to the building will be made to provide a total of 5 flats within the building, comprising a mix of 4 x 2 bed and 1 x 1 bed. The entrance to the flats will be provided from the proposed two storey rear extension. This extension is designed in a contemporary style and will occupy the width of the rear of the building and, as with the flats, will be separate from the retained public house. The flats have been designed to comply with Lifetime Homes standards.
- 2.2** Amenity space is provided for each flat together with space for bike storage and bins and recycling storage. The revised drawing (Appeal Statement Appendix 1) demonstrates how a separate space for refuse and recyclable waste can be provided for the public house.

3 RELEVANT HISTORY OF THE APPEAL SITE

- 3.1** There is no relevant planning history. Planning permission was refused by the Council's Planning Committee against the recommendation of the planning officer to approve. The reasons for refusal are as follows:

“1) The proposed rear extension, by virtue of its excessive bulk, scale and massing would dominate the existing building and cause harm to its appearance, contrary to Core Strategy Policy CS 14 (Promoting high quality spaces and conserving our heritage) and Development Policy DP24 (Securing high quality design) of Camden's adopted Local Development Framework;

2) *The proposed conversion and change of use of residential use would result in a smaller public house space at ground floor without access to private external space which would preclude provision for a commercial refuse space, contrary to Core Strategy Policy CS7 (Promoting Camden's centres and shops) and Development Policy DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) of Camden's adopted Local Development Framework 2010;*

3) *The general disposition of the proposed residential flats in relation to the retained public house floorspace would reduce its available trading space, remove access to private external space (the pub garden) and introduce noise sensitive and noise generating uses in close proximity that would result in additional activity, disturbance and obstruction in the street, require excessive noise limiting measures and prejudice the long term retention of the public house which is an important local community facility contrary to Core Strategy Policies CS10 (Supporting community facilities and services), CS11 (Promoting sustainable and efficient travel), CS5 (Managing the impact of growth and development) and Development Policies DP15 (Community and leisure uses) DP21 (Development connecting to the highway network), DP26 (Managing the impact of development on occupiers and neighbours) of Camden's adopted Local Development Framework 2010."*

3.2 A separate planning application and appeal has been made for the erection of two houses (LPA ref: 2014/4554/P) to be located in the former beer garden of the public house.

4 PLANNING POLICIES

National

4.1 The basis on which planning applications are to be determined is set out in S.38 (6) of the Planning and Compulsory Purchase Act 2004, which requires:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

National Planning Policy Framework (NPPF)

- 4.2** The NPPF re-iterates at paragraph 11 that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. However, paragraph 12 states that development that accords with an up-to-date Local Plan should be approved, and proposed developments that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up- to-date plan in place.
- 4.3** The NPPF at paragraph 17 sets out a number of what is described as Core Planning Principles. Those relevant to this application include:
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 4.4** Paragraph 49, under the heading of Delivering a Wide Choice of High Quality Homes, states, “Housing applications should be considered in the context of the presumption in favour sustainable development.” Paragraph 60, of Chapter 7 (Requiring Good Design), states, “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

4.5 Paragraph 70, under the heading Promoting Healthy Communities states that planning policies and decisions should deliver the social, recreational and cultural facilities the community needs. This involves planning positively for the provision and use of shared space, community facilities etc. and also to guard against the unnecessary loss of valued facilities and services.

4.6 Under the heading Decision-taking the NPPF at paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. This is re-iterated further at paragraph 187, which states:

“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

Local

The London Plan – Spatial Development Strategy for Greater London – July 2011

4.7 The London Plan provides a strategic framework for planning policies within the London Boroughs. Paragraph 3.13 states that the Mayor is clear in that London desperately needs more homes in order to promote opportunity and real choice for all Londoners. This is further supported in paragraph 3.14, which recognises that with a growing population and more households, delivering more homes for Londoners, and meeting a range of needs with high design quality is important.

The London Borough of Camden – Local Development Framework – Core Strategy 2010

4.8 A full list of the relevant planning policies are set out in the officers delegated report. For convenience these are listed as follows:

- CS5 – Managing the impact of growth and development;

- CS6 – Providing quality homes;
- CS10 – Supporting community facilities and services;
- CS11 – Promoting sustainable and efficient travel;
- CS14 – Promoting high quality places and conserving our heritage;
- CS15 - Open space and biodiversity;
- CS17 – Making Camden a safer place;
- CS18 – Dealing with our waste and encouraging recycling.

The London Borough of Camden – Development Policies 2010

- DP1 – Mixed Use Development;
- DP2 – Making full use of Camden’s capacity for housing;
- DP6 – Lifetime Homes and wheelchair homes;
- DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses;
- DP15 – Community and Leisure Uses;
- DP16 – The transport implications of development;
- DP17 – Walking, cycling and public transport;
- DP18 – Parking standards and limiting the availability of car parking;
- DP 22 – Promoting sustainable design and construction;
- DP24 – Securing high quality design;
- DP26 – Managing the impact of development on occupiers and neighbours;
- DP28 – Noise and vibration;
- DP29 – Improving access.

Supplementary Planning Documents

4.09 The Council have adopted a number of documents that assist in the determination of planning applications. Of relevance to the appeal are:

- CPG1 – Design;
- CPG2 – Housing;
- CPG3- Sustainability; and
- CPG6 – Amenity.

5. PLANNING ISSUES

- 5.1** There is no dispute concerning the principle of five self-contained flats above the retained public house, which, it is accepted, makes effective use of land in accordance with both Government and local plan policy. In addition, it is agreed that the flats are in compliance with the Lifetimes Homes standards and will provide a good level of amenity for future occupiers.
- 5.2** The proposed extensions will not result in a loss of amenity to adjoining properties subject to the requirement of a planning condition, which would require privacy screens to be provided on the first and second floors. There is no dispute concerning the Vertical Sky Component Test (VSC), undertaken by Payne and Dixon dated 30 October 2014, which demonstrates that none of the nearest neighbouring windows with an outlook facing the site will result in a VSC of less than 27%. Therefore, in terms of daylight it has been demonstrated that the proposed development will maintain an adequate amount of daylight to all adjoining properties.
- 5.3** It is considered that the roof extension represents an appropriate design response to the building. The proposed materials comprising powder coated aluminium facing material is acceptable and the set in of the extension would ensure that it would appear as a very minor and subordinate element when the building is viewed as a whole. The set in it would only be appreciated in longer views, particularly Brecknock Road.
- 5.4** It is agreed that the proposal will not have an adverse impact upon highway safety. The development is car-free and located in an area with good Transport Accessibility Level (4). The cycling storage provision is considered to be satisfactory and in accordance with the Councils standards providing one space per unit. The refuse storage provision is considered to be satisfactory for both the proposed flats and for

the retained public house and will result in an improvement to the street scene (Torriano Avenue) where currently bins are left out on the street,

- 5.5** There is no issue in relation to the Energy Statement submitted with the planning application. It is accepted that the development, through investment in high performance building fabric and energy efficient systems, would exceed policy requirements for new build development.
- 5.6** There will be no adverse impact upon the existing tree located within the south-west corner of the site, or upon biodiversity within the site. The appellant agrees to a condition that would ensure this tree is retained as part of the development.
- 5.7** There is no dispute concerning the financial contributions towards open space provision and Education, and the payment of the Mayoral Community Infrastructure Levy (CIL). These are to be secured through a legal agreement to be submitted during the course of the appeal.