

Date: 28th August 2015
Your ref: APP/X5210/W/15/3035924
Our ref: 2015/0389/P
Contact: Yuyao Gong
Direct line: 020 7974 3829
Email: yuyao.gong@camden.gov.uk

Regeneration and Planning
Development Management
London Borough of Camden
Town Hall
Judd Street
London
WC1H 8ND

Tel 020 7974 4444
Textlink 020 7974 6866

planning@camden.gov.uk
www.camden.gov.uk/planning

Dear Neale Oliver,

**Planning Appeal by Mr Nicholas Eziefula
Site at 11-13 Camden High Street, NW1**

Change of use of storage unit at rear ground floor level and all of basement from office (Class B1) to residential (Class C3) and erection of part 1 and part 2 storey flat roof extension to create 1 x 1 bed self-contained unit and 1 x 2 bed self-contained unit.

Summary

The site lies within the Camden Town Conservation Area. It comprises buildings of 3-4 storeys high. It has a shop at the front ground level, the vacant subject space and 6 flats above. The area is built up intensely at the rear of the site.

The subject floor space is currently vacant. Prior approval has been granted for a temporary change of use from A1 to B1 office and expires in 2016. Although it appears to be laid out as an office, the appellant states the use never began. The application to be determined is as submitted: change of use from B1 office with extensions to provide 2 flats.

The council has resolved that had an appeal not been lodged, permission would have been refused on 5 grounds. The Council's case for this appeal is largely set out in the 'minded' decision notice, enclosed as appendix 1 and officer's delegated report dated 17/08/2015, appendix 2. This details the site and surroundings, the site history and a consideration of the main issues.

The following summarises what the grounds of refusal would have been, and, the status of the council's policies, and suggests conditions and s106 agreement should the appeal be allowed.

'Minded' decision notice: Appendix 1

The council has resolved that permission would have been refused on the following five grounds

1. Lack of justification for loss of business use floor space
2. Impact of the proposed extensions on the host building, surrounding area and conservation area in design terms
3. Poor standard of accommodation in terms of daylight, sunlight and sense of enclosure
4. Impact of the proposed extension in terms of loss of outlook from existing flats on the upper floors at No. 11-13 Camden High Street.
5. lack of S106 agreement regarding car free development

The Council's "minded" decision notice sets out the above reasons in full.

The Council's case

The Council's case for this appeal is fully set out in the officer's delegated report dated 17/08/2015, enclosed as appendix 2. This details the site and surroundings, the site history and a consideration of the main issues. It addresses the grounds of appeal which the appellant confirm is set out solely in the D&A statement submitted with the application.

S106 regarding car free development

A s106 obligation is deemed necessary to mitigate the impact of the proposal on the highway. The council will approach the appellant to see if they are willing to enter such an agreement without prejudice. The council will update PINs by the Final Comments stage. Details about the s106 are set out in Appendix 3.

Status of Policies and Guidance

The London Borough of Camden Local Development Framework was formally adopted on the 8th November 2010. The policies of relevance to the appeal scheme as expressed in the reasons for refusal are: DP6, DP24, DP25, Development Policy DP26 (b), (h) and (i); CPG2 – Paragraph 4.7, 4.20 and 4.21 (The full text of the relevant policies was sent with the questionnaire documents).

The Council also refers to supporting guidance documents: The Camden Planning Guidance has been subject to public consultation and was approved by the Council in September 2013. The Camden Town Conservation Area Statement has also been subject to public consultation and was approved by the Council in October 2007.

With reference to the National Planning Policy Framework 2012, policies and guidance contained within Camden's LDF 2010 are up to date and fully accord with paragraphs 214 – 216 (Annex 1) of the NPPF and should therefore be given substantial weight in the decision of this appeal. The National Planning Policy Framework was adopted in April 2012 and states that development should be refused if the proposed development conflicts with the local plan unless other material considerations indicate otherwise.

There are no material differences between the Council's policies and the NPPF in relation to this appeal.

Comments on appellant's grounds of appeal

There is no appeal statement from the applicant who has confirmed to PINs that they rely on the design and access statement.

Conclusion

The inspector is therefore urged to dismiss the appeal of the grounds cited above.

Suggested conditions and S106 agreement, should the appeal be allowed

These are set out in appendix 3 attached.

If any further clarification of the appeal submissions is required please do not hesitate to contact Yuyao Gong on the above direct dial number or email address.

Yours sincerely

Yuyao Gong
Planning Officer
Regeneration and Planning
Culture and Environment
London Borough of Camden

Appendix 1

Mr. Uzoma Eziefula
15 Camden High Street
London
NW1 7JE

Application Ref: **2015/0389/P**
Please ask for: **Yuyao Gong**
Telephone: 020 7974 **3829**

28 August 2015

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended)
NOTIFICATION OF DECISION WHEN AN APPEAL HAS BEEN MADE
REFUSAL

Address:
11-13 Camden High Street
London
NW1 7JE

Proposal:
Change of use of storage unit at rear ground floor level and all of basement from office (Class B1) to residential (Class C3) and erection of part 1 and part 2 storey flat roof extension to create 1 x 1 bed self-contained unit and 1 x 2 bed self-contained unit.
Drawing Nos: A001, A101, A102, A103, A104, A105, A106, A107, A108, A201, A202, A203, A204, A301, A701, A702

The Council has considered your application and had an appeal not been made to the Secretary of State, would have refused Full Planning Permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed development, in the absence of a justification demonstrating that the premise is no longer suitable for continued business use would result in the loss of employment floorspace contrary to policies CS8 (Promoting a successful and inclusive Camden economy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 (Employment premises and sites) of the London Borough of Camden Local Development Framework Development Policies.
- 2 The proposal would result in poor quality accommodation in terms of daylight, sunlight and sense of enclosure contrary to policy DP26 (Managing the impact of



development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

- 3 The proposed extension, by reason of its bulk, scale and height, would fail to respect the proportions of the host building and would therefore be harmful to the host building and to the wider Camden Town Conservation Area contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and to policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 4 The proposed development would result in loss of outlook from neighbouring properties to the detriment of the amenity of adjoining occupiers, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and to DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
- 5 The proposed development, in the absence of a Section 106 legal agreement to secure the new development as car free, would be likely to contribute unacceptably to parking stress and traffic congestion in the surrounding area and would not promote use of sustainable transport contrary to policies CS11 (Promoting sustainable and sufficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.

Yours faithfully



Ed Watson
Director of Culture & Environment

Appendix 2

Delegated Report		Analysis sheet		Expiry Date:	23/03/2015
		N/A		Consultation Expiry Date:	25/02/2015
Officer			Application Number(s)		
Yuyao Gong			2015/0389/P		
Application Address			Drawing Numbers		
11-13 Camden High Street London NW1 7JE			See draft decision		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Change of use of storage unit at rear ground floor level and all of basement from office (Class B1) to residential (Class C3) and erection of part 1 and part 2 storey flat roof extension to create 1 x 1 bed self-contained unit and 1 x 2 bed self-contained unit.					
Recommendation(s):		Had an appeal not been lodged against non-determination, permission would have been refused			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	25	No. of responses	00	No. of objections	01
Summary of consultation responses:	<p>A site notice was displayed from 06/02/2015 and the application was advertised in the local press on 12/02/2015.</p> <p>One objection was received during the appeal consultation period with the following comments:</p> <ul style="list-style-type: none"> • repeatedly breached planning and has had several enforcement notices • already an over development and has caused a complete loss of amenity space • causing significant loss of quiet enjoyment for ourselves given the noise now heard from 11-13. 					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Response was received from Camden Town CAAC with the following points:</p> <ul style="list-style-type: none"> • The lightwell is far too small to offer adequate daylight - it should be twice the size. • The daylight assessment document is not trustworthy. The bedrooms will be barely lit particularly when the sun moves to the west. • This is not an appropriate site for additional housing. Both units will be overshadowed by the comparatively high buildings in the High Street so that even the 1- bed flat with its meagre windows will suffer from lack of sunlight. 					

Site Description

Nos. 11-13 Camden High Street comprises basement plus 4-storey terraced properties situated on the west side of Camden High Street, north west of the junctions with Mornington Crescent, Hurdwick Place, Eversholt Street and Crowndale Road. Mornington Crescent underground station lies due south of the application site. The site is located in the designated Town Centre of Camden. It is also within Camden Town conservation area. The buildings are not listed.

The ground floor front is used as a shop. The rear ground floor and entire basement are vacant. There is an internal stair case connecting the spaces. Access is from the side alley. Prior approval has been granted for a temporary change of use for the rear ground floor and basement from A1 to B1, expiring in August 2016. Whilst the appellants have applied for a change of use from B1, they state that the B1 use never began. It appears however to be laid out as an office. There are 6 flats on the upper floors and 2 have balconies at first floor level rear and 2 have balconies at 2nd floor level rear.

The application site lies at the back of Nos.11-13 Camden High Street and is accessed through the gated alleyway which joins onto Camden High Street. 5 Nelsons Yard backs onto the application site. The access alley provides access to the rear of the residential units at 15 Camden High Street. There is also a side access door into the retail unit at 13 Camden High Street. To the south of the site there is a mixed use development at 9 Camden High Street with flats above and a restaurant below. At Nos. 11-13 Camden High Street, there are flats above and two retail units on ground floor level.

There are two existing skylights providing natural lighting into the subject ground floor room. On the existing first floor there is a flat sedum roof. Two balconies of the existing residential flats at No. 11-13 face the roof area.

Relevant History

K12/2/8/5934 – Refusal - Change of use of the ground floor from shop to driving school and Insurance Agency at 11, Camden High Street, Camden.

K12/2/8/28258 – Conditional - Change of use from retail shop, currently used as a Travel Agency, to mixed use as Travel Agency and Employment Agency.

9300195 – Refuse subject to appeal decision - Extension of the existing building at the rear and at roof levels on 1st 2nd 3rd and 4th floor levels to provide 8 two-bedroom flats; as shown on drawing nos. 508/01 and 02.

9301532 – Grant Full or Outline Perm. With Condit. - Works of refurbishment and erection of extensions at rear first and second floors and an additional roof storey to provide four flats and two maisonettes over ground floor retail premises as shown on drawing nos. 508/01C 02B revised on 13.01.94 and 08.02.94.

2007/2197/P -- Granted subject to S106 -- Extensions and alterations, including the installation of a new shopfront, erection of a mansard roof extension and rear extensions at basement and ground (for additional retail floorspace) floor levels and at first and second floor levels with terrace, to provide additional floorspace in connection with the creation of 6 self-contained flats, and accompanying Conservation area Consent for Demolition of substantial part of existing building (works already carried out), with front facade being retained. –This scheme has been implemented

2007/2566/C – Granted - Demolition of substantial part of existing building (works already carried out) with front facade being retained

2011/5227/P – Granted subject to S106 - Amendments to planning permission granted 01/10/08 (Ref: 2007/2197/P) for extensions and alterations, including the installation of a new shopfront, erection of a mansard roof extension and rear extensions at basement and ground (for additional retail floorspace) floor levels and at first and second floor levels with terrace, to provide additional floorspace in connection with the creation of 6 self-contained flats, namely, extensions at basement and ground floor level to provide additional retail floorspace (retrospective) and alterations to the design of the proposed new shopfront.

2011/5272/P-- Granted subject to S106 - Amendments to planning permission granted 01/10/08 (Ref: 2007/2197/P) for extensions and alterations, including the installation of a new shopfront, erection of a mansard roof extension and rear extensions at basement and ground (for additional retail floorspace) floor levels and at first and second floor levels with terrace, to provide additional floorspace in connection with the creation of 6 self-contained flats, namely, enlargement of rear first and second floor level extensions and alterations to the design of the proposed new shopfront.

A prior approval was granted for temporary use change of the rear of 11-13 Camden High Street , the subject premises, from use class A1 to B1, ref 2014/4697/P, in relation to a proposed lease of the area as an office, with effective date 1st August 2014 to August 2016. However, the proposed occupant later chose not to implement the office, so that the site remains vacant and to date has never been occupied..

Relevant policies

LDF Core Strategy

- CS5 Managing the impact of growth and development
- CS6 Providing quality homes
- CS8 Promoting a successful and inclusive Camden economy
- CS14 Promoting high quality places and conserving our heritage

Development Policies

- DP2 Making full use of Camden's capacity for housing
- DP5 Homes of different sizes
- DP6 Lifetime homes and wheelchair homes
- DP13 Employment sites and premises
- DP24 Securing high quality design
- DP25 Conserving Camden's heritage
- DP26 Managing the impact of development on occupiers and neighbours

CPG

- CPG1 (Design) 2015 – Sections 1-5
- CPG2 (Housing) 2015 – Paragraph 4.7, 4.20 and 4.21
- CPG5 (Town centres, retail and employment)
- CPG6 (Amenity) 2011 – Sections 7- Overlooking, privacy and outlook

Camden Town Conservation Area Appraisal and Management Strategy (2007)

Assessment

1.0 Background

1.1 The application seeks permission for the change of use of the unit at rear ground level and basement from office (Class B1) to residential (Class C3) and erection of a part single and part two storey extension on the roof of the existing ground floor to create 1 x 1 bed self-contained unit and 1 x 2 bed self-contained unit.

1.2 On ground floor level, a new residential entrance will be created from the alleyway. The existing window on ground floor level facing the alleyway would be blocked. On the first floor level, the proposed extension would have a depth of between 5.3m and 8.1m. The maximum width is approximately 7.36m and the height is approximately 2.8m. The distance between the wall of the proposed extension on first floor level to the balconies of the residential flats at Nos. 11-13 is only 2.2m. On the second floor level the depth of the proposed extension is between 2.63m and 5m. The proposed width is 7.14m. The proposed height is 2.34m. The maximum height of the whole extension is 5.4m.

1.3 The applicant was advised that the proposed change of use and extension were contrary to policies and was unacceptable. The reasons are as follows:

- Inappropriate location for residential development
- Bulky development not in keeping with the area
- Impact upon neighbouring properties in terms of loss of outlook
- Inadequate natural lighting into the habitable rooms on the lower ground level

1.4 An appeal against non-determination has been received.

2.0 Proposal

2.1 Key Issues:

- 1) Land use
- 2) New residential accommodation & Residential space standard
- 3) Design and impact on the appearance of the building and on the conservation area
- 4) Amenity
- 5) Transport and parking

3.0 Land Use

3.1 The lawful use of the subject site may be A1 use. However, the application is determined on the basis on which it was submitted.

3.2 The existing premises are currently in good condition for office use in terms of the internal layout and facilities included. DP13 states that the Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business unless:

- a) it can be demonstrated to the Council's satisfaction that a site or building is no longer suitable for its existing business use; and
- b) there is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.

3.3 In the Design and Access Statement, it mentions that “A prior approval was granted for temporary use change of the rear of 11-13 Camden High Street from use class A1 to B1, ref 2014/4697/NEW, in relation to a proposed lease of the area as an office, with effective date 1st August 2014. However, the proposed occupant later chose not to move forward and found the location inadequate for their use as an office, so that the site remains vacant and to date has never been occupied.”

3.4 However, no justification has been provided as to why the location is inadequate for use as an office. Paragraph 7.4 of CPG5 mentions a number of considerations that will be taken into account when assessing applications for a change of use from office to a non-business use, specifically:

- the criteria listed in paragraph 13.3 of policy DP13 of the Camden Development Policies;
- the age of the premises. Some older premises may be more suitable to conversion;
- whether the premises include features required by tenants seeking modern office accommodation;
- the quality of the premises and whether it is purpose built accommodation. Poor quality premises that require significant investment to bring up to modern standards may be suitable for conversion;
- whether there are existing tenants in the building, and whether these tenants intend to relocate;
- the location of the premises and evidence of demand for office space in this location; and
- whether the premises currently provide accommodation for small and medium businesses.

3.5 The application has provided no justification (as set out above) and has therefore not demonstrated that the premise is no longer suitable for continued business use. The development would result in the loss of employment floorspace contrary to policies CS8 (Promoting a successful and inclusive Camden economy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP13 (Employment premises and sites) of the London Borough of Camden Local Development Framework Development Policies. Permission should be refused on this basis.

4.0 New residential accommodation & Residential space standard

4.1 The proposal would provide a two bed maisonette at basement and ground floor level and a one-bedroom maisonette at first and second floor level. The two bed flat has bedrooms in the basement which would have windows facing a small lightwell. The kitchen/living room at ground level is served too solely by a window looking into the rear lightwell. The one bed maisonette has a living / kitchen at first floor level with a window to the rear and a bedroom above with 2 windows with different aspects to the rear. The flats would be cited to look out among tall buildings with 4-5 storeys' high along Camden High Street at the front and at Nelson's Yard backing onto the site. It is further enclosed by No. 46, 46a and 47 Mornington Crescent which have 3/4 storeys.

4.2 Paragraph 5.6 of policy DP5 mentions that “each development should contribute to the creation of mixed and inclusive communities by containing a mix of large and small homes overall”. It is considered that the proposed development would accord with policy DP5.

4.3 Development Policy DP26 (h) states the Council will require developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space.

4.4 The two-bedroom flat has an overall internal floorspace of 76.6 sqm excluding communal lobbies and staircases. The one-bedroom flat has an overall internal floorspace of 48.7sqm excluding communal lobbies and staircases. These meet the standards set out in CPG 2. The area of the two bedrooms at basement level is 12sqm and 8.08sqm. The area of the bedroom at second floor level is 12.05sqm. Paragraph 4.16 of CPG2 states that “The Council will expect bedrooms to meet or exceed the following minimum sizes: First and double bedrooms - 11.0 sqm; Single bedrooms - 6.5 sqm.” The proposal therefore meets the standards in CPG2.

4.5 Policy DP6 requires that all new homes should comply with Lifetime Homes criteria as far as possible. The information provided indicates that not all of the 16 standards would be able to be met due to lack of details in terms of access from Camden High Street, access to Flat 2, layouts of toilet and bathroom. Therefore it is not considered that the proposal satisfies the policy requirements for DP6. Given however that the proposal is to convert existing office space into residential use and is not a new build, refusal of permission is not warranted in this case.

4.6 The lower maisonette is completely unacceptable in terms of daylight, sunlight and sense of enclosure being served only by a small light well. It is difficult to concur with the daylight and sunlight report submitted. There would be minimal, if any, sunlight and the sense of enclosure would be over bearing. The upper maisonette would have better daylight but again would be unacceptable with sole aspect out to the rear, and poor sunlight and over bearing sense of enclosure.

5.0 Design and appearance

5.1 Camden Planning Guidance 1 (Design) states in paragraphs 4.10 and 4.12 that new extensions should be secondary to the host building in terms of form, scale, proportions and detailing and respect the existing pattern of rear extensions in an area.

5.2 It is considered that the proposed part one storey, part two storeys extension with 49.6sqm net additional gross internal floor space is bulky and not subordinate to the host building and would not be in keeping with the area. There are no other similar extensions at the rear. The proposed development constitutes an intrusive element at the rear which distracts the appearance of the continuous rear elevation of the buildings at the Nelson's Yard when viewed from the rear of residential properties at No. 11-13 Camden High Street. It would further increase the sense of enclosure at the rear of No's 11-13 which is detrimental to the design of the buildings. The proposed extension is considered to materially harm the character and appearance of the host building and the Camden Town Conservation Area due to its bulk and excessive size.

6.0 Amenity impact on neighbouring occupiers

6.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight.

6.2 The proposed extension would have part one and part two storeys erected on the ground floor flat roof located at the rear. The site is located among a group of buildings with 4-5 storeys to the north, west and east of the subject site. The bedrooms of existing Flat A and Flat B at the rear of No. 11-13 Camden High Street on the first floor level would look directly towards the walls of the proposed extension. The distance between the wall and the balconies outside the two bedrooms would be only 2.2m. The proposed extension would greatly reduce the outlook from these two bedrooms. The window on 2nd floor of the proposed extension looking towards the two bedrooms of existing Flat C and Flat D at the rear of No's 11-13 would be obscure glazed. This window would not be fixed shut, however this can be secured by a condition.

6.3 It is considered that the proposal is detrimental to the amenity of adjoining occupiers within the upper floors in terms of loss of outlook, contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and to DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough

of Camden Local Development Framework Development Policies and CPG6.

7.0 Transport and parking

7.1 The Council generally expect development in Low Parking Provision Areas (i.e. the Central London area, our town centres and other areas with high public transport accessibility) to be car-free. The subject site is located in the Camden Town town centre with PTAL 6b (excellent). As such the scheme should be secured car-free to ensure that the development does not create additional parking stress and congestion. This is in accordance with policies CS11 (Promoting sustainable and sufficient travel); CS19 (Delivering and monitoring the Core Strategy); DP18 (Parking standards and availability of car parking); and DP19 (Managing the impact of parking).

7.2 The proposed development, in the absence of a Section 106 legal agreement to secure the new development as car free, would be likely to contribute unacceptably to parking stress and traffic congestion in the surrounding area and would not promote use of sustainable transport contrary to policies CS11 (Promoting sustainable and sufficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP18 (Parking standards and the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.

8.0 Conclusion

8.1 It is considered that the proposed development would lead to loss of office space in the town centre, produce poor quality accommodation with inadequate natural lighting, and would have a bulky appearance which would not be subordinate to the host building, and would harm the character and appearance of the surrounding area and the conservation area. It would also cause detrimental impacts upon the amenity of neighbouring properties at No. 11-13 Camden High Street. The proposed development, in the absence of a Section 106 legal agreement to secure the new development as car free, would be likely to contribute unacceptably to parking stress and traffic congestion in the surrounding area. Therefore planning permission shall be refused.

Recommendation: Refuse planning permission

Date of report : 17th August 2015

Appendix 3

Condition(s)

1. The window on the second floor of the proposed extension facing the residential flats at No. 11-13 should be obscure glazed and fixed shut at all times.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

S106

Reason for legal agreement:

A car free agreement is required to minimise the impact of the surrounding highways network and amenity Justification:

The Section 106 Agreement restricts the development as car-free (unless the occupant is disabled) which prevents occupants of the development from being granted parking permits and contracts for Council owned or controlled car-parks. This obligation is worded to comply with S106 of the Town and Country Planning Act.

The reasons for this are to facilitate sustainability and to help promote alternative, more sustainable methods of transport. The site is located close to Mornington Crescent underground station. Various bus stops are also located directly adjacent to the site on Camden High Street. The site has a public transport accessibility level (PTAL) of 6b (excellent) which confirms that it is easily/highly accessible by public transport.

The site is not located in controlled parking zone (CPZ).

As the scheme provides additional residential units a S106 for car-free development is required to ensure that that the development does not create additional parking stress and congestion. This is in accordance with policies CS11 (Promoting sustainable and sufficient travel); CS19 (Delivering and monitoring the Core Strategy); DP18 (Parking standards and availability of car parking); and DP19 (Managing the impact of parking).

A planning obligation is considered the most appropriate mechanism for securing the development as car free as it relates to controls that are

outside of the development site and the level of control is considered to go beyond the remit of a planning condition. Furthermore, the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as “Car Free”. The Council’s

control over parking does not allow it to unilaterally withhold on-street parking permits from residents simply because they occupy a particular property. The Council’s control is derived from Traffic Management Orders (“TMO”), which have been made pursuant to the Road Traffic Regulation Act 1984. There is a formal legal process of advertisement and consultation involved in amending a TMO. The council could not practically pursue an amendment to the TMO in connection with every application where the additional dwelling (or dwellings) ought properly to be designated as car-free. Even if it could, such a mechanism would lead to a series of disputes between the council and incoming residents who had agreed to occupy the property with no knowledge of its car-free status. Instead, the TMO is worded so that the power to refuse to issue parking permits is linked to whether a property has entered into a “Car Free” Section 106 Obligation. The TMO sets out that it is the Council’s policy not to give parking permits to people who live in premises designated as “Car Free”, and the Section 106 legal agreement is the mechanism used by the Council to signal that a property is to be designated as “Car Free”.

Further, use of a Section 106 Agreement, which is registered as a land charge, is a much clearer mechanism than the use of a condition to signal to potential future purchasers of the property that it is designated as car free and that they will not be able to obtain a parking permit. This part of the legal agreement stays on the local search in perpetuity so that any future purchaser of the property is informed that residents are not eligible for parking permits.

CIL Compliance:

The Car Free requirement complies with the CIL Regulations as it ensures that the development is acceptable in planning terms to necessarily mitigate against the transport impacts of the development as identified under the Development Plan for developments of the nature proposed. This supports key principle 4 of the National Planning Policy Framework: Promoting sustainable transport.