

STATEMENT OF CASE

APPEAL BY

FOUR QUARTERS (COLLEGE LANE) DEVELOPMENT LTD

SITE AT FORMER BR STAFF CLUB, COLLEGE LANE, LONDON, NW5 1BJ

Planning reference: 2015/2559/P, 2015/2920/P and 2015/3618/P

DECEMBER 2015

1. INTRODUCTION

1.1 This Statement of Case has been prepared in support of an appeal by Four Quarters (College Lane) Ltd (“the Appellant”) made under section 78 of the Town and Country Planning Act 1990 (as amended) (“the Act”) against the failure of the London Borough of Camden (“LBC”) to give notice within the prescribed period of a decision on the following applications for approval of details reserved by condition under planning permission reference number PEX0100663R2 (“the Planning Permission”):

1.1.1 Ref: 2015/2559/P submitted to LBC on 7 May 2015 (“the First Application”)

1.1.2 Ref: 2015/2920/P submitted to LBC on 21 May 2015 (“the Second Application”)

1.1.3 Ref: 2015/3618/P submitted to LBC on 25 June 2015 (“the Third Application”)

1.2 Planning Permission was granted on appeal on 23 June 2003 for the following development on land at the former BR Staff Club, College Lane, London NW5 1BJ (“the Property”):

“demolition of the existing clubhouse building and the construction of twenty houses arranged in terraces of two and three storeys with lower ground levels and a block of ten flats comprising studio, 2 and 3 bedroom units. The provision of underground car parking with a ramped access from the existing site entrance off Little Green Street”

1.3 The Planning Permission was granted subject to various planning conditions including the following:

“(2) No development shall take place until samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.”

“(3) No development shall take place until full details and the layout of all hard and soft landscaping works, including all trees and bushes to be retained and the arrangements for the management of the landscaped areas, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the means of enclosure; the measures to be taken to protect existing trees and bushes during construction; the areas to be used for the storage of materials during construction; the proposed levels and the materials to be used for hard surfacing.”

1.4 On 7 May 2015 the Appellant submitted the First Application to LBC to approve a change to the materials to be used for part of the development reserved by the condition number two. On 21 May 2015, the Second Application was submitted to LBC to approve a change in the material for a different part of the development reserved by the same condition. On 25 June 2015, the Appellant submitted the Third Application to LBC to approve a change to the previously agreed landscape scheme reserved by condition number three.

1.5 To date, LBC have not given notice of their decision on any of the First, Second or Third Applications to the Appellant.

- 1.6 The statutory period for determining applications made under a planning condition as specified by Article 27 of the Town and Country (Development Management Procedure)(England) Order 2015 is eight weeks from the date on which the application is received by the local planning authority.
- 1.7 The time limit for LBC to give notice of their decision on the applications therefore expired on the following dates:
- 1.7.1 The determination period for the First Application expired on 2 July 2015.
- 1.7.2 The determination period for the Second Application expired on 16 July 2015.
- 1.7.3 The determination period for the Third Application expired on 20 August 2015.
- 1.8 This Statement of Case sets out the Appellant's case in support of all three applications and should be read in conjunction with the following documents which accompany the Appeal submission:

The First Application:

- Copy of application for approval of details ref: 2015/2559/P – submitted to LBC on 7 May 2015
- Site Plan PWCR PO2
- Email correspondence between Proctor Watts Cole Rutter and LBC dated 12 May 2015, 11 June 2015, 18 June 2015, 25 June 2015, 29 June 2015, 31 July 2015
- Copy of planning application ref: PEX0100663R2 dated 7 August 2001

The Second Application:

- Copy of application for approval of details ref: 2015/2920/P – submitted to LBC on 21 May 2015
- Site Plan PWCR PO2
- Email correspondence between Proctor Watts Cole Rutter and LBC dated 12 May 2015, 25 June 2015, 31 July 2015
- Copy of planning application ref: PEX0100663R2 dated 7 August 2001

The Third Application:

- Copy of application for approval of details ref: 2015/3618/P – submitted to LBC on 25 June 2015
- Landscape Plans M243-201 and M243-[202]
- Site Plan PWCR PO2
- Email correspondence between Proctor Watts Cole Rutter and LBC dated 12 May 2015, 25 June 2015, 31 July 2015
- Copy of planning application ref: PEX0100663R2 dated 7 August 2001

2. PLANNING BACKGROUND

- 2.1 The development is located on land at the former BR Staff Club site in College Lane, Kentish Town. The site is situated next to the eastern boundary of the Dartmouth Park Conservation

Area. The site is surrounded by a wide variety of housing ranging from terrace cottages in Little Green Street and College Lane in the south to deck-access housing in the Ingestre Road estate on the north-east boundary.

2.2 Planning Permission for development at the Property was granted on appeal on 23 June 2003 (appeal reference: APP/X5240/A/02/1097183). A copy of the Planning Inspector's Appeal Decision is attached at **Appendix 1**.

2.3 The Planning Permission was granted subject to a number of conditions, including conditions number two and three set out at section 1.3 above.

Condition 2

2.4 An application to discharge condition number two was submitted to LBC in August 2007 but withdrawn following discussion with planning officers. A second application to discharge the condition was submitted in April 2008 together with a schedule of materials for approval (planning reference: 2008/1615/P).

2.5 The application and schedule of materials was approved by LBC on 9 May 2008 and condition number two discharged. A copy of the application and schedule of materials, the planning officer's report and the decision notice are attached at **Appendix 2**.

Condition 3

2.6 An application to discharge condition number three was submitted to LBC in July 2007 but withdrawn following discussion with planning officers. A second application to discharge the condition was submitted in April 2008 together with a tree protection method statement and details of the hard and soft landscaping (planning reference: 2008/1828/P).

2.7 The application was approved by LBC on 20 March 2009 and condition number three discharged. A copy of the application, tree protection method statement, landscape proposals, the planning officer's report and the decision notice are attached at **Appendix 3**.

Development at the site

2.8 Development at the site is well progressed. The structure of the town houses is complete with the majority of the windows fitted and the external cladding underway. The two studio apartments are nearing completion as show homes and the foundations for the mixed block have just commenced. It is important that the applications to approve the details pursuant to conditions two and three are approved so as to avoid any further unnecessary delay to the completion of the development.

3. THE APPLICATIONS

3.1 Between May and June 2015, the Appellant submitted three applications to LBC to approve changes in the materials to be used in the development and to re-discharge conditions number two and three:

3.1.1 In respect of the First and Second Applications, the reason for the proposed changes is to update and refresh the palette and quality of materials that were originally approved in 2008 but with the passage of time are now outmoded. The proposed materials are also more durable and will weather better than the original materials. The new materials proposed are therefore more consistent with securing high quality design

pursuant to Camden Development Policy 24 ‘Securing high quality design’ (see section 5.4 below) and Camden Planning Guidance 1 ‘Design’ (see section 5.5 below).

- 3.1.2 The Third Application proposed a number of changes intended to reduce high maintenance costs, address health and safety concerns associated with the water feature and improve the quality of the hard surfacing.

The First Application

- 3.2 On 7 May 2015 an application to change the materials to be used for the external wall cladding, roof covering and windows of the terraced houses was submitted to LBC. The application seeks permission to make a number of changes to the materials previously approved:

- 3.2.1 Wall cladding: change from Trespa Rainscreen panels in Deep Blue to Trespa Meteor panels in Weathered Basalt NA14.

Following submission of the application, the Appellant’s agent met with the planning officer at LBC who requested that the colour specification be changed from Weathered Basalt NA14 to Natural Chalkstone Colour NA12. A copy of an email dated 11 June 2015 sent by the Appellant’s agent to LBC agreeing to this change is attached at **Appendix 4**.

- 3.2.2 Roof covering: change in flat roof covering from Sarnafil in M4L 05217040 (mid grey) and aluminium roof cladding (weathered copper finish) to Fatra single ply membrane colour RAL 7040 (mid grey).

- 3.2.3 Windows: change from hard wood with dark walnut stain to powder coated aluminium in colour RAL 7012.

- 3.2.4 A copy of the First Application is attached at **Appendix 5**.

The Second Application

- 3.3 On 21 May 2015 the Appellant submitted a second application to amend the external wall cladding on the studio block. The application proposes the following change is made to the materials previously approved:

- 3.3.1 Wall cladding: change from Ibstock Calderstone Claret Red to Terca Wienerberger colour Hampstead Yellow

- 3.4 A copy of the Second Application is attached at **Appendix 6**.

The Third Application

- 3.5 On 25 June 2015 the Appellant submitted an application to amend the landscaping scheme and the specification for the hard and soft landscaping at the development. The application proposes the following changes are made:

- 3.5.1 Water features: to omit the water features and replace with soft planted areas. It is noted that the planning officer’s report recommending discharge of condition 3 under application 2008/1828/P commented that “*the value and impact of these elements is largely internal to the site and are not therefore considered necessary to give detailed attention*” (copy at Appendix 3).

3.5.2 Hard surfacing: change of courtyard paving from Tegula Flags to granite paving and shared footpath from Tegula block paving to York Stone paving.

3.6 A copy of the Third Application is attached at **Appendix 7**¹.

4. RIGHT TO APPEAL

4.1 Following submission of the First Application on 7 May 2015 and the Second Application on 21 May 2015 the Appellant did not receive details of the planning application reference numbers from LBC until 25 June 2015 in an email from a senior planning officer at LBC to the Appellant's planning agent. The planning reference number for the Third Application was received in an email from LBC to the Appellant on 31 July 2015. A copy of the email is attached at **Appendix 8**.

4.2 Although all three applications have been given reference numbers, they have not been added to LBC's online planning register.

4.3 On 31 July 2015 the senior planning officer at LBC indicated in an email to the Appellant that LBC anticipated recommended the applications 'on or before the 14th August'. The email is attached at **Appendix 8**.

4.4 To date, LBC have not given notice of their decision to the Appellant. LBC have given no planning related reasons for the non-determination of the applications. The statutory period for determining applications made under a planning condition as specified by Article 27 of the Town and Country (Development Management Procedure)(England) Order 2015 is eight weeks from the date on which the application is received by the local planning authority. The time limit for LBC to give notice of its decision to the Appellant therefore expired on 2 July 2015 in respect of the First Application and 16 July 2015 in respect of the Second Application.

4.5 The Appellant is therefore entitled to appeal on the grounds of non-determination pursuant to section 78 of the Act.

5. RELEVANT DEVELOPMENT PLAN POLICIES

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"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."

5.2 The relevant development plan for the purposes of the First and Second Application comprises:

- The London Plan 2011
- London Borough of Camden Core Strategy (2010)

5.3 The London Plan Policy 3.5 'Quality and Design of Housing Developments' supports housing developments that are 'of the highest quality internally, externally and in relation to their context and to the wider environment' and the design of all new housing developments 'should enhance the quality of local places'. A copy of Policy 3.5 is attached at **Appendix 9**.

¹ The Third Application mistakenly refers to condition 2 instead of condition 3.

5.4 Camden Development Policy 24 'Securing High Quality Design' supports delivery of the Core Strategy. DP 24 states that the Council require all developments to be of the highest standard of design and will expect developments to consider, inter alia, the quality of materials to be used. In particular, development should consider 'the compatibility of materials, their quality, texture, tone and colour. A copy of Development Policy 24 is attached at **Appendix 10**.

5.5 Camden Planning Guidance CPG1 Design states that:

"Materials should form an integral part of the design process and should relate to the character and appearance of the area...the durability of materials and understanding of how they will weather should be taken into consideration. The quality of a well-designed building can be easily reduced by the use of poor quality or an unsympathetic palette of materials" (para 2.12).

5.6 Paragraph 6.49 of CPG1 also refers to the selection and use of high quality materials in hard landscaping.

5.7 A copy of CPG1 is attached at **Appendix 11**.

6. CONCLUSIONS

6.1 Given the above, LBC should have given the Appellant notice of their decision to approve each of the First, Second and Third Applications within the statutory time period. The Appellant has provided all the required information to support each Application and, where requested, has responded positively to changes to materials suggested by LBC during pre-application discussions. Although advised that the Applications would be recommended for approval in August 2015, LBC have to date still not given notice of their decision, risking delay to the completion of the development.

