

Date: 09/03/2016
PINS Refs: APP/X5210/W/15/3139042
Our Ref: 2015/3074/P
Contact: Tessa Craig
Direct Line: 020 7974 6751
Tessa.Craig@camden.gov.uk

Tel: 020 7974 6751
www.camden.gov.uk/planning

The Planning Inspectorate
Room 3/19 Eagle
Temple Quay House
2 The Square
Bristol, BS1 6PN

Dear Joanna Martin

Appeal Site: Doltan House
51 Werrington Street
London
NW1 1QN

Appeal by: Werrington Development Ltd regarding: creation of 2 maisonettes on ground floor and basement levels including excavation of existing basement and new lightwells

1.0 Summary

- 1.1 The site comprises a former public house. Although it does not lie within a conservation area, the building is considered to be a non-designated heritage asset due to its architectural quality which also reflects its original purpose built use. The ground floor and basement are vacant and there is already permission for residential use at ground floor level (2013/0787/P). Works are currently being carried out to convert the upper floors of the building into residential use too.
- 1.2 The appeal arises from the refusal of planning permission 2015/3074/P on 16/10/2015 for the 'Creation of 2 no 2 bed maisonette units on ground floor and basement levels including

excavation to increase depth of existing basement and three new lightwells.'

1.3 The planning application was refused on the following reason:

The proposed development, by reason of the appearance and visual prominence of the lightwell voids and revealed basement facades, would be detrimental to the character and appearance of the host building and have a harmful impact on the significance of a building considered to be a non-designated heritage asset, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP27 (Basements and lightwells) and DP30 (Shopfronts) of the London Borough of Camden Local Development Framework Development Policies.

1.4 The Council's case is largely set out in the officer's delegated report which details the site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

1.5 In addition to the information sent with the questionnaire, I would be pleased if the Inspector could take into account the following information and comments before deciding the appeal.

2.0 Status of Policies and Guidance

2.1 In arriving at its current decision the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case.

2.2 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 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 NPPF and the council's policies in relation to this appeal.

3.0 Comments on appellants grounds of appeal

3.1 The appellants' grounds of appeal are summarised in italics and subsequently addressed beneath under relevant headings as follows:

Changes to London Plan

- 3.2 *The appellant has commented that there have been changes to the London Plan with regards to dwelling numbers which feeds into the Development Plan.*
- 3.3 It is acknowledged that the London Plan has been updated, but it is confirmed that there has been no material change in circumstances to Camden's local plan policies with regards to design and conserving Camden's heritage. As noted in the officer report, the principle of additional dwellings is encouraged and this is not the issue, nor the reason for refusal in relation to the proposal. The reason for refusal relates solely to the impact the lightwell voids and revealed basement facade would have on the host building.

Non-Designated Heritage Asset

- 3.4 *The appellant has claimed that because the property is not on the Local List, the property cannot be considered a Non-Designated Heritage Asset (NDHA).*
- 3.5 However, non-designated heritage assets do not need to be on the local list to be considered to have heritage value. When the local list was formally drawn up in 2013, it was predominantly based on community nominations. It was and still is not a comprehensive survey of every building in the borough. The building nevertheless was recognised as an NDHA, prior to drawing up the Local List. This was clearly noted in the previous refusal of permission 2012/1713/P (officer report and decision notice attached as Appendix B below). It is confirmed that the building will be nominated for inclusion on the Local List in the next round of proposed additions.
- 3.6 The NPPF also considers the impact of development on NDHA It states (paragraph 135) 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'. The appellant has not addressed this paragraph in their appeal statement.
- 3.7 As noted in the officer report, the building is of significance in exhibiting evidential, historical and aesthetic value. 'In terms of its aesthetic value the building exhibits an ornate, well detailed and proportioned façade which is entirely in keeping with the elaborate pub facades of this period and as a landmark building within its

surroundings. The building is easily recognised as a public house which gives it both historical and evidential value of this type of development. Despite the fact that most of the area around the pub has been redeveloped into modern block of flats it still has landmark qualities which distinguish from the otherwise largely mundane architecture of the surroundings'.

Harm to Character and Appearance of Host Building

- 3.8 *The appellant has claimed the proposed lightwells would not harm the host building, that the vaults and the railings are insitu.*
- 3.9 It is accepted that the vaults already exist - they are indeed original features of the public house - but they are not exposed. The existing railings are new, and had the benefit of permitted development rights. Following a planning application for installation of lightwells and railings to the front and side elevations of the building which was refused (2012/1713/P, refused 22/05/2012- see Appendix B), the railings were granted through Certificate of Lawfulness which the Council had no control over (Application 2012/3981/P, granted 20/09/2012).
- 3.10 It is considered however the harm would be caused by exposing the basement façade by opening the vaults and creating lightwells. The exposed lightwells would be detrimental to the character of the building as they do not preserve the original appearance of the building as a public house. The exposed lightwells would certainly be visible in this prominent corner site location both from Werrington Street and Cranleigh Street. The previous commercial use of the building meant that the basement level was used for storage and not residential use as is the case of examples of lightwells on nearby properties. Harm is considered to result from changing the elevations of the NDHA.

4.0 Conclusion

- 4.1 Based on the information set out above, and having taken account of all the additional evidence and arguments made in the appeal, the proposal is considered contrary to the cited policies. The proposal presents no benefits that would outweigh the harm identified above.
- 4.2 For these reasons the Inspector is respectfully requested to dismiss the appeal.
- 4.3 If the Inspector is of a mind to accept the appeal, proposed conditions and S106 matters are included in Appendix A below. Whilst the s106 matters were not included in the decision notice, they were discussed with the agent during the processing of the

application and generally agreed to. The S106 matters are clearly referred to in the Delegated Report under relevant headings. The Council will now invite the appellant to sign the S106, at risk of the appeal decision being dismissed, and will seek to forward this, or an update, to PINs as soon as possible or by the final comments deadline on 28th March 2016.

- 4.4 If any further clarification of the appeal submission is required please do not hesitate to contact Tessa Craig on the above direct dial number or email address.

Yours sincerely

Tessa Craig
Planning Officer
Culture and Environment

Appendix A
Conditions and S106 matters

Planning Permission 2015/3074/P and appeal APP/X5210/W/15/3139042

Conditions:

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 policies DP24 and DP25 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:

OS map, Design and Access Statement, 1504.1.EX.P00, 1504.1.EX.EX01, 1504.4.PA.P01, 1504.4.PA.E01, 150234/TA
Basement Impact Assessment- Screening and Scoping Report, Report on Vault Structures and Internal Illuminance.

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

4. Notwithstanding the hereby approved plans, the balustrade to the hereby approved roof terrace shall be black metal railings. Detailed plans at a scale of 1:20 of the railings shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun.

The relevant part of the works shall be carried out in accordance with the details thus approved.

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 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

5. Before the development commences, details of secure and covered cycle storage area for two cycles shall be submitted to and approved by the local planning authority (2 Sheffield Stands). The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

S106 matters:

The development be subject to a s106 agreement that:

1. the development be car-free,
2. a construction management plan is submitted to and approved by the Council,
3. financial contribution is made for highways works to reinstate the highway after works (£13,930.94 - see quote in Appendix C).
4. sustainability.

Justification for the above S106 matters

Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the "CIL Regulations") creates statutory tests to determine whether a planning obligation is capable of being a reason for granting planning permission.

Obligations must be:

- 1 necessary to make the development acceptable in planning terms;
- 2 directly related to the development; and
- 3 fairly and reasonably related in scale and kind to the development.

This note considers and explains, in respect of each of the planning obligations proposed in the draft Section 106 agreement, with reference to the London Borough of Camden's ("the Council") core strategy and development plan policies and associated guidance and the impacts of the development, how each of the measures proposed can be demonstrated to be compliant with these legislative tests.

Having considered these three tests and applied them to the obligations contained in the Section 106 Agreement relating to 51 Werrington Street, London NW1 1QN ("the Site"), the Council is satisfied that the obligations contained in the Section 106 Agreement relating to the Site meet the three tests.

1 Car Free

The reasons for this are to facilitate sustainability and to help promote alternative, more sustainable methods of transport. Considering the site has a

Public Transport Accessibility Level of (PTAL) of 6a (excellent), and is located within a Controlled Parking Zone (CAG) which is considered to suffer from parking stress, the development should be secured as car free through a s106 legal agreement if the appeal were allowed.

This is in accordance with key principle 4 of the National Planning Policy Framework, Promoting sustainable transport, and 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) of the LDF.

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 ongoing requirement of the development to remain car free. 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.

2 Construction Management Plan

The proposal would result in significant construction works close to neighbouring residential properties. The construction is likely to have a significant impact and the management of the construction will need to be planned in order to minimise any impact on Werrington and Cranleigh Street and neighbours. This could be achieved through a Construction Management

Plan (CMP) in accordance with policies CS5, CS11, CS19, DP20, and DP26 specifically paragraph 26.10, and CPG7 – Transport.

A planning obligation is considered to be the most appropriate mechanism for securing compliance with a CMP in this case simply because a considerable extent of the activity during construction could cause conflict with other road users or be detrimental to the amenity of the area and will necessarily take place outside the curtilage of the planning unit of the appeal site. Potential impacts for the proposed demolition/construction works which should be controlled by a CMP include traffic generation from removal and delivery of materials to the site. This could result in traffic disruption and dangerous situations for pedestrians and road users.

Under the Planning Act conditions are used to control matters on land within the developers' control. However, a CMP is designed to be an enforceable and precise document setting out how measures will be undertaken not just on site but also around the site in order to minimise as far as reasonable the detrimental effects of construction on local residential amenity and / or highway safety on the nearby roads hence, using a condition to secure the type of off-site requirements usually included in a CMP would in this case be unenforceable.

Conditions can only lawfully be used to control matters on land within the developer's control. Many of the CMP provisions will relate to off site requirements, particularly public highway (which is not land within the developers' control). As such, a Section 106 Agreement (rather than a condition) is the most appropriate mechanism. This is in accordance with Planning Practice Guidance which states that conditions requiring works on land that is not controlled by the applicant often fails the tests of reasonability and enforceability. (PPG, Use of Conditions paragraph 9 – Appendix 6)

3 Highways contribution

This reason comprises highways works surrounding the site. Policy DP21 states that the Council will expect development connecting to the highway to repair any construction damage to the transport infrastructure or landscaping and reinstate all affected transport network links, road and footway surfaces following development. In order to cover the Council's cost to repair any highway damage as a result of construction and to tie the development into the surrounding urban environment a financial contribution should be required to repave the footway adjacent to the site in accordance with policy DP16 and DP21.

The estimate for this work, prepared by the Borough Engineer is £13,930.94. It is considered that this amount is justified given the size and scale of the development. The specification by the Highway Engineer is set out in Appendix C.

The Council maintains that a payment for highways work should be secured through a Section 106 legal agreement, which will also combine as an agreement under Section 278 of the Highways Act 1980. CPG8 – Planning

Obligations states that public highways works on Borough Roads are to be undertaken through a Section 106 or 278 obligation. The guidance also states that the Council will secure payment for required works by preparing an estimate (including fees) for the scheme that the developer will be required to pay before commencing development (paragraph 5.14). The most effective way of both securing sufficient payment and ensuring the works are carried out to the Council's procedures and standards is for a financial contribution to be paid by the developer on commencement of the development and secured by an obligation under Section 106 legal agreement. It is not possible to secure a financial contribution for highway works by condition as it relates to land outside the application site and is not under the control of the applicant. The Planning Practice Guidance advises that financial contributions cannot be secured by condition (PPG, Using Planning Conditions, paragraph 5 – Appendix 8).

4 Sustainability

Paragraph 93 of the NPPF states that planning plays a key role in reducing greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy. Paragraphs 96 and 97 require LPA to expect to meet local requirements to link up to decentralised energy supplies and encourages use and supply of low carbon technologies.

Policy CS13 sets out the Council's overall approach to tackling climate change, which includes tackling higher environmental standards in design and construction. Policy DP22 provides details of the sustainability standards. The LDF is in accordance with Chapter 5 of the London Plan – London's response to climate change.

Appendix B
Planning Permission 2012/1713/P (Officer Report and Decision Notice)

Delegated Report		Analysis sheet		Expiry Date:		22/05/2012	
		N/A / attached		Consultation Expiry Date:		02/05/2012	
Officer				Application Number(s)			
Rob Tulloch				2012/1713/P			
Application Address				Drawing Numbers			
51 Werrington Street London NW1 1QN				See decision notice			
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature				
Proposal(s)							
Installation of lightwells and railings to front and side elevations in connection with change of use of the basement and ground floor from public house (Class A4) to 2x 2-bed self contained flats (Class C3).							
Recommendation(s):		Refuse Planning Permission					
Application Type:		Full Planning Application					
Conditions:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:	No. notified	72	No. of responses	01	No. of objections	00	
Summary of consultation responses:	A site notice was displayed from 10/04/2012 to 01/05/2012 30 Cranleigh House supports the application as the previous pub was "rotten" and welcomes the retention of original features.						
CAAC/Local group comments:	Brook House and Cranleigh House Tenants and Residents Association support the application as the previous pub use contributed to anti-social behaviour. They have no objections to the lightwells and railings as they are sympathetic to the area and two other conversions have railings which are neither unsightly or out of character.						
Site Description							
The application site is a Victorian public house (formerly The Neptune) on the corner of Werrington Street and Cranleigh Street. The surrounding area is predominantly residential, consisting mainly of purpose built flats. Although it does not lie within a conservation area, the building is considered to be a non-designated heritage asset due to its architectural quality.							
Relevant History							
2012/0362/P Erection of a rear extension at first floor level in association with the change of use of 1st to 3rd floors from ancillary public house (Class A4) to three (2 x 1 bed and 1 x 2 bed) self contained flats (Class C3) and associated alterations. Granted 02/04/2012							
2011/5537/P Erection of a three storey rear extension with mansard roof, and excavation of lightwells and installation of railings to front elevation, in association with the change of use of 1st to 3rd floors from ancillary accommodation to public house (Class A4) to 4 x 1 bed and 1 x 2 bed self contained							

flats (Class C3). Withdrawn on officer's advice due to concerns about the size of the extension and its impact on the host building, and the impact of the lightwells on the street scene and on the operation of the highway.

16 POLYGON ROAD

PSX0004374 The change of use of ground floor, from A3 (public house) to C3 (residential) to provide a 3 bed self-contained flat, together with the replacement of two existing doors to the front with windows, and the installation of a new doorway entrance. Granted 16/05/2000

The Hope & Anchor, 130 Chalton Street

PS9804193 Conversion of the ground floor and basement from a public house to a single, self contained residential unit. Granted 03/07/1998

Relevant policies

LDF Core Strategy and Development Policies

- CS1 Distribution of growth
- CS5 Managing the impact of growth and development
- CS6 Providing quality homes
- CS10 Supporting community facilities and services
- CS11 Promoting sustainable and efficient travel
- CS13 Tackling climate change and promoting higher environmental standards
- CS14 Promoting high quality places and conserving our heritage
- CS18 Dealing with our waste and encouraging recycling
- CS19 Developing and monitoring the Core Strategy
- DP2 Making full use of Camden's capacity for housing
- DP5 Homes of different sizes
- 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
- DP17 Walking, cycling and public transport
- DP18 Parking standards and limiting the availability of car parking
- DP20 Movement of goods and materials
- DP22 Promoting sustainable design and construction
- DP24 Securing high quality design
- DP25 Conserving Camden's heritage
- DP26 Managing the impact of development on occupiers and neighbours
- DP27 Basements and lightwells
- DP30 Shopfronts

Camden Planning Guidance 2011

- CPG1 Design (Chapters 1-4 & 7)
- CPG2 Housing (Chapters 4, & 5)
- CPG3 Sustainability (Chapter 10)
- CPG4 Basements and Lightwells (Chapter 2)
- CPG6 Amenity (Chapters 5)
- CPG7 Transport (Chapters 5 & 8)
- CPG8 Planning Obligations (Chapters 1, 2, 4, 10, 11)

The London Plan 2011

NPPF 2012

Assessment

1 Proposal

- 1.1 The proposal is for the installation of lightwells and railings to the Cranleigh Street and Werrington Street elevations in association with the change of use of the ground and basement floors from public house (Class A4) to two flats (Class C3).
- 1.2 There is some recent planning history for the site (see history section). A previous scheme (2011/5537/P) for the conversion of the upper floors to five flats was withdrawn as it was considered to be unacceptable. The proposal would have included an extension at second floor level which was considered contrary to Camden Planning Guidance as it would not have been one storey below eaves level, and was also considered to have a harmful impact on the character of the building by obscuring a detailed parapet at second floor level. The lightwells were also considered out of character for a public house.
- 1.3 A subsequent application (2012/0362/P) was submitted for the conversion of the upper floors to four flats, without the lightwells, and this was revised to remove the second storey element of the extension with the total number of units reducing from four to three. This scheme was considered acceptable and permission was granted on 02/04/2012. As this scheme is relatively recent, the current proposal should be determined along side the approved scheme, as the approved scheme is yet to be implemented and the combined impact of both the approved and proposed scheme would need to be considered.
- 1.4 The main issues are:
- land use
 - heritage impact
 - standard of residential accommodation
 - amenity
 - transport
 - sustainability

2 Land use

2.1 Loss of public house floorspace

Policy DP15 only seeks to resist the loss of local pubs that serve a community role. The pub is currently vacant and there is no evidence to suggest that it provided a community role as defined by DP15. Normally evidence that a pub has provided a community function is provided by local residents, in this case the two responses to the Council's consultation have referred to the anti-social character of the pub clientele. There does not appear to have been a community function provided in this public house and as such there is no objection to the loss of the public house.

2.2 New residential accommodation

Housing is regarded as the priority land-use of the Local Development Framework, and the Council will make housing its top priority when considering the future of unused and underused land and buildings. As such the provision of new residential accommodation is compliant with policies CS6 and DP2 as long as it meets the Council's residential development standards and does not harm local amenity.

2.3 Mix of units

The proposal is for 2x 2-bedroom flats, and with only two flats proposed the policy on housing mix would not normally be applicable. However, as mentioned previously, the application should not be considered in isolation, but should be assessed in conjunction with the previously

approved scheme. Policy DP5 seeks to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priorities Table, the table identifies 2-bedroom market homes as being very high priority and 1-bedroom units as lower priority. As the two schemes would provide a total of five flats the mix would be 1x 1-bedroom and 4x 2-bedroom units. Due to the piecemeal application process it would not be practical to require a larger unit from the new scheme, and as 2-bedroom units are very high priority, it is considered that the proposal is satisfactory in terms of DP5.

3 Heritage impact

- 3.1 Historic maps from 1876 show a pub on the site, but it is not clear if this is the same building (they could often be rebuilt on the same plot). Its use of red brick, ornate Dutch style gables and terracotta dressings shows strong Queen Anne Revival influences which is consistent with a date from the late 19th Century. Signage on one of the chimneys reads AD1900.

Heritage value

- 3.2 Although the building is not within a conservation area paragraph 135 of the NPPF introduces the concept of a non-designated heritage asset and states that its significance should be taken into account in determining the application.
- 3.3 Using English Heritage's "Conservation Principles" as a basis it is clear that the building is of significance. An assessment of the building shows that to varying degrees it is of significance in exhibiting evidential, historical and aesthetic value.
- 3.4 The Victorian public house evolved out of the traditional tavern and beerhouse in response to the gin palace. Incorporating such innovations as large plate-glass windows, gas lighting, the hydraulic beer-engine and the island bar, the reinvented pub became a central feature of working-class life. As the Temperance movement battled to reduce the number of drink outlets, the licensed trade responded by upgrading their size and grandeur, culminating in a massive pub building boom in the last decade of the century.
- 3.5 In terms of its aesthetic value the building exhibits an ornate, well detailed and proportioned façade which is entirely in keeping with the elaborate pub facades of this period and as a landmark building within its surroundings. The building is easily recognised as a public house which gives it both historical and evidential value of this type of development. Despite the fact that most of the area around the pub has been redeveloped into modern blocks of flats it still has landmark qualities which distinguish it from the otherwise largely mundane architecture of the surroundings.

Assessment

- 3.6 A pub's basement is designed for the storage of beer in cool conditions and it was never designed to be habitable accommodation. No windows or glazing was put into the basement to create a controlled cool temperature. As a result it makes this space difficult to convert to residential without affecting the significance of the building. It may be possible to use this space for ancillary uses such as utility rooms or cycle storage.
- 3.7 The proposal to install a lightwell and railings around the frontage introduces an incongruous element to the façade of the building. Whilst lightwells surrounded by railings are a feature from this period of architecture, they occur predominantly on buildings originally designed for residential use where it was much more important to get light into the basement. Public houses generally had beer drops or glass lights set into the pavement rather than lightwells as the commercial use meant it was important to be able to approach the front of the building.

- 3.8 The composition of the façade is complete and resolved with the pub frontage forming a robust base. The proposal to introduce to an overtly domestic level below the pub frontage has an incongruous appearance which erodes the clear hierarchy of the façade.
- 3.9 As such the proposed lightwells, railings and basement facade would introduce a discordant element to the overall façade and would thus have a harmful impact on the significance of a building which is a non-designated heritage asset, and would not comply with policies CS14, DP24, DP25, DP27 and DP30 of the LDF and Camden Planning Guidance.
- 3.10 Whilst it is acknowledged some public houses in the area have undergone a change to residential, with associated boundary treatments, there are material differences. No. 16 Polygon Road does not occupy a prominent corner site, and although it now has railings in front there are no lightwells. No. 130 Chalton Street has a brick and timber boundary treatment that obscures the ground floor elevation of the building and is considered to be harmful to the character and appearance of the building (this treatment does not appear to benefit from planning permission and an enforcement investigation is underway). Furthermore, these permissions were granted more than 12 years ago and before the introduction of PPS5, and the replacement NPPF, which introduce the concept of non-designated heritage assets. It is not considered that railing treatments to proposed built flats is relevant in this instance as their character is entirely different.

4 Standard of residential accommodation

4.1 Residential development standards

The proposal would provide two self-contained duplex flats on the basement and ground floors. The flats would have floorspace of 67sqm and 85sqm which exceeds the London Plan's minimum space standards of 61sqm for a 2-bedroom 3-person flat and 70sqm for a 2-bedroom 4-person flat. Double bedrooms are in excess of 12sqm which complies with Camden's residential development standards. One flat would be dual aspect, but the other flat (unit 5) would be single aspect facing onto Cranleigh Street only. There is concern about natural ventilation to the proposed flats as the windows at ground floor level do not appear to be openable and insufficient details have been provided on the design of the basement level windows.

- 4.2 The basement would comprise the bedrooms of the flats, three of which would be lit by single windows facing the lightwells, and one which would benefit from two windows. Camden Planning Guidance advises that basement windows should have an area of at least 10% of the floor area of a room when measured above the lowest point on the window where a line can extend outwards and unobstructed at an angle of 30°. The lightwell to Werrington Street would extend 1.6m away from the building, and 1m away on Cranleigh Street. Using the CPG formula, Bedroom 1 (as referred to in the submitted daylight/sunlight report) would have glazed area of 0.24sqm with a floorspace of 14sqm (1.8%), Bedroom 2 a glazed area of 0.4sqm with a floorspace of 14sqm (2.9%), Bedroom 3 a glazed area of 1.025sqm with a floorspace of 16sqm (6.4%), and Bedroom 4 would have a glazed area of 0.665sqm with a floorspace of 9sqm (6%). This suggests that the bedrooms would not receive adequate daylight particularly Bedrooms 1 and 2 (Unit 5), these rooms would also be deprived of sunlight due to the single aspect nature of the flat. Furthermore, all basement rooms would suffer from a lack of outlook.
- 4.3 The applicants have however, provided a daylight/sunlight report to demonstrate that the flats would receive adequate light. The BRE guidance for sunlight and daylight recommends that the Vertical Sky Component test should be a minimum of 27% and, whilst the report does not discuss this test, the results show that for the basement rooms only 10%, 8% and 17% are achieved in the basement rooms. The Average Daylight Factor (ADF) should be a minimum of 1.5% for a living room, 1% for a bedroom and 2% for a kitchen. The report calculates the ADF to

be 1% (bedroom 1), 1.7% (bedroom 2), 2.6% (bedroom 3) and 2.6% (bedroom 4). The ground floor rooms would have an ADF of either 2.6% or 6.7%. The report acknowledges that only Unit 4 would be within 90° of due south and states that only main living rooms are important in relation to sunlight. The report concludes that daylight and sunlight to the proposed flats would be in accordance with the BRE guidelines.

4.4 The proposal therefore appears compliant with the BRE guidance even though it would be contrary to the Council's own guidance for basements, and the proposal is considered acceptable in terms of daylight and sunlight. As the principle of the railings and lightwells is considered unacceptable in design terms it is unlikely that the basement rooms would achieve adequate daylight/sunlight levels with the use of other designs such as pavement blocks, but this would need to be assessed should any future applications be submitted.

4.4 It is acknowledged that none of the flats have access to outdoor space. Given the physical constraints of the site and the need to protect residential amenity this is considered to be adequate in this instance.

4.5 Lifetime Homes

Policy DP6 requires all new residential accommodation, including conversions, to meet Lifetime Homes standards. It is acknowledged that conversions may not be able to meet all of the criteria due to existing physical constraints, and the applicants have provided a Lifetime Homes Statement which indicates that the proposal will comply with the criteria where relevant.

5 **Amenity**

5.1 As no extensions are proposed to the building, there would be no impact on sunlight or daylight to neighbouring buildings. The only new windows would be at basement level so there would be no overlooking issues.

5.2 As such the proposal is not considered to harm the amenity of adjoining occupiers and would comply with policies CS5, DP26 and DP28 of the LDF and Camden Planning Guidance.

6 **Transport**

6.1 The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent) and is within a Controlled Parking Zone. Somers Town (CA-G) CPZ operates Mon-Fri 08:30-18:30 and 103 parking permits have been issued for every 100 estimated parking bays within the zone which means that this CPZ is highly stressed. Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ). The London Plan 2011 and policy DP18 identify that car-free and car-capped should not only be sought for housing but also for developments in general and should be ensured by Boroughs in areas of high public transport accessibility. Therefore, if the proposal were acceptable, the proposed flats would need to be made car-free through a Section 106 planning obligation.

6.2 Camden's Parking Standards for cycles states that one storage or parking space is required per residential unit. The proposal is for 2x units; therefore 2 cycle storage/parking spaces are required. The approved scheme featured a bin store and cycle store to the rear of the building at ground floor level. As one of the proposed flats would occupy the space previously identified for cycle/bin storage, the scheme proposes a cycle/bin storage area behind the main communal staircase to the upper floors. The location is appropriate as it would not hinder the use of the staircase, however it is not clear if the cycle storage would comply with the Council's cycle storage standards, and if the scheme were acceptable further details would be required by a condition.

6.3 Concern has been raised about the impact of the lightwells on the highway. Werrington Street has a footway width of approximately 3.9m and Cranleigh Street is approximately 2.5m wide. As the lightwells are 1.6m and 1m wide respectively, this would leave a footway width of 2.3m on Werrington Street and 1.5m on Cranleigh Street. Camden Planning Guidance recommends a minimum width of 1.8 for pedestrians, including wheelchair users and buggies, to pass each other comfortably. The lightwells would be within the curtilage of the site, but the Council's Transport team consider that as the forecourt of the pub has been unobstructed it is technically a public right of way. However, as the forecourt is private land it is not considered that the impact on the highway would be a reason for refusal of this planning application and the applicant would need to address the concerns regarding the public right of way separately. If permission were granted a financial contribution should be sought to repave the footway in line with policies DP17 and DP21.

6.4 Due to the scale, kind of development, and location of the development, it is not considered that the proposals would result in a significant number of construction vehicle movements to and from the site therefore a full CMP would not be required.

7 Sustainability

7.1 Policy CS13 requires all development to take measures to minimise the effects of, and adapt to, climate change. Permission has recently been granted for the change of use of the upper floors to residential. The applicant is the same, it is therefore considered reasonable to assess this scheme alongside the approved scheme. As the previous scheme was for three new residential units, and this scheme is for two new residential units, the two schemes will be providing five new residential units that are likely to become available at the same time. In line with the CPG an ecohomes assessment should be provided for all schemes providing 5 units or more and a code level 3 rating should be achieved. Similarly the CPG requires developments involving 5 or more dwellings are required to submit an energy statement which demonstrates how carbon dioxide emissions will be reduced in line with the energy hierarchy. In the absence of information in this regard the applicant has failed to demonstrate that the proposal will result in a sustainable development. This consequently forms a reason for refusal of the application

8 Other Matters

Basements

8.1 In relation to the impact of the proposed lightwells excavations proposed, no information has been submitted by the applicant in this respect. Although the application site is acknowledged to be located outside of a specific area identified as being susceptible to surface flow and flooding, subterranean (groundwater) flow or slope stability, three lightwell excavations are proposed. The lightwell to Werrington Street would extend 1.6m away from the building, and 1m away on Cranleigh Street and all would be approximately 2.5m deep. In such circumstances it is considered that information is required at application stage regarding the proposed excavation and impact on structural stability, drainage and the local water environment.

8.2 More specifically, policy DP27 states that in order to determine a proposal for basement development or excavation an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability is required to ensure the scheme does not cause harm to the built and natural environment, local amenity or cause flooding or ground instability. In the absence of information in this regard the applicant has failed to demonstrate that the proposed basement lightwell excavations would not have significant adverse impacts on the structural stability of the application site and adjacent properties, drainage and the local water environment. This consequently forms a reason for refusal of the application.

8.3 As mentioned previously, permission has recently been granted for the change of use of the upper floors to residential. The applicant is the same, it is therefore considered reasonable to

assess this scheme alongside the approved scheme. As the previous scheme was for three new residential units, and this scheme is for two new residential units, the two schemes will be providing five new residential units that are likely to become available at the same time. As, such there will be an impact on the resources of the borough, particularly education and open space provision.

Open space

- 8.4 Developments of five or more residential units lead to an increased demand for and use of public open spaces. In line with policies CS15, DP31, and associated planning guidance a financial contribution for open space should be sought by way of a legal agreement. The contribution is £817 for a 1 bedroom unit and £1,304 for 2-bedroom units, therefore a contribution of £6,033 would be required (1x 1-bed @ £817 + 4x 2-bed @ £1,304) if the proposal were acceptable.

Education

- 8.5 All residential development (Class "C3" of the Town and Country Planning Use Classes) including new build, change of use and conversions where the scheme results in a net increase of five or more dwelling units will normally be expected to provide a contribution towards education provision. One bedroom units are exempt, but the contribution for a two bedroom unit is £2,213. Therefore in line with policies CS10 and DP15, and associated planning guidance, a contribution of £8,852 would be required (4x £2,213) if the proposal were acceptable.

Community Infrastructure Levy (CIL)

- 8.6 The proposal would normally be liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge would likely to be £7,600 (152sqm x £50).

- 9 Recommendation:** Refuse Planning Permission

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please telephone Contact Camden on (020) 7974 4444



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

Tel 020 7974 4444
Fax 020 7974 1930
Textlink 020 7974 6866

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

Genesis Architects Ltd
7 St Margarets Road
Stanstead Abbots
Ware
Hertfordshire
SG12 8EP

Application Ref: **2012/1713/P**
Please ask for: **Rob Tulloch**
Telephone: 020 7974 **2516**

22 May 2012

Dear Sir/Madam

DECISION

Town and Country Planning Acts 1990 (as amended)
Town and Country Planning (General Development Procedure) Order 1995
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Refused

Address:
**51 Werrington Street
LONDON
NW1 1QN**

Proposal:
Installation of lightwells and railings to front and side elevations in connection with change of use of the basement and ground floor from public house (Class A4) to 2x 2-bed self contained flats (Class C3).
Drawing Nos: GAL 146(PC) 031; 032; 033; 034; Design and Access Statement by Barker Parry Town Planning dated February 2012; Internal Daylight and Sunlight Report by Waldrams dated 2nd March 2012

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed lightwells and railings, by reason of their detailed design and location, would be detrimental to the character and appearance of the host building, contrary to policies CS14 (Promoting high quality places and conserving our heritage), DP24 (Securing high quality design), DP25 (Conserving Camden's heritage), DP27



INVESTOR IN PEOPLE

Page 1 of 3

Director of Culture & Environment
Rachel Stopard

(Basements and lightwells) and DP30 (Shopfronts) of the London Borough of Camden Core Strategy and Development Policies 2010.

- 2 In the absence of sufficient information the applicant has failed to demonstrate that the proposed basement excavations would not have significant adverse impacts on the structural stability of the application site and adjacent properties, drainage and the local water environment. As such, the scheme is contrary to policies CS5 (Managing the impact of growth and development), CS13 (Tackling climate change through promoting higher environmental standards) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water), DP25 (Conserving Camden's heritage), DP26 (Managing the impact of development on occupiers and neighbours) and DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.
- 3 The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP18 (Parking standards and limiting the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 4 The proposal, in the absence of a legal agreement to secure highway contributions to undertake external works outside the application site, would fail to secure adequate provision for the safety of pedestrians, cyclists and vehicles, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 5 The proposed development, in the absence of a legal agreement for securing a contribution to education provision, would be likely to contribute to pressure and demand on the existing provision of education in the borough contrary to policies CS10 (Supporting community facilities and services), CS19 (Delivering and monitoring the Core Strategy) and DP15 (Community and leisure) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 6 The proposed development, in the absence of a legal agreement for securing a contribution to open space provision, would be likely to contribute to pressure and demand on the existing provision of open space in the borough contrary to policies CS15. (Protecting and improving our parks and open spaces & encouraging biodiversity), CS19 (Delivering and monitoring the Core Strategy) and DP31 (Provision of, and improvements to, open space, and outdoor sport and recreation facilities) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 7 In the absence of sufficient information, and in the absence of a legal agreement securing on-site renewable energy facilities and energy efficiency measures, the applicant has failed to demonstrate that the proposal would be sustainable in its use

of resources, contrary to policies CS13 (Tackling climate change through promoting higher environmental standards), CS16 (Improving Camden's health and well-being) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 (Promoting sustainable design and construction), DP23 (Water) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Without prejudice to any future application or appeal, the applicant is advised that reason for refusal numbers 3-6 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

Disclaimer

This is an internet copy for information purposes. If you require a copy of the signed original please telephone Contact Camden on (020) 7974 4444

Appendix C

Project Title	S106 Estimate	
Location:	51 Werrington Street	
Client:		
Correspondence File:		

ESTIMATED/MEASURED BILL OF QUANTITIES

ITEM	DESCRIPTION	QUANTITY	UNIT	SELECTED RATE	TOTAL
200.006	Take up or down and remove to tip off site precast concrete or york stone paving slabs any size or type including steel reinforced between 66 and 80mm thick	86.40	m2		
200.021	Take up or down and remove to tip off site granite flat, edge or standard profile bus boarder kerb	33.00	m		
200.010	Take up or down and set aside for reuse granite sett paving any size up to 200mm thick	0.00	m2		
600.001	Excavation of any material in footways, verges and other pedestrian areas	25.92	m3		
600.007	Extra over excavation for excavation in hard material in footways, verges and other pedestrian areas	8.64	m3		
600.012	Disposal of any material.(except class U1B and U2 material)	34.56	m3		
600.020	Completion of formation on material other than Class 1C, 6B or rock in cuttings	86.40	m2		
1100.059	75mm thick steel reinforced Artificial Stone Paving, any size A or B on existing base or base measured separately and sand bedding 30mm thick	86.40	m2		
1100.003	Granite edge kerb 150x300mm, 'fine picked' finish, laid straight or curved exceeding 12 metres radius	33.00	m		
1100.079	Extra and any item of paving sand bedding 30mm thick for sand cement mortar	86.40	m2		
1100.080	100mm ST1 concrete base in footways	86.40	m2		
1100.084	100mm Type 1 unbound material in footway base	86.40	m2		
600.018	Compaction of granular material in underground structures and the like	0.00	m3		
1100.112	Additional ST1 concrete for any kerbs, channels or edainas	0.00	m3		
500.106	Lowering the level of any class of cover and frames in the footway, area of cover exceeding 0.1m2 but not exceeding 0.5m2, exceeding 50mm but not exceeding 150mm	3.00	nr		
500.107	Lowering the level of any class of cover and frames in the footway, area of covers exceeding 0.5m2 but not exceeding 1.0m2, 50mm or less	2.00	nr		

500.108	Lowering the level of any class of cover and frames in the footway, area of covers exceeding 0.5m2 but not exceeding 1.0m2, exceeding 50mm but not exceeding 150mm	3.00	nr		
1100.079	Extra and any item of paving sand bedding 30mm thick for sand cement mortar	0.00	m2		
1100.080	100mm ST1 concrete base in footways	0.00	m2		
1100.084	100mm Type 1 unbound material in footway base	0.00	m2		
700.027	Dense Asphalt Concrete binder course (AC20 dense bin 100/150) 55mm thick in carriageway (Ref Bi3A)	0.00	m2		
700.037	Dense Asphalt Concrete surface course (AC6 dense surf 100/150) 25mm thick in carriageway (Ref SFA)	0.00	m2		
700.039	Tack coat (K1-40 Bitumen emulsion, rate of spread 0.4-0.6 l/m ²)	0.00	m2		
700.048	Milling pavement up to a maximum thickness of 50mm	0.00	m2		

			Sub Total	
Contractor Adjustment		%	£0.00	
Fees		%	£0.00	
Contingencies		%	£0.00	

GRAND TOTAL £13,930.94

Produced By:	Yuksel Arikan	Date:	12/11/15
Checked by:		Date:	
Approved by:		Date:	
Revision:		Date:	

