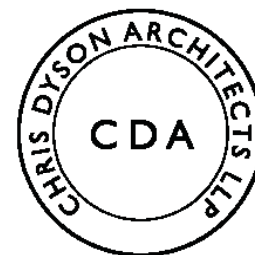


14 ROGER STREET

CONDITION REMOVAL ANALYSIS



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1.0 INTRODUCTION

Chris Dyson Architects have been instructed to prepare an application to remove condition no. 09 of Conditional Approval 2013/2798/P.

It is presumed that the condition was imposed to prevent undue overlooking and loss of amenity to neighbouring properties. The building is now constructed and it is easily demonstrable that there is no undue overlooking or loss of privacy by using the roof as a terrace and that the restrictions imposed by the condition are unreasonable.

It is requested that London Borough Camden review their position in light of the above.

2.0 PLANNING POLICY

Condition 9 of the approval notice references policies CS5 and CS7 of the LDF Core Strategy and policies DP12, DP26 and DP28 of the LDF.

CS5 - Managing the impact of growth and development

The Council will manage the impact of growth and development in Camden. We will ensure that development meets the full range of objectives of the Core Strategy and other Local Development Framework documents, with particular consideration given to:

- a) providing uses that meet the needs of Camden's population and contribute to the borough's London-wide role;
- b) providing the infrastructure and facilities needed to support Camden's population and those who work in and visit the borough;
- c) providing sustainable buildings and spaces of the highest quality; and
- d) protecting and enhancing our environment and heritage and the amenity and quality of life of local communities.

The Council will protect the amenity of Camden's residents and those working in and visiting the borough by:

- e) making sure that the impact of developments on their occupiers and neighbours is fully considered;
- f) seeking to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities; and
- g) requiring mitigation measures where necessary.

Section 4.0 demonstrates that mitigation measures as required under condition are not necessary.

CS7 - Promoting Camden's centres and shops

Distribution of retail across Camden

The Council will promote the following distribution of retail growth across the borough:

- a) in the range of 20,000 square metres net retail floorspace at King's Cross/ St Pancras;
- b) in the range of 20-30,000 square metres additional retail at Euston and Camden Town, with the majority expected to take place at Euston;
- c) additional provision as part of redevelopment schemes in the growth areas of Tottenham Court Road, Holborn and West Hampstead Interchange; and
- d) some provision in other town centres and Central London Frontages where opportunities emerge.

We will apply a sequential approach to retail and other town centre uses outside of these areas to support the following network of centres:

Central London Frontages: Tottenham Court Road/ Charing Cross Road/ New Oxford Street; High Holborn/ Kingsway and the main commercial area around King's Cross;

Town centres: Camden Town; Kilburn High Road; Finchley Road/ Swiss Cottage; Kentish Town; West Hampstead; and Hampstead;

Neighbourhood centres: located across the borough;

We will also support:

- limited provision of small shops outside centres to meet local needs; and
- appropriate retail provision in Camden's Specialist Shopping Areas: Covent Garden; Hatton Garden, Museum Street, Drummond Street and Denmark Street.

Protecting and enhancing Camden's centres

The Council will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors by:

- e) seeking to protect and enhance the role and unique character of each of Camden's centres, ensuring that new development is of an appropriate scale and character for the centre in which it is located;
- f) providing for, and maintaining, a range of shops, services, food, drink and entertainment and other suitable uses to provide variety, vibrancy and choice.
- g) protecting and promoting small and independent shops, and resisting the loss of shops where this would cause harm to the character and function of a centre;
- h) making sure that food, drink and entertainment uses do not have a harmful impact on residents and the local area, and focusing such uses in Camden's Central London Frontages, Town Centres and the King's Cross Opportunity Area;
- i) supporting and protecting Camden's local shops, markets and areas of specialist shopping.
- j) pursuing the individual planning objectives for each centre, as set out below, including through the delivery of environmental, design, transport and public safety measures.

The applicant is unsure how restrictions on the use of the roof as a terrace are relevant to policy CS7

Policy DP12 - Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses

The Council will ensure that the development of shopping, services, food, drink, entertainment and other town centre uses does not cause harm to the character, function, vitality and viability of a centre, the local area or the amenity of neighbours. We will consider:

- a) the effect of non-retail development on shopping provision and the character of the centre in which it is located;
- b) the cumulative impact of food, drink and entertainment uses taking into account the number and distribution of existing uses and non-implemented planning permissions, and any record of harm caused by such uses;
- c) the impact of the development on nearby residential uses and amenity, and any prejudice to future residential development;
- d) parking, stopping and servicing and the effect of the development on ease of movement on the footpath;
- e) noise and vibration generated either inside or outside of the site;
- f) fumes likely to be generated and the potential for effective and unobtrusive ventilation;
- g) the potential for crime and anti-social behaviour, including littering;

To manage potential harm to amenity or the local area, the Council will, in appropriate cases, use planning conditions and obligations to address the following issues:

- h) hours of operation;
- i) noise / vibration, fumes and the siting of plant and machinery;
- j) the storage and disposal of refuse and customer litter;
- k) tables and chairs outside of premises;
- l) community safety;
- m) the expansion of the customer area into ancillary areas such as basements;
- n) the ability to change the use of premises from one food and drink use or one entertainment use to another (within Use Classes A3, A4, A5 and D2);
- o) the use of local management agreements to ensure that the vicinity of premises are managed responsibly to minimise impact on the surrounding area.

Contributions to schemes to manage the off-site effects of a development, including for town centre management, will be sought in appropriate cases.

The applicant is unsure how restrictions on the use of the roof as a terrace are relevant to policy DP12.

Policy DP26 - Managing the impact of development on occupiers and neighbours

The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include:

- a) visual privacy and overlooking;
- b) overshadowing and outlook;
- c) sunlight, daylight and artificial light levels;
- d) noise and vibration levels;
- e) odour, fumes and dust;
- f) microclimate;
- g) the inclusion of appropriate attenuation measures.

We will also require developments to provide:

- h) an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space;
- i) facilities for the storage, recycling and disposal of waste;
- j) facilities for bicycle storage; and
- k) outdoor space for private or communal amenity space, wherever practical.

Section 4.0 demonstrates how the use of the roof as a terrace will not cause harm to neighbouring amenity.

Policy DP28 - Noise and vibration

The Council will seek to ensure that noise and vibration is controlled and managed and will not grant planning permission for:

- a) development likely to generate noise pollution; or
- b) development sensitive to noise in locations with noise pollution, unless appropriate attenuation measures are provided.

Development that exceeds Camden's Noise and Vibration Thresholds will not be permitted.

The Council will only grant permission for plant or machinery if it can be operated without cause harm to amenity and does not exceed our noise thresholds.

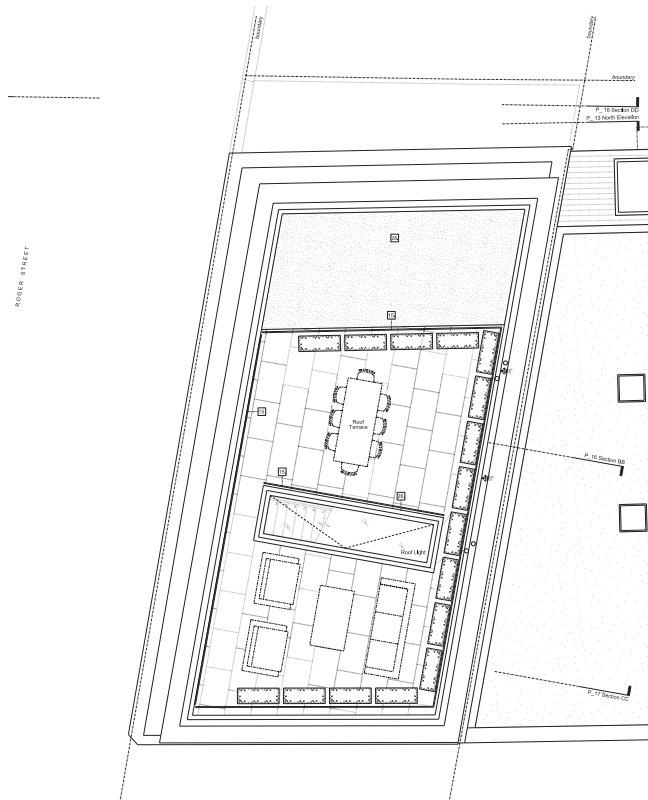
The Council will seek to minimise the impact on local amenity from the demolition and construction phases of development. Where these phases are likely to cause harm, conditions and planning obligations may be used to minimise the impact.

Section 4.0 demonstrates how the use of the roof as a terrace will not cause an adverse affect in noise levels as immediate neighbours are B1 office space, not residential accommodation.

3.0 VIEW ASSESSMENT

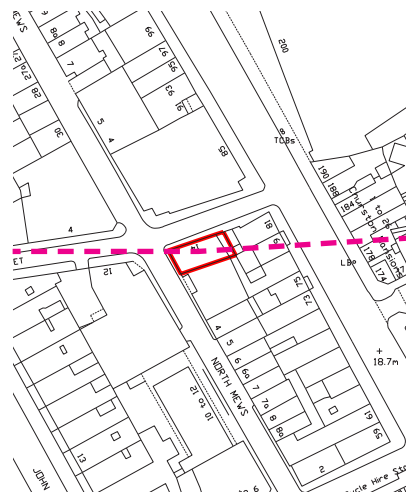
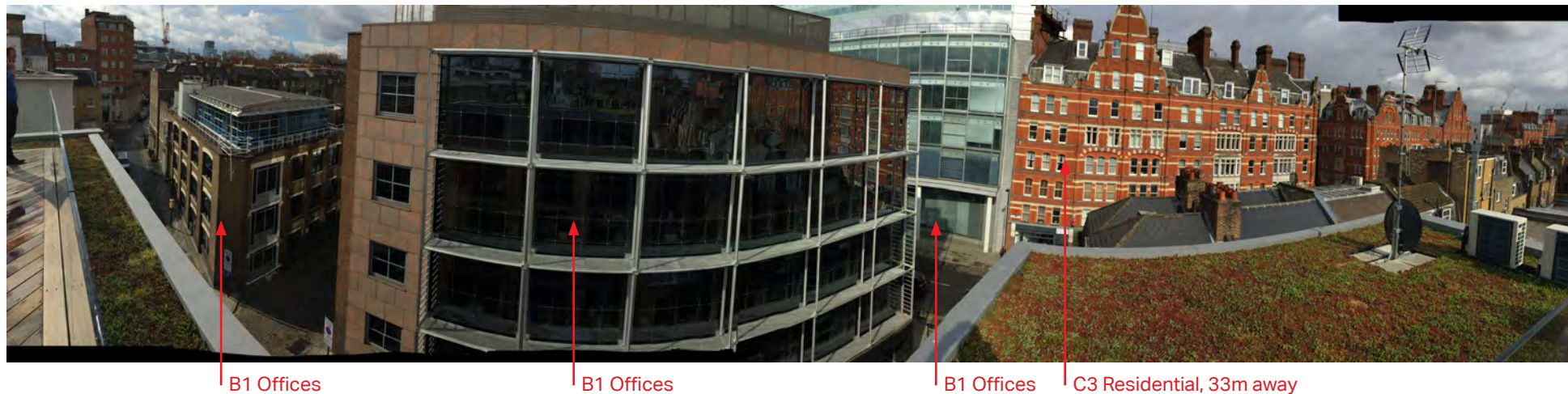
The following assessment shows a series of panoramic photographs taken from the perimeter of the roof terrace at the application site.

Each view is annotated and shows that the existing roof terrace is not overlooked by neighbouring residential properties, nor does it allow neighbouring residential properties to be overlooked.



Permitted roof plan 2013/2798/P

VIEW 01, NORTH



View area

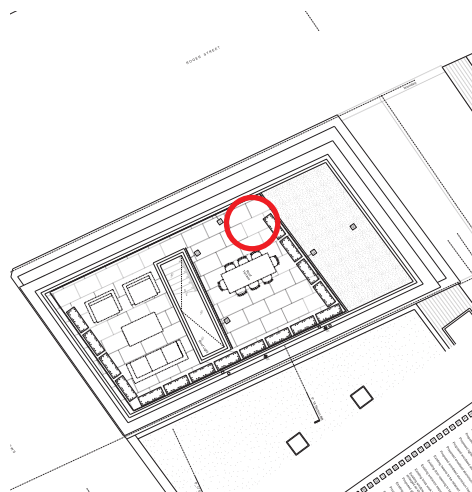


Photo location

To the north the building only buildings in close proximity are B1 office buildings and it is considered that this use type will not suffer a loss of amenity in overlooking/privacy or undue use due to its normal hours of use. The closest residential buildings are in excess of 18m away and there is a busy road separating the building from the application site.