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Dear Camden Planning,

45 Maresfield Gardens, Hampstead NW3 5TE

This letter accompanies a revised application for retrospective consent for the construction of boundary walls and gates and altered vehicular access to the above property.

This letter comprises the Design and Access Statement (DAS).

Recent planning history

The original planning application (2015/3684/P) was refused by notice on 9th September 2015.

Two reasons for refusal were given:

The gates and gate piers, which provide access to two parking spaces, form an arrangement which would be detrimental to highway safety by reason of inadequate sightlines for vehicles leaving the site, contrary to policies CS5 (Managing the impact of growth and development) and CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy 2010 and policies DP19 (Managing the impact of parking) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies 2010.

The gates and gate piers, which provide access to two parking spaces, form an arrangement which would result in the loss of part of an on-street residential parking bay, contributing unacceptably to parking stress in the surrounding area, contrary to policies CS5 (Managing the impact of growth and development) and CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy 2010 and policies DP19 (Managing the impact of parking) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies 2010.

The Local Planning Authority (LPA) issued an enforcement notice '(the Notice)' dated 28th July 2015 (EN15/073).

An appeal was lodged (APP/X5210/C/15/3133473) on grounds (e), (a) and (f) of section 174(2) of the Town and Country Planning Act 1990 as amended.



The Decision Notice was issued on 12th April 2016. The appeal was allowed and the Notice quashed.

The Inspector found that the LPA exercised its discretion deficiently, because those with an interest in the land had not been served with a copy of the Notice (ground 'e').

Revised application

An application may be made for a development that has already been refused provided it is not similar to the refused application and/or where there has been significant change in the material considerations (Section 70A of the Town and Country Planning Act 1990).

The revised application is materially different from the refused application:

- Revised details of the vehicular crossover have been provided.
- Proposed restrictive conditions on the use of the northern parking space.
- Cycle parking.
- An electric vehicle charging point is proposed.
- The applicant offers a legal agreement to limit access to on-street parking permits.
- The proposals have been subject to detailed transport and parking assessment prepared in support of the appeal.

These changes, separately and together, amount to significant and new material considerations.

Application documents

The following drawings and plans are submitted:

- Existing Layout Plan (including site location plan) PL101/131 REV 0
- Proposed Layout Plan PL200/131 REV 0
- Proposed Street Elevation PL201/131 REV 0

There are a substantial number of documents associated with the refused application and subsequent enforcement appeal.

For the sake of simplicity, it is assumed that documents submitted with the original application, and which appear in the LPA's on-line records, are automatically associated with the revised application including:

- Drawing No. B15/620-02 Existing GF Measured Survey
- Drawing No. 2045(PLA)100 - Proposed revised front (street) elevation,
- Drawing No: 2045(PLA)104 - Roof Plan
- Maresfield Gardens Parking and Access Survey, Doyle TP+UD, July 2015.
- Technical Note, Paul Mew Associates, July 2015.
- Cover letter, Doyle TP+UD, 17/07/2015

Documents associated with the enforcement appeal may not be easily available to consultees and have therefore been submitted as a package with the revised application.

- Ground and Facts, Doyle, September 2015.

- Appeal Statement, Doyle, October 2015.
- Doyle Rebuttal Letter (Final) 17 12 2015, Doyle, December 2015.
- P1364 45 Maresfield Gardens Rebuttal Note 15 12 15, Paul Mew Associates, December 2015.
- P1364 45 Maresfield Gardens Transport Statement v20 10 2015, Paul Mew Associates, October 2015.

Development Plan Policy

The Development Plan is the London Borough of Camden Local Development Framework and the London. The following core strategy and development policies relate to this appeal.

Core Strategy 2010

- CS5 - Managing the impact of growth and development
- CS11 - Promoting sustainable and efficient travel) (Planning refusal only)
- CS14 - Promoting high quality place and conserving our heritage) (Enforcement reasons only)

Development Policies 2010

- DP19 - Managing the impact of parking
- DP21- Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies 2010.
- DP24 - Securing High Quality Design
- DP25 - Conserving Camden's heritage

Guidance

- CPG1 Design
- Fitzjohns/Netherhall Conservation Area statement (2001)

Design and Access Statement

The assessment below refers only to the differences between the refused/ appeal scheme and the current revised application.

Crossover

The proposed layout shows details of two vehicle crossovers with a central 'island' or nib. These works are outside the application boundary and will need to be implemented following any grant of planning permission.

The design results in a narrower overall crossover width whilst the central nib provides a refuge for pedestrians.

The schemes replicate the high quality materials typical in the area including as Yorkstone paving, granite sett bands and wide granite kerbs.

The works may be controlled either by a 'prior to first use of the parking space' planning condition and/or by legal agreement.

Legal Agreement

The Council and objectors previously claimed that a reduction in the length of the adjacent resident parking bay would have a material effect upon the availability of resident's parking spaces. Whilst this is disputed, the applicants are willing to offers the following.

The appeal property is a single dwelling. Under the Council scheme, each car owner resident at the property is entitled to apply for a resident parking permit with up to three permits issued per dwelling. A draft unilateral agreement was submitted with the appeal reducing the maximum number of applications from three to two (one). The undertaking also includes provision for the payment of a highways contribution towards the cost of altering the vehicle crossover.

The applicant is willing to enter into a S106 agreement with the Council on similar terms.

Electric vehicle charging point

Development Plan Policy DP18 – Parking standards and limiting the availability of car parking part 9e) seeks the provision of electric charging points as part of any car parking provision.

An electric vehicle charging point is therefore proposed and indicated on the prosed layout plan. Details and retention may be controlled by way of a planning condition.

Cycle parking

Development Plan Policy DP18 – Parking standards and limiting the availability of car parking states that developments will be expected to meet the Council's minimum standards for cycle parking. The standards set out in Appendix 2 and indicate for Residents there should be 1 storage or parking space per unit.

The revised layout plan indicates 2 parking spaces.

Planning conditions

A number of planning conditions may help to mitigate or remove impacts that may be considered unacceptable.

The car space shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

The car (northern) parking space shall not be used until the Highways Authority has given its approval in writing for the construction of a vehicle crossover and the vehicle crossover has been constructed in accordance with the terms of the approved detail.

Yours sincerely.



Michael Doyle

Partner