**Date: 27/02/2017**

**Your ref: APP/X5210/W/16/3165335**

**Our ref: 2016/2896/P**

**Contact: Raymond Yeung**

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**Dear Lynne Young,**

**Planning Appeal by Mr Brian Taitz**

**Site at 1a Glastonbury Street, LONDON NW6 1QJ**

The Council’s case for this appeal regarding refusal of Planning Permission is largely set out in the officer’s delegated report dated 10/08/2016. This details the site and surroundings, the site history and an assessment of the evidence. A copy of the report was sent with the questionnaire.

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.

**1.0 Summary**

1.1 The appeal relates demolition of a garage on a triangular plot of land. The garage is an existing employment use (B2). It lies adjacent to a terrace of residential buildings at 1-5 Glastonbury Street and borders the rear gardens of 36-42 Ravenshaw Street.

1.2 On 10th August 2016 planning permission was refused for the; *Redevelopment of the site to provide a 3 storey 2 bedroom dwellinghouse with basement (following the demolition of commercial garage premises) with associated cycle storage and amenity space (ref 2016/2896/P) subject of this appeal.*

1.4 Planning Permission (2016/2896/P) was refused on 8 grounds as follows:

1. *The proposed development, by reason of the loss of employment floorspace in the form of a vehicle repair garage (Class B2) which remains suitable for continued use, would fail to support economic activity in Camden particularly small and medium sized businesses and would result in the loss of employment opportunities within the Borough contrary to policy CS8 (Promoting a successful and inclusive economy) of the London Borough of Camden LDF Core Strategy and DP13 (Employment sites and premises) of the London Borough of Camden LDF Development Policies.*
2. *The proposed building, by reason of its inappropriate detailed design and poor use of materials fails to relate to the context of the adjoining terrace to the detriment of the character and appearance of the surrounding area, contrary to policies CS5 (Managing the impact of growth and development) and 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) of the London Borough of Camden Local Development Framework Development Policies.*
3. *The proposed building, by reason of its height and proximity to the neighbouring properties, would result in a material level of harm to the living conditions of the adjoining occupiers on Ravenshaw Street by way of an overbearing effect, increased sense of enclosure and a significant loss of outlook. Thus, it would be contrary to policy CS5 (Managing the impact of growth and development) the London Borough of Camden Local Development Framework Core Strategy; and Policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
4. *The proposed dwelling, by reason of the inadequate level of outlook and sunlight and daylight, the lack of external amenity space and the low ceiling height within and poor provision of sunlight, daylight and outlook from the habitable basement rooms in particular, would result in a sub-standard quality of living accommodation that would fail to provide an acceptable level of residential amenity for the prospective occupiers, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
5. *The Applicant has failed to demonstrate that the proposed basement development would maintain the structural stability of the building and neighbouring properties and avoid adversely affecting drainage and run-off or causing other damage to the water environment avoid cumulative impacts upon structural stability or the water environment in the local area contrary to policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP23 (Water) and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies.*
6. *The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*
7. *The proposed development, in the absence of a legal agreement to secure a car-free development, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and would fail to provide access for people with mobility difficulties, contrary to policies CS6 (Providing quality homes), CS11 (Promoting sustainable and efficient 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. *The proposed development, in the absence of a legal agreement to secure contributions towards public highway works would be likely to harm the borough's transport and public realm infrastructure, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy DP16 (The transport implications of development), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.*

1.4 The reasons for refusal numbered 6-8(Inclusive) could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

1.5 Previous to this appeal, a previous application 2014/7654/P was refused on 27th April 2015 for the same description for almost identical reasons, this is set out within Appendix 2.

**2.0 Status of Policies and Guidance**

2.1 The Camden Core Strategy and Camden Development Policies are currently ‘The Development Plan’ for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004. On 8th November 2010 the Council formally adopted the Core Strategy and Development Policies documents of the Local Development Framework. These documents have been through an Examination in Public, and the appointed Inspector found the documents to be sound in a decision published on 13th September 2010. The full text of the relevant policies cited above was sent with the questionnaire documents.

2.2 It should be noted that there are no material differences between the council’s polices adopted in 2010 and the emerging Camden Local Plan that will replace them. The submission draft is a material consideration in planning decisions. At this stage the Plan has weight in decision making and is a statement of the Council’s emerging thinking. Emerging policy is considered relevant to the subject appeal are placed in Appendix 3.

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 2013 and 2015.

NPPF

2.3 With reference to the National Planning Policy Framework 2012, policies and guidance contained within Camden’s LDF 2010 are up to date given that there are no material differences with emerging policies. The council’s policies therefore accord with paragraphs 214 – 216 (Annex 1) of the NPPF and should be given full weight in the decision of this appeal. In addition the NPPF 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.

Weight to be given to the emerging local development plan

2.4 The emerging Camden Local Plan is reaching the final stages of its public examination.  For information, the following sets out the timing of forthcoming stages and gives information on the weight to be given to the Plan as it progresses to adoption.

Consultation on proposed modifications to the Submission Draft Local Plan will take place from 30 January to 13 March 2017.  The modifications have been proposed in response to Inspector's comments during the examination and seek to ensure that the Inspector can find the plan 'sound' subject to the modifications being made to the Plan.

The Local Plan should at this stage be a material consideration, with limited weight in decisions until the publication of the Inspector's report into the examination, which is expected in early - mid April.  At this point the Local Plan policies should be given substantial weight.

Adoption of the Local Plan by the Council is anticipated in June or July (depending on Cabinet and Council meeting dates).  At that point the Local Plan will become a formal part of Camden's development plan, fully superseding the Core Strategy and Development Policies, and having full weight in planning decisions.

**3.0 Comment on the Appellant’s Ground of Appeal**

3.1 The appellant’s grounds of appeal can be summarised in points as follows:

1. *Whether or not the loss of employment floorspace would have a harmful impact*

1. *Whether or not the appeal premises have undergone a marketing exercise in view*

*of exploring retention of a business use*

1. *Whether or not the proposed design and scale would have a detrimental impact on the character and appearance of the area*
2. *Whether or not the proposed development would adversely impact the general*

*living conditions to residents in Ravenshaw Street*

1. *Whether or not the proposed development would offer a sub-standard quality of*

*living accommodation;*

1. *Whether or not the proposed basement level would have a detrimental impact on*

*the structural integrity of the building in addition to offering suitable drainage*

*solutions*

1. *Whether or not the provision of legal agreements to secure a construction*

*management plan, a car-free development and a financial contribution towards*

*public highway works are reasonably necessary for the purposes of granting*

*planning permission*

The substantive reasons for refusing the application are discussed in the officer’s delegated report. The comments below seek to amplify the Councils position on the reasons for refusal and address the appellant’s grounds of appeal:

**Points 1 and 2**

*3.2 Whether or not the loss of employment floorspace would have a harmful impact and appeal premises have undergone a marketing exercise in view of exploring retention of a business use*

3.2.1 The appellants conclude that; *“The loss of a vacant and low quality building in a state of structural disrepair would not have a demonstrable impact on the local economy in terms of the availability of light industrial/commercial units, particularly awkwardly shaped plots with low ceiling heights in clearly defined residential settings. As supported by the report from Howe Chartered Surveyors, it is suggested that even in the event that an alternative business use – under an alternative planning class were to occupy the building, there would be considerable cost implications to bring the building up to current standards which would not be financially viable.”* Furthermore, they conclude regarding the marketing; “*The site has been marketed for a significant degree of time to which there has been little interest for its lawful business use. Furthermore, the building owing to its condition would need significant improvements – it has been suggested by Howe Chartered Surveyors that a cost (inclusive of VAT) of between £45,000 and £145,000 would need to be spent to demolish and rebuild a replacement commercial building depending on the type of building and the specification. Whilst marketing is one aspect, however, when considered with other material factors on site, a balanced judgement should be made and a flexible, common sense approach should be taken.”*

3.2.2 As emphasised in the delegated report relating to this appeal and within the previously refused application the council considers however that ; “*The proposed development should consider the principle of the loss of an employment unit and its replacement with a residential home, the impact of the development on the character, setting, context and the form and scale of neighbouring building, the transport impacts of the development. Policy DP13 (Employment premises and sites) seeks to protect employment uses irrespective of their location. Camden has a very restricted supply of sites and premises for light industrial use. This means that there is a high level of demand for the remaining sites. The Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business unless it is demonstrated that; a) it can be demonstrated to the Council’s satisfaction that a site or building is no longer suitable for existing business use and 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.”*

3.2.3 The applicant has referred to the local policies within their statement and have described that the garage is considered inadequate for continued use. However the appellants have not submitted any evidence nor a break-down of detailed calculations for financial viability or research/exploring/interest to refurbishment of garage/offices or to demolish and rebuild as offices. It is clear that they have not fully explored an alternative option other than to demolish the business use and redevelop as housing. Furthermore, they have acknowledged that under paragraph 5.15 that; local policy is clear on the period of marketing, advocating a minimum of 2 years. Yet the applicant has failed to provide a comprehensive marketing exercise for the appeal and since the previous application. The applicant has merely provided information that they have advertised on the site and in the press, however, there is no detailed information provided regarding how much they advertised this for nor whether such advert generated interest apart from a single statement from a director of an estate agent/surveyor firm to say there has not been any interest in the site. Therefore, clearly the marketing information submitted is not considered to be sufficient.

3.2.4 To conclude, it is considered that the appeal proposal do not comply with Camden policies DP13 and CPG5 in that it has not been sufficiently demonstrated that it could not be suitably retained for a commercial space. Paragraph 22 of the NPPF states that policies should avoid the long term protection of sites allocated for employment use only “where there is no reasonable prospect of a site being used for that purpose”. In the case of the appeal proposal, a comprehensive sustained marketing exercise has not been undertaken nor has it been demonstrated that a continued business use is not feasible. In the absence of evidence that justifies the loss of office space, the principle of the change of use is considered to be unacceptable.

**Point 3**

3.3 Whether or not the proposed design and scale would have a detrimental impact on the character and appearance of the area.

3.3.1 As a matter of clarity, the second reason for refusal cites solely the unacceptability of design and materials as opposed to the scale of the building as mentioned in the grounds of appeal.

3.3.2 The appellant’s conclude that; *Towards the rear of the house, the angled wall will not form an ‘obvious’ feature when the site is viewed from the public realm. In the same way that the existing building has an angled wall, this feature would afford best use of the site in terms of the usability of this irregular plot. The case officer’s criticism (para 4.5 of the delegated report) that this feature would appear blank is unfounded as this intentionally avoids any direct overlooking. Equally, no direct objection is made to the principle of the angle of the wall as part of the Council’s assessment. The appeal scheme simply sought to make effective use of a brownfield site without compromising on design and negatively impacting the adjacent neighbours.*

3.3.3 The appellant has also mentioned in paragraph 5.19 with regards to a pre-application advice given in June 2014 that they have incorporated the advice given in this letter within the most recent refusal, the appellants failed to mention previous refusal 2014/7654/P which followed immediately after pre-app which was refused on design reasons too.

3.3.4 As clearly stated in the most recent delegated report subject of this appeal and partially within the previous refusal;

*• The design of the house is seeking to replicate the adjacent traditional terrace, however, the proportions, composition, detailing and materials are not an accurate reflection of the traditional appearance of the rest of the terrace, which is considered to undermine the overall design quality.*

*• In particular, the indifferent proportion, alignment and sizes of the window openings would not complement the adjoining terrace, neither would the proposed use of uPVC for window and door units.*

*• The proposed rear and side elevations (south and west facing) are proposed as blank brick wall elevations with no visual interest or design features, apart from a green wall on a section of the west facing wall, for which no maintenance plan has been submitted.*

3.3.5 The council disagrees with the appellants concluding statement that the proposal cannot be directly overlooked. Indeed it can be immediately directly overlooked from many of the residential properties adjoining to the rear at Ravenshaw Street.

3.3.6 The statement on paragraph 5.18 cannot be accepted by the council either. Following discussions between the case officer and the agent, the applicants failed to submit any revisions and therefore, with the above taken into consideration, the proposal in terms of design is unacceptable and fails to comply with policies DP22 and DP24.

3.3.7 To address the appellant’s comment in paragraph 5.20; *The appeal scheme simply sought to make effective use of a brownfield site without compromising on design and negatively impacting the adjacent neighbours.* This is discussed with the next point.

**Point 4**

3.3.8 The appellant in paragraph 5.22 states; *‘Sense of enclosure’ is not considered to be negative feature, as it can often enhance the character and provide a sense of privacy, especially to private amenity areas. This is further aided by the fact that the houses in Ravenshaw Street are angled, therefore not affording a wide degree of outlook and hence no direct views of the proposed wall.* The council cannot disagree more, and supports the adjoining neighbours on Ravenshaw Street who objected to such scheme for these reasons.

3.3.9 Paragraph 5.23 on the statement mentions a ‘Green Wall’, was to be proposed on the blank side of the wall, however there was no detailed explanation how this was to be installed, maintained especially if they require access to the neighbour’s boundary for each time they need to do such works.

3.3.10 To reiterate the delegated report; *The proposed dwelling would be located on the shared boundary with the adjacent properties on 36-42 Ravenshaw Street at a 2 storey height with a pitched roof. It would have a maximum height of 7.52m. Due to the significant increase in height of the proposal over the existing structure and its location immediately on the boundary, it would materially harm the living conditions of those adjacent occupiers. The resulting blank gable would extend out prominently on the boundary which is not usual in a residential area like this one, where you would expect a greater setback between residential properties and the built form on adjacent properties. The resulting development would be located approximately 6m away from the rear outriggers of the residential properties at 38 and 40 Ravenshaw Street in particular. Overall, the proposal, due to its height and proximity to neighbouring properties, would result in an unneighbourly addition that would have a material overbearing effect, an increased sense of enclosure and cause a significant loss of outlook for those neighbouring occupiers. It would result in undue harm on the enjoyment of those occupiers rear gardens and views from rear facing rooms.*

3.3.4 The Council maintains that the proposed building being two-storey on the boundary and only 6 metres away would lead to a materially detrimental loss of amenity to the adjoining neighbours, it is therefore considered to comply with polices CS5 and DP26 of Camden’s LDF.

**Point 5**

**3.4** *Whether or not the proposed development would offer a sub-standard quality of living accommodation.*

*3.4.1 The appellant concludes; the scheme provides a well-proportioned two-bedroom single family house that would blend in well with the rest of the street which is almost entirely residential in nature. The site provides room sizes that meet the London Plan and Camden’s planning standards and that suitably 'stack' over each other. The internal sunlight, daylight and over-shadowing assessment concludes that overall, the proposed rooms will receive sufficient amount of light. The rooms will also be well ventilated.*

*3.4.2* The statement sets out bullet points to why the proposal would be of quality accommodation, below is an extract from paragraph 5.27;

* *In regard to sunlight and daylight, this was appropriately and expertly addressed by the supporting documents (sunlight, daylight and overshadowing assessment) submitted to the Council. The assessment notes the northerly orientation of the windows concluding that daylight levels to habitable rooms would be met. It is important to note that the BRE standards acknowledge a lesser importance for compliance of the standards for bedrooms. The assessor notes that in peak winter times, light would be less received. However, comparably and akin to most flatted developments, the proposed building will offer a dual aspect.*

3.4.3The council reiterates the point within the delegated report*; “The habitable rooms on the ground and first floor are all single-aspect and north facing, and their provision of light and outlook is therefore questionable. The proposed basement rooms would have north-facing pavement lights to serve it, these would be within the front garden area are enclosed by the proposed front boundaries. The bedroom would have an opening into a sunken garden, however, this would be fully enclosed and less than 4m² and a small side garden which contains the cycle storage (12sq.m). This provision of amenity space is considered to be inadequate for a new single family dwellinghouse. With regards to overshadowing, of the 2 amenity areas tested, both fall short of the BRE recommended target on the 21st of March. Therefore the spaces are inadequate in terms of size, quality and provision of light. They would be virtually unusable. The BRE standards to not record outlook, and cannot judge the unacceptability of the accommodation such as the basement room and miniature gardens”.*

3.4.4 The appellant acknowledged within the statement that the basement level fall short of the minimum height standards of 2.3m as noted in the council’s delegated report, but completely disagrees with the following statements; “*This is something that could have been drawn to the appellant’s attention during the application stage so that revised drawings could be issued.”* The applicants were made fully aware of the restrictions of the basement accommodation on the subject application refusal and the previous refusal before that and it is on the onus of the applicant the provide such satisfactory plans and not the council’s.

3.4.5 The above is followed up by the appellant referring to Appendix 6 of their statement showing a suggested set of revised plans (Rev A), demonstrating that a revised floor to ceiling height meeting 2.5m head height clearance, however the refusal was based on the plans submitted at the time of application and therefore such revised plan within their appendix is irrelevant.

3.4.6 The plans formally submitted only measure 2.1 metres in height which is contrary to CP2 paragraphs 4.10 and 4.11 which requires a minimum floor to ceiling height of 2.3 metres to allow sufficient headroom, therefore the internal floor to ceiling basement height is unacceptable. This would further contribute to the substandard level of living accommodation within the basement.

3.4.7 Overall, the dwelling would provide a substandard level of residential accommodation for its prospective occupiers, failing to comply with policies CS5 and DP26 and DP27

**Point 6**

3.5.1 *Whether or not the proposed basement level would have a detrimental impact on the structural integrity of the building in addition to offering suitable drainage solutions.*

3.5.2 The applicant has stated within paragraph 5.33 that they are fully aware that a Basement Impact Assessment (BIA) would require an independent assessment and accompanying information is required in accordance with CPG4. This is expected for all basement proposals that go beyond the scoping stage of a BIA where the site is located in an area of concern (in this case hydrological constraints- surface water flow, ground water flow and slope stability). As stated within the delegated report a CPG4 (Basements and lightwells) paragraph 2.33 stipulates that in order to provide the Council with greater certainty over the potential impacts of proposed basement development, an independent verification of Basement Impact Assessments will be expected, to be funded by the applicant and that the applicants were made fully aware within the pre-application advice, previous refusal and the latest application that the BIAs often require to be independently verified based upon a number of factors including size, positioning and potential impacts.

3.5.3 The proposed basement would take up the entire footprint of the site. CPG4 states that larger basement developments, such as those of more than one storey in depth or which extend outside of the footprint of the building, can have a greater impact than smaller schemes. Overall, the size and scale of the basement is considered to be out of scale with the host property as it covers the entire plot, which is not suitable in a residential suburban setting like this one.

3.5.4 The applicant concludes in paragraph 5.33 that; *The appellant did not raise objection to this, however, considered that as the case officer was minded to refuse the application this would incur an unreasonable cost and would therefore not be a fruitful exercise. If the Inspector is minded to allow the scheme and if considered necessary given the expense of a BIA review of the independent engineer’s BIA already provided, it is proposed that a suitable condition could be stipulated requiring the submitted BIA to be reviewed and thereafter built in accordance with the recommendations of the firm acting on behalf of the council.*

3.5.5 The above statement highlights that it was the applicant’s decision to not carry out the relevant review although invited to do so as clearly required by the Council’s adopted policies. A BIA that would not be deemed adequate nor unacceptable by an independent assessor to address issues in terms of hydrological constraints- surface water flow, ground water flow, slope stability and impacts to the adjoining neighbours is a reusable reason and therefore cannot be allowed permission subject to such condition offered by the applicants. Such matters would be addressed prior to any approval of permission.

3.5.6 The basement impact verification exercise is considered to be essential in this instance given current Council guidelines in respect of basements but the applicant would not agree to have the submitted BIA independently verified. Therefore, the credibility and integrity the BIA could not be deemed acceptable to provide evidence that the basement can be sustainably and feasibly constructed. The proposed basement therefore fails to demonstrate compliance with policy DP27 and CPG4.

**Point 7**

As discussed above the reasons for refusal numbered 6-8(Inclusive) could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable. The justification for these s106 requirements are set out in Appendix 1.

**4.0 Other Matters**

4.1 On the basis of information available and having regard to the entirety of the Council’s submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.

4.2 Regarding paragraph 5.37, it is considered that there is common ground between the appellant and Council regarding cycle parking can be provided via condition if granted, condition set out in Appendix A below.

4.3 The council completely disagrees with the statement over 5.39 with regards to the council failing to sought to work with the applicant in a positive and pro-active way, the appellant totally disregards the earlier application 2014/7654/P refused on 27/4/2015, which within this application; the case officer met and discussed on telephone/email with the applicant to discuss way of revising the scheme to make it acceptable, the applicant at the time failed to do this and was also invited to submit a further pre-application advice which they chose not to do. Following further telephone and email discussions between council and applicant, and meetings between the applicants and the neighbour’s, the recent application still failed and the applicants avoided submitting revisions despite discussions within the application.

4.4 In the event of the appeal being allowed the conditions suggested in appendix 1 should be attached along with entering into a Section 106 Legal Agreement to address refusal reasons 6-8 (Inclusive). The appellants willing to sign a S106, the clauses are written under conditions under appendix 2.

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

**Yours sincerely**

**Raymond Yeung**

**Planning officer**

**Culture and Environment Directorate**

**Appendix 1**

**Conditions and S106 requirements**

**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).

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Nos: GLAST-L000, GLAST-L001, GLAST-L201, GLAST-C201, GLAST-E001, GLAST-E201, GLAST-E202, GLAST-E203, GLAST-P001, GLAST-P002, GLAST-P200, GLAST-P201, GLAST-P202, GLAST-P203, GLAST-S001, GLAST-S201, Design & Access Statement.

1. Full details in respect of the green wall in the area indicated on the approved plans be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

1. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) [and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

1. The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

1. Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

1. Before the development commences, details of secure and covered cycle storage area for cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new unit, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11of the London Borough of Camden Local Development Framework Core Strategy and policy DP17of the London Borough of Camden Local Development Framework Development Policies

1. No impact piling until a piling method statement, prepared in consultation with Thames Water or the relevant statutory undertaker, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works, has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing below ground public utility infrastructure and controlled waters in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy.

1. Prior to occupation of the development the refuse and recycling storage facilities intended for its occupiers as shown on the drawings hereby approved shall be provided in their entirety. All refuse and recycling storage facilities shall be permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS18 of the London Borough of Camden LDF Core Strategy and DP26 of the London Borough of Camden LDF Development Policies.

1. Before the use commences sound insulation shall be provided for the building in a scheme to be first approved by the local planning authority in writing. The use shall thereafter not be carried out other than in accordance with the approved scheme.

Reason: To safeguard the amenities of the adjoining premises and the area generally 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 requirements**

**1. Car free development**

Justification

Core strategy CS11, along with Development policy DP19 sets out how the Council will address the potential negative impacts of parking associated with new development. CPG7 states that the council will refuse planning permission for a development that proposes to introduce additional on-street parking rights in an area of existing high parking demand. The site is located in the Fortune Green: West controlled parking zone (CA-P(c)) which operates between 1000 and 1200 hours on Monday to Saturday. Our records indicate that the controlled parking zone suffers from a high parking stress, with a ratio of parking permits to parking spaces of 0.94 (which means for every 100 spaces, there are 94 parking permits issued). The proposal would result in a change of use from a commercial garage (B2) premises to a single dwelling house (C3) and therefore a car free development therefore needs to be secured as a Section 106 planning obligation, this would allow the proposal to be in accordance with Core Strategies CS11 and CS19 and Development Policies DP18, DP19 and DP21 and CPG7.

2 and 3. Construction Management Plan and associated implementation Support Contribution of £1,140

Justification

Camden Development Policy DP20 states that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). Camden Development Policy DP21 relates to how a development is connected to the highway network. For some developments this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP).

Our primary concern is public safety but we also need to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. Servicing during construction is therefore likely to be difficult. A CMP must therefore be secured as a Section 106 planning obligation if planning permission is granted.

In order to minimise traffic congestion and road safety issues during development works, construction vehicle movements are generally acceptable between 9.30am to 4.30pm on weekdays and between 8.00am and 1.00pm on Saturdays. As there is a school in the vicinity of the site, it is proposed that deliveries must be restricted to between 9.30am and 3pm on weekdays during term time. However, specific details would need to be agreed with Camden during development of the CMP. The CMP would need to be approved by Camden prior to works commencing on site.

3. Highways contribution (amount to be confirmed)

Justification

The summary page of Development Policy DP21 states that ‘The Council will expect works affecting Highways to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development’. The footway directly adjacent to the site could be damaged as a direct result of the proposed works. In addition, the crossover adjacent to the site would also need to be removed. We would therefore need to secure a financial contribution for highway works as a section 106 planning obligation if planning permission is granted. This would allow the proposal to comply with Development Policy DP21. A cost estimate for highway works has been requested from our Highways Delivery Team and will be forwarded once rec

4 and 5. Approval In Principle (AIP) report and associated fee - £1,800

Justification

The proposal would involve basement excavations in close proximity to the footway directly adjacent to the site. We have to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations. A basement impact assessment (BIA) has been submitted in support of the planning application. However, this does not appear to discuss how the stability of the public highway would be protected.

The applicant would be required to submit an ‘Approval In Principle’ (AIP) report to our Highways Structures & Bridges Team within Engineering Services as a pre-commencement obligation. This is a requirement of British Standard BD2/12. The AIP would need to include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also need to include an explanation of any mitigation measures which might be required.

The AIP and an associated assessment fee of £1,800 would need to be secured as section 106 planning obligations if planning permission is granted.

**Appendix 2**

**2014 Refusal Ref: 2014/7654/P**

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

**Full Planning Permission Refused**

Address:

**1A Glastonbury Street**

**London**

**NW6 1QJ**

Proposal:

Redevelopment of the site to provide a 3 storey 3 bedroom dwellinghouse with basement (following the demolition of commercial garage premises).

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| Drawing Nos: Existing drawings: ED/1AGS/102, 103. Proposed drawings: ED/1AGLS/101,301A,302A, 401A, 402, 403, Documents: Design & Access Statement (Received 6th January 2015), Code for sustainable Homes estimator statement, Daylight/Sunlight Assessment by Cape Property Holdings Ltd dated 9th January 2014, proposed SAP worksheet. |

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

Reason(s) for Refusal

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| 1 | The proposed development, by reason of the loss of employment floorspace in the form of a vehicle repair garage (Class B2) which remains suitable for continued use, would fail to support economic activity in Camden particularly small and medium sized businesses and would result in the loss of employment opportunities within the Borough contrary to policy CS8 (Promoting a successful and inclusive economy) of the London Borough of Camden LDF Core Strategy and DP13 (Employment sites and premises) of the London Borough of Camden LDF Development Policies. |
| 2 | The proposed building, by reason of its inappropriate height, bulk, massing and detailed design fails to relate to the context of the adjoining terrace, to the detriment of the character and appearance of the surrounding 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 policies DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies. |
| 3 | The proposed building by reason of its height and proximity to the neighbouring buildings results in a harmful loss of outlook to the adjoining neighbours on Ravenshaw Street, would be contrary to policy CS5 (Managing the impact of growth and development) the London Borough of Camden Local Development Framework Core Strategy; and Policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies. |
| 4 | The proposed residential unit, by reason of its low ceiling heights, lack of outdoor amenity space, and lack of natural daylight and outlook from the basement habitable rooms, would result in sub-standard accommodation that would fail to provide an acceptable level of residential amenity to their occupants, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies. |
| 5 | The Basement Impact Assessment fails to demonstrate that the proposed development would maintain the structural stability of the neighbouring properties; would avoid adversely affecting drainage and run-off causing other damage to the water environment; and avoid cumulative impacts upon structural stability or the water environment in the local area contrary to policies CS5 (Managing the impact of growth and development) and CS13 (Tackling climate change through promoting higher environmental standards) of the London Borough of Camden Local Development Framework Core Strategy; and to policies DP23 (Water), and DP27 (Basements and lightwells) of the London Borough of Camden Local Development Framework Development Policies. |
| 6 | The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies. |
| 7 | The proposed development, in the absence of a legal agreement to secure 'car-free' housing, would be likely to contribute unacceptably to parking congestion in the surrounding area and promote the use of non-sustainable modes of transport, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden LDF Development Policies. |
| 8 | The proposed development, in the absence of a legal agreement securing a design and post-construction sustainability review achieving Level 4 in a Code for Sustainable Homes Assessment would fail to be sustainable in its use of resources, contrary to policies CS13 (Tackling climate change through promoting higher environmental standards) 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) and DP23 (Water) of the London Borough of Camden Local Development Framework Development Policies. |

Informative(s):

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 | Without prejudice to any future application or appeal, the applicant is advised that reason for refusal No. 6-8 (inclusive) could be overcome by entering into a S106 legal agreement with the Council for a scheme that was in all other respects acceptable. Appendix 3The relevant replacement policies are: Policy H1 Maximising housing supply Policy H6 Housing choice and mix Policy H7 Large and small homes Policy C6 Access for all Policy E1 Economic development Policy E2 Employment premises and sites Policy A1 Managing the impact of development Policy A5 Basements Policy D1 Design Policy CC1 Climate change mitigation Policy CC2 Adapting to climate changePolicy CC3 Water and flooding Policy CC5 Waste Policy T1 Prioritising walking, cycling and public transport Policy T2 Parking and car-free developmentPolicy T3 Transport infrastructure Policy T4 Sustainable movement of goods and materials |