

Our Ref: 16.5013

10 March 2017

Robert Lester  
Planning Department  
London Borough of Camden 2nd Floor  
5 Pancras Square  
London  
N1C 4AG

Dear Mr Lester,

**Re: 2<sup>nd</sup>-Stage Pre-Application Request for 15 Elsworthy Rise – 2016/6076/PRE**

I refer to our pre-application meeting in December 2016 to discuss proposals to develop the two-storey building at 15 Elsworthy Rise, which comprises 3 garages at ground floor level and a 2-bedroom self-contained flat at first floor level.

The pre-application fee of £480 for a follow-up meeting has been paid ahead of the meeting.

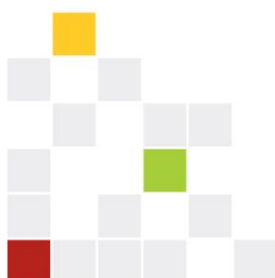
**Update Since December 2016 Pre-App Meeting**

You will recall from our meeting in December we discussed the context from which these proposals arise; namely that changes in the housing market have threatened the viability and deliverability of the proposed development at the adjoining 18-20 Elsworthy Road. You will be aware that there has been a long planning history relating to 18-20 Elsworthy Road culminating in a planning permission in 2015 (ref: 2014/5413). You can refer to our previous letter of 26 October for more details of the background to the site and planning history.

During its previous ownership and prolonged planning period, the building has declined substantially to the degree that it now detracts from the Elsworthy Conservation Area. We also consider that 15 Elsworthy Rise detracts from the Conservation Area, despite the now out of date (2009) Elsworthy Conservation Area Appraisal being silent on these matters. There is therefore an imperative to bring the sites forward for development since they harm a heritage asset, consistent with the principles of paragraph 137 of the NPPF:

*Local planning authorities should look for opportunities for new development within Conservation Areas ... to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.*

There is also strong support for the approved 2015 permission to be implemented. Local people want to see the existing buildings demolished and the approved development come forward so the



conservation area can be enhanced.

The 2015 permission remains to be implemented due, primarily, to concerns over the viability of the development following adverse changes in the market for higher-value housing. We tabled at our meeting in December a financial appraisal of the development which demonstrates its precarious financial position. We would be content to share that appraisal with the Council in support of any planning application, on a confidential basis (it would be exempt from the Mayor's proposed SPG which seeks full disclosure of financial appraisals because it does not relate to the delivery of affordable housing).

The need to optimise the viability of the development lies behind the current proposals, which seek to enable meaningful residential development of the under-utilised site at 15 Elsworth Rise and, in particular, improve the parking arrangements for the approved development at 18-20 Elsworth Road. You will recall from our discussion in September that we consider the parking controls imposed on that permission were and remain excessive. The limits on parking are a further constraint to potential buyers, harming viability and therefore the bringing forward of the site for development and the enhancements this would bring to the Elsworth Conservation Area.

### **Current Proposals**

At our meeting in December 2016 we discussed at length the likely acceptability of a number of means of improving the parking arrangements for 18-20 Elsworth Road. We discussed a number of alternative means of using the site at 15 Elsworth Rise to enable this, recognising that the garage site provides space for up to 3 cars to park (although they are currently un-used).

We have decided that the best course of action is to redevelop the site at 15 Elsworth Rise as either a single dwelling house or 2no. townhouses/flats, extinguishing the un-used garages that front Elsworth Rise, and create an awkward relationship between the building and street. The 3no. garages require a very long dropped-kerb on Elsworth Rise which is not safe for pedestrians, and also affects on-street parking capacity.

We continue to work up our proposals for the residential development of 15 Elsworth Rise, but do not seek advice on that element of development through this pre-application approach. We are taking on board comments made by you and Mr Rose in relation to our previous pre-application approach when re-designing the proposed building and intend to revisit this with you at a later date. The current pre-application proposals focus on ways of increasing parking capacity of the development. These matters underpin the entire delivery of not only 15 Elsworth Rise but also the main development at 18-20 Elsworth Road and we require certainty we will be able to agree a means of improving parking arrangements for 18-20 Elsworth Road before any redevelopment of either of the sites can go ahead.

### **Parking Background**

#### *Car-free housing*

You will recall that the 2015 planning permission (ref: 2014/5413) was for:

*“Demolition of existing building (6xflats) and erection of a three-storey plus basement building to provide 5 x residential units, comprising 1x 7 bed single family dwelling house, 1x 4 bed maisonette, 1x3 bed flat and 2x1 bed flats (Class C3), internal and external works including lightwells on the front and rear elevations, plant rooms at basement level, rooflights at ground and roof level, refuse and cycle storage and associated landscaping.”*

It is important to recognise that the existing buildings accommodate 6no. flats; the 2015 permission therefore reduced the number of dwellings on site by 1, reducing its parking demand. Nevertheless, and despite the site being in a PTAL 2 area, the Council insisted on the development being car-free due to pressure from local people about parking impacts. The Applicant agreed to this against our advice in the interests of finally securing a permission; he had been seeking permission for the site since 2007.

It is also important to recognise Policy DP18 which relates to car-free development. It states (*inter alia*);

*The Council will expect development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and other areas within Controlled Parking Zones that are easily accessible by public transport.*

The site is not within any of the above-referenced areas and is not in an area “easily accessible by public transport” (PTAL 2). The site is therefore not considered to be suitable for car-free housing under the adopted policy. The proposed development was also below the Council’s adopted parking standards.

We are aware that the Council’s emerging policy intends to strengthen the Council’s position on car-free development to extend to all development in the borough (emerging Policy T2). However it must be recognised that the Plan is not adopted, and emerging paragraph 10.20 is also relevant:

*10.20 In redevelopment schemes, the Council will consider retaining or re-providing existing parking provision where it can be demonstrated that the existing occupiers are to return to the address when the development is completed. This is common where an existing dwelling or block is being extended or subdivided. It can also occur where a change of use brings a site or property into residential occupation. If a development is to have new occupiers, this should be car-free.*

The supporting text to T2 makes clear that there are circumstances where development can be excepted from the emerging car-free policy.

Paragraph 140 of the NPPF (from Section 12: Conserving and enhancing the historic environment) is of particular relevance here too:

*140. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.*

This should be read in the context of the “great weight” the NPPF places on the conservation of the historic built environment (paragraph 132).

#### *Parking survey*

Since our meeting in December we have carried out an independent parking survey of the local streets. A Technical Note by Odyssey Consulting accompanies our pre-application submission, which includes the results of the parking survey.

The results of the survey, carried out in accordance with the recognised Lambeth Methodology, indicates parking occupancy of 58% and 62% on the two weeknights surveyed. 107 and 96 vacant spaces were observed on the two nights. We understand these results are consistent with Camden’s Transport team’s own findings in recent surveys.

These results indicate sufficient supply of parking within the local area. Indeed in a London context these results indicate an exceptionally low level of parking stress; it is commonplace for London

residential streets to experience parking occupancy over 100% based on the methodology.

It is therefore clear that it could be concluded that the development approved at 18-20 Elsworthy Road would cause unacceptable levels of parking stress in the locality, were the application considered today. Consequently, and also recognising the site's location in a PTAL 2 area and the fact that the development results in a reduction in dwelling numbers on the site, it could not be concluded that there was any need for a s106 planning obligation to exclude occupants from parking permits. Such an obligation would not meet the tests of Regulation 122; i.e. that it is (a)necessary to make the development acceptable in planning terms; (b)directly related to the development; and (c)fairly and reasonably related in scale and kind to the development.

### *Parking capacity*

Odyssey Consulting has also examined the capacity and impacts of our proposals on on-street parking capacity. Specifically Odyssey has examined the potential for loss and gain of raised kerb through the proposals, and what the resulting impact on kerb length would have on on-street capacity (see drawings 14-199-103; 104).

The drawings demonstrate that a proposed redevelopment of 15 Elsworthy Rise for housing that extinguishes the current un-used garages would enable an additional 11m of kerb to be reinstated on Elsworthy Rise. This additional 11m would provide on-street parking capacity for at least two more cars.

The Odyssey drawings also consider the impacts of providing off-street forecourt spaces in front of 18-20 Elsworthy Road. There is currently kerb space for three carts in this section of Elsworthy Road directly in front of 18-20 Elsworthy Road. The dropped-kerbs necessary to enable the off-street bays would result in the loss of on-street parking spaces on Elsworthy Road. However but the drawings provided demonstrate that there is sufficient space to accommodate two retained bays (a net loss of one bay), whilst adequate maneuvering space would be retained to enable access to the off-street spaces.

Taken together, the proposals can bring about a net increase of (at least) one on-street parking bay in Elsworthy Road and Elsworthy Rise.

### *Proposals*

Recognising the above, we propose that the parking arrangements for the site should be relaxed (through suitable planning application and new or varied s106 agreement) to provide for the following:

- 3no. on-street spaces (permits) for the occupiers of 18-20 Elsworthy Road
- 2no off-street parking bays on the forecourt on the forecourt of 18-20 Elsworthy Road.

For the reasons set out above, it could not be concluded that the development under these terms would cause any significant harm to local parking conditions. However the proposals would significantly improve the viability of 18-20 Elsworthy Road development, enabling it to come forward, thereby enhancing the significance of the designated heritage asset (Elsworthy Conservation Area). The proposals would also enable the, in our view, harmful 15 Elsworthy Rise to be redeveloped in a manner that befits the quality of the Elsworthy Conservation Area, thereby further enhancing the significance of the asset.

We recognise that the introduction of off-street parking bays would also introduce a further impact, being their visual impact on the significance of the conservation area. However we consider that the

prevalence of similar off-street parking spaces in the street (e.g. at the neighbouring no.16 Elsworthy Road and others further afield), and the ability to landscape the forecourts appropriately mitigate this impact. In any case we consider the benefits of development would outweigh any perceived harm caused.

## **Conclusion**

We remind officers of the great weight placed on the conservation of heritage assets by the NPPF. The proposals set out here, namely the bringing forward for development of the unsightly and harmful 18-20 Elsworthy Road and 15 Elsworthy Rise would significantly improve a designated heritage asset; namely the Elsworthy Conservation Area.

The relaxation of parking controls placed on the extant permission and the provision of new parking spaces would increase viability and ensure these developments can come forward. Paragraph 173 of the NPPF points to the importance of recognising viability in pursuing sustainable development; if development is not financially deliverable it cannot be expected to come forward. Paragraph 173 states specifically that the costs of requirements of development should provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. The cost of removing parking permits is relevant here, in that it reduces the development's value and harms viability.

Whilst we recognise emerging policy that would seek to ensure all future development is car-free, it must be recognised that exceptions can be made to policy. In this case, where no harmful impacts would arise from the specific development and where other public benefits (namely the enhancement of heritage assets) would arise, a departure from that policy should be warranted. Paragraph 39 of the NPPF makes clear that parking standards should take into account the accessibility of the development and local car ownership levels, both of which are low here.

In summary of the above, we consider the planning merits of our proposals are strongly in favour of the development we seek; namely the redevelopment of 15 Elsworthy Rise (design to be discussed at a further meeting), to act as a catalyst for an improved parking arrangement within 18-20 Elsworthy Road. The imperative to bring these sites forward greatly outweighs the sensitivity of local people to perceived parking pressures, which we can demonstrate are without merit.

We trust that the enclosed information will assist you in advance of a meeting. We look forward to hearing from you regarding a potential meeting date. In the meantime, if you have any queries please do not hesitate to contact me.

Yours sincerely

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