

# APCAR SMITH PLANNING

Chartered Town Planning Consultants

Our Ref: CA/grc/2609

Your Ref: 2016/5652/P

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Ms Nora-Andreea Constintinescu  
Planning Officer  
London Borough of Camden  
5 Pancras Square  
London  
N1C 4AG

31 May 2017

Dear Nora

**Ornan Court, 2 Ornan Road, London NW3 4TP**

The Applicants have asked their professional team to review the third party representations that have been submitted to the Council in connection with the current application. To this end I am attaching a letter dated 3 May 2017 from Martin Redston Associates which comments on matters in respect of the basement construction, a letter dated 24 May 2017 from Hodgkinson which comments on matters in respect of lighting to the proposed dwellings and a letter dated 31 May 2017 from MP Brothers which comments on matters relating to vehicle movements during the construction period. I would also ask you to please have regard to the revised Tree Report dated 25 May 2017 from Martin Dobson Associates as submitted on 29 May 2017 (as part of our response to your e-mail of 30 March 2017) which specifically includes comments on those third party objections which relate to tree matters - in particular please see Para's 4.5 to 4.9). I trust that the documents satisfy you in respect of the various issues to which they relate and demonstrate that the third party objections on these issues should not result in the current planning application being refused.

Please find set out below my comments on the other aspects of the third party representations.

## **Noise and Vehicle Movements during Construction**

As I am sure the Council is very well aware, temporary noise and inconvenience during construction works is not a reason to refuse planning permission. If it were no development would take place within any urban area. The purpose of the Construction Management Plan is to demonstrate that the construction works can and will be organised in a manner that will not cause unacceptable harm to

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*Principal: Carolyn Aparc BA Hons. MRTPI*

neighbours amenities. We are aware that this is normally covered by cross-reference to the Construction Management Plan in a condition of a planning permission or in a Legal Agreement. It is recognised that it is very important to ensure that residents and other neighbouring occupiers and users can continue in their daily lives during the construction period.

### **Prior Consultation with Neighbours**

You will be aware that the proposed development has no more of an impact on neighbours and the community in general than application Ref: 2014/4206/P would have had. That was for a similar form of development albeit involving 2 x 3 bedroom flats and with lightwells at the rear of the building as well as the front. It involved a very similar sized basement construction with the appeal against the Council's refusal of planning permission being dismissed solely on the basis of future occupiers of the proposed flats not receiving sufficient internal daylight. As the redesign overcomes this issue, without introducing any new issues, it was not considered necessary to carry out any community engagement prior to the submission of the application. Appropriate consultation has taken place with the relevant parties in respect of the basement construction.

### **Proposed Use**

It has been suggested by one third party that it would be inappropriate to have self-contained dwellings within a building that has a hostel use. This was not a concern of the Council or Inspector with application Ref: 2014/4206/P. The third party suggests that the proposed use class is inconsistent with the use of the building and would create problems. However there is no reason to suspect this will be the case. The proposed flats have their own separate entrance and private amenity space. Both are a form of residential use so there is no reason to suspect the two cannot sit comfortably within the same site. Indeed policies at all levels (national, strategic and local) encourage mixed use developments. There is no intention to change the use class of the whole building as the third party seems to suspect and indeed such a change of use would require planning permission. Were such an application ever to be submitted (and it is most certainly not the current owners intention) then the Council would consider it against relevant planning policies etc at that time.

### **Validity of Application**

It has been suggested that the application should have been rejected as invalid as it has been submitted within 3 years of the previous application having been refused planning permission. However it appears as if the third party has misunderstood matters. This is not a repeat application. It is an application for a similar form of development albeit with amendments to the previously refused proposal which have been specifically incorporated in order to overcome the Inspector's one and only concern – that being, as stated above, in respect of internal daylight. Furthermore, and in any event, it is up to Local Authorities whether they utilise their power to decline a repeated application; it is certainly not mandatory. Indeed when there are significant differences between applications, such as is the case here, the Council have no power to refuse to validate the application.

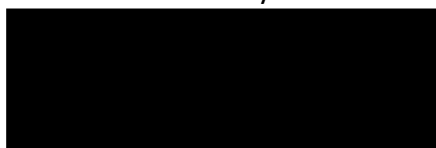
**Visual Impact**

In their determination of application Ref: 2014/4206/P – also involving the creation of 2 flats at basement level and incorporating sizable front lightwells - the Council had no concern in respect of matters of visual impact including the impact on the Fitzjohns/Netherhall Conservation Area. Furthermore at Para 13 of his appeal decision, despite dismissing the appeal the Inspector quite clearly stated that he was satisfied that the proposals would preserve the character and appearance of the area. Third parties suggest that the lift to provide disabled access that is incorporated in the current proposals, rather than the previously proposed lengthy ramp, would have a negative visual impact. Third parties also suggest that the proposals involve more excavation and replacement of grassed frontage to Ornan Road with hard surfacing. What this ignores is the fact that the existing frontage is entirely established by a white rendered wall to a height of approximately 1.5m,, the staircase leading to the front entrance door and, to the east of this, the existing excavated hard surface enclosed refuse and cycle store. There is no grassed frontage albeit the upper ground level, above the wall is grassed where not already excavated for the staircase, bicycle and refuse store.

The 2014 proposals involved a total excavation in front of the building of approximately 78sqm. In comparison the current application involves an excavation of approximately 71sqm. The excavation is therefore reduced; not increased. The design, by replacing the unsightly wheelchair ramp with a wheelchair lift, will have less of a visual impact than the previous application which both the Council and Inspector acknowledged was acceptable in this respect, not harming the character and appearance of the Conservation Area.

For the reasons set out above and in the enclosed documents we hope you will acknowledge that the third party objections either do not raise any new issues (not previously considered acceptable) or are unfounded.

Yours sincerely



**Carolyn Apar**

c.c      A Beare Esq.,  
            S Martin Esq.,