

PLANNING STATEMENT

10-12 KENTISH TOWN ROAD, LONDON, NW1 8NH

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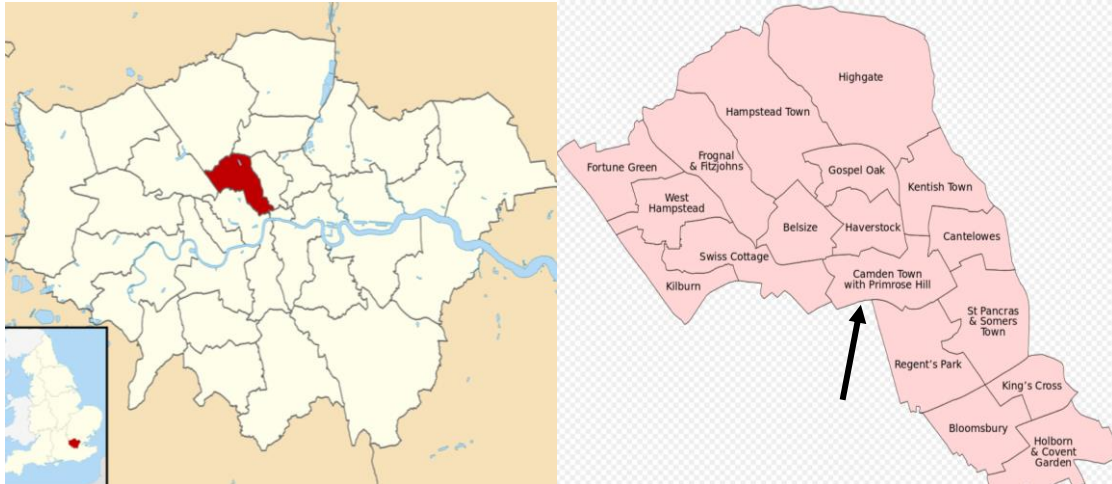
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1. INTRODUCTION

- 1.1 This Planning Statement has been prepared by SM Planning in support of a planning application for the formation of a basement at 10-12 Kentish Town Road, London, NW1 8NH.
- 1.2 The statement sets out the planning justification for the proposed development and assesses the proposals against national planning policy and the development plan. The Statement should be read in conjunction with the following plans/documents which support the application:
- Application Form
 - OS Map
 - Existing Plans
 - Proposed Plans
 - Design and Access Statement
 - Basement Impact Assessment

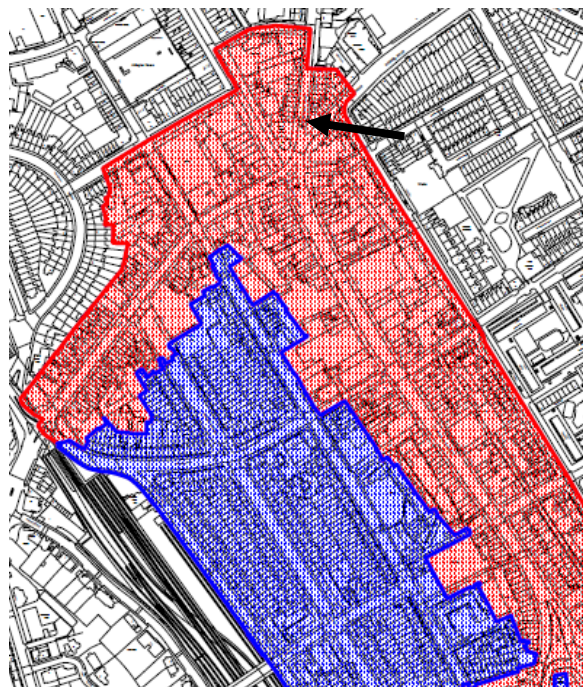
2. SITE & SURROUNDING CONTEXT

- 2.1 In terms of context the application site is located within the administrative area of the London Borough of Camden, a Borough in north-west London (partly within inner London) divided into 18 three-member wards. The application site is located within the administrative ward of Camden Town with Primrose Hill.



Conservation Area

- 2.2 The application site is located within the Camden Town Conservation Area which lies central to the Borough of Camden. The Conservation Area is divided into two sub areas of distinctly different character, a busy commercial and retail area, and, a quieter more formal residential area. The application site forms a part of the commercial sub area as identified on the plan below.



Extract from Camden Town Conservation Area Sub Areas Map

- 2.3 The application site is located on the east side of Kentish Town Road, close to its junction with Camden High Street and comprises a terrace of three buildings, no's 10, 10A and 12. Numbers 10 and 10A are three storeys and are adjoined by number 12 which steps down to two storeys but is currently been extended to broadly align with the former. The terrace is located within a secondary frontage as identified by the Camden policies map 2017.



Extract from planning permission 2017/2852/P (Existing front elevation)



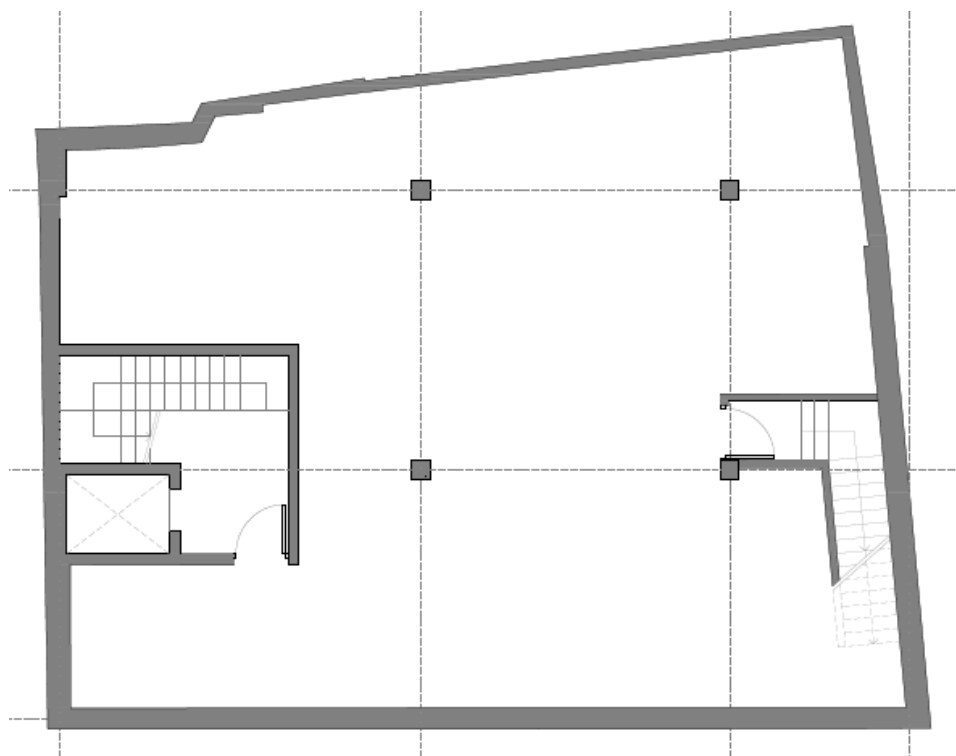
Extract from planning permission 2017/2852/P (Proposed front elevation – under construction)

- 2.4 The terrace largely embraces the linear form of 19th century commercial development and its principal façade is characterised by a distinguished neoclassical architectural composition, enhanced by well-proportioned openings and a London stock brick fascia in Flemish bond. Further charm is lent to the building by virtue of a narrow cornice and corbelled eaves detailing. At the rear there is less uniformity in the elevational treatment. At ground floor level the shopfront has three entrance doors with a step up from the pavement level. The building is identified by the Camden Town Conservation Area Appraisal and Management Strategy (2007) (CAS) as a building '*that makes a positive contribution to the area*'.
- 2.5 The surroundings are largely characterised by a varied mix of commercial, residential, leisure and community uses. The wider terrace includes numbers 4-8 Kentish Town Road, and is bookended by the Camden Eye Public House to the south and a single storey unit to the north which is in use as a gym.

- 2.6 To the south west is Camden Town Underground Station, to the north of which are no's 1-23 Kentish Town Road which embrace the 19th century terraces of three storeys with shops at ground floor level. Several of these properties have been insensitively altered and are poorly maintained.
- 2.7 In contextualising this part of the conservation area the CAS states that *a key element of the distinctive character and appearance of the commercial part of the Camden Town Conservation Area is its variety and eclecticism. Given its overall economic dynamism its predominant 19th century commercial character has seen significant change.*

3. THE PROPOSED DEVELOPMENT

- 3.1 Full planning permission is sought for the formation of a single basement underneath the existing footprint of the recently consented hotel and restaurant. The proposed restaurant and hotel functions will be extended into the new basement to form storage and back of house facilities to support those uses.
- 3.2 The design will include a disabled toilet and to ensure that wherever possible appropriate standards for accessibility can be met at the outset as part of mainstream inclusive design.



Proposed Basement Plan

- 3.3 The basement will not be visible in the public domain but minor alterations are proposed at ground floor level in order to facilitate the basement space. This will include the widening of the main entrance to 1.5 metres in order to ensure appropriate provision of access.

4. PLANNING HISTORY

- 4.1 The application site has been the subject of a reasonably detailed planning history, the most relevant of which is set out below in chronological order.
- 4.2 Full planning permission **(2017/2852/P)** was granted on 03 August 2017 for the erection of part two, part single storey extensions to the roof and rear and a change of use of the upper floor from ancillary accommodation associated with the ground floor restaurant (Use Class A3) to hotel (Use Class C1). The permission has been implemented and is nearing completion.
- 4.3 Full planning permission **(PE9900104)** was granted on 25 February 2000 for the change of use of no.12 from Use Class A1 (retail) to Use Class A3 (restaurant).
- 4.4 Full planning permission **(9003212)** was refused on 03 September 1990 for the change of use of the ground floor of no.12 from Use Class A1 (retail – hairdressers) to Use Class A2 (financial and professional services - residential property letting and management agency). The application was refused on the grounds that the proposal would result in the loss of retail facilities within a major shopping area.

5. PLANNING POLICY CONTEXT

- 5.1 This Section provides an overview of national and local planning policy relevant to the determination of the planning application proposal, as well as any other relevant national or local planning guidance.

LEGISLATION

Planning (Listed buildings and Conservation Areas) Act 1990

- 5.2 Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Planning and Compulsory Purchase Act 2004

- 5.3 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

NATIONAL PLANNING POLICY

National Planning Policy Framework (2012)

- 5.4 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in formulating local planning policies and taking decisions on planning applications.
- 5.5 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a *golden thread running through both plan-making and decision-taking*. Paragraphs 7, 8 & 14 are helpful in applying this presumption.
- 5.6 Paragraph 14 sets out how this is to be applied. It states that, *for decision-taking, this means:*
- *Approving development proposals that accord with the development plan without delay; and*
 - *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or*
 - *Specific policies in the NPPF indicate development should be restricted.*

Unless material considerations indicate otherwise."

- 5.7 The NPPF introduces three dimensions to ‘Sustainable development’ (Economic, Environmental & Social - para 7), and advises that they are mutually dependent and should not be undertaken in isolation (para 8). The interdependency of the three dimensions is consolidated in the draft consultation NPPF which repeats that they should be pursued in mutually supportive ways.
- 5.8 In applying this approach, firstly, development must be considered to be sustainable taking into account all three of the dimensions of sustainable development; a development that is sustainable in only one dimension would not be considered sustainable for the purposes of the presumption. The applicant considers that the development meets all three threads of sustainable development (see section 6).
- 5.9 Secondly, the decision-taker is required to consider whether the development accords with the development plan – and if it does planning permission should be granted unless material considerations indicate otherwise. The applicant considers that the development accords with the development plan (see section 6).
- 5.10 Thirdly, the decision-taker is required to determine whether the development plan is absent, silent or relevant policies are out-of-date. If any of these apply consent should be granted unless:
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed with the NPPF policies as a whole;*
 - *specific policies of the NPPF indicate development should be restricted; or*
 - *material considerations indicate otherwise.*
- 5.11 Paragraph 17 sets out a series of core land-use principles to support decision taking and plan-making. The principles include, but not exclusively, the following:
- To creatively find ways to enhance and improve the places in which people live their lives;
 - To take account of the different roles and character of different areas, promoting the vitality of our main urban areas
 - To encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value (an emphasis highlighted in the draft consultation NPPF)
 - To actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
 - To take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

- 5.12 Section 4 refers to transport and states at paragraph 37 that *planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities*. In this instance, the application site is located within a commercial area with good links to alternative facilities. It is therefore an inherently sustainable location.
- 5.13 Section 12 refers to the historic environment and requires the decision maker to consider whether the proposal sustains and enhances the significance of the heritage asset, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset (paras 131-135). The applicant considers that the proposed development would have a neutral impact on the significance of the conservation area.

National Planning Practice Guidance

- 5.14 The National Planning Practice Guidance (NPPG) was launched in March 2012 as a web-based resource to bring together planning practice guidance for England in an accessible and usable way. The NPPG sets out guidance on a wide range of topics including, but not limited to, the historic environment; the determination of applications; and transport.
- 5.15 The golden thread running through the NPPF is a presumption in favour of sustainable development. The proposed development is located on an inherently sustainable site making the best use of land available. It is therefore, subject to the detailed consideration in section 6 of this statement and all other supporting documents, wholly in keeping with the concept of sustainable development detailed within the NPPF.

LOCAL PLANNING POLICY

- 5.16 For the purposes of this application, the adopted Development Plan for the London Borough of Camden comprises the London Plan (2016), the Local Plan (2017) and the Camden Planning Guidance Documents.

London Plan 2016

- 5.17 The London Plan (2016) is the spatial development strategy for London. Chapter 4 sets out policies to support delivery of the Mayor's vision and objectives – particularly those to ensure that London is a city that meets the challenges of economic and population growth and is an internationally competitive and successful city.
- 5.18 The London Plan Policies of relevance to this application are:

- Policy 2.9: Inner London
- Policy 2.15: Town Centres
- Policy 4.1: Developing London's Economy
- Policy 4.5: London's Visitor Infrastructure
- Policy 4.6: Support for and Enhancement of arts, culture & entertainment
- Policy 4.7: Retail and Town Centre Development
- Policy 6.9: Cycling

- Policy 6.10: Walking
- Policy 6.13: Parking
- Policy 7.2: An Inclusive Environment
- Policy 7.4: Local Character
- Policy 7.8: Heritage Assets

Emerging London Plan

- 5.19 While the 2016 London Plan is still the adopted Development Plan and carries full weight, the Draft London Plan is nevertheless a material consideration in planning decisions. The significance given to it is a matter for the decision maker, but it gains more weight as it moves through the process to adoption. Public consultation on the Plan took place from 1st December 2017 to 2nd March 2018 and The Mayor is currently considering the responses to the consultation.
- 5.21 The Plan emphasises the need to develop sites at a higher density, particularly on sites near to town centres or good public transport, reducing the need for car parking spaces within developments.
- 5.22 The new Plan also emphasises the importance of making the best use of land available, supported by stronger policies designed to develop London's economy.

Camden Local Plan 2017

- 5.23 The Camden Local Plan sets out the Council's planning policies and covers the period from 2016-2031.
- 5.24 Policy E1 refers to economic development and states that the council will secure a successful and inclusive economy in Camden by creating the conditions for economic growth and will harness the benefits for local residents and businesses.
- 5.25 Policy E3 refers to tourism and recognises the importance of the visitor economy in Camden.
- 5.26 Policy A1 aims to manage the impact of development in terms of residential amenity; transport impact and general community impacts. This covers a wide range of matters including noise and vibration levels, odour impact etc.
- 5.27 Policy A5 states that the Council will only permit basement development where it is demonstrated that the proposal would not cause harm to neighbouring properties; the structural, ground, or water conditions of the area; the character and amenity of the area; and the significance of heritage assets.
- 5.28 Policy D1 seeks to ensure high quality design in all development and requires development to respect local character and the historic environment amongst a number of other criteria.

- 5.29 Policy D2 refers to heritage and states that the Council will preserve and, where appropriate, enhance Camden's heritage assets and their settings, including conservation areas.
- 5.30 Policy CC1 states that the Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.
- 5.31 Policy CC3 states that the Council will seek to ensure that development does not increase flood risk and reduces the risk of flooding where possible.
- 5.32 Policy T1 states that the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.
- 5.33 Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free.

Camden Planning Guidance Documents

- 5.34 Camden Planning Guidance (CPG) provides advice and information on how the Council will apply planning policies. The documents are largely linked to policies in the Local Plan and the following are relevant to the consideration of this application:
- CPG Amenity
 - CPG Basements
 - CPG1 Design
 - CPG6 Amenity

6. PLANNING ASSESSMENT

6.1 *Principle of development*

- 6.1.1 The application proposes the formation of a basement to serve the restaurant and hotel uses above. The proposed excavation to create basement accommodation would not conflict with the established use classes above and would not therefore engage planning policy in relation to space standards for residential accommodation.
- 6.1.2 There are no policies, either at national or local level, that place blanket restrictions on basement development and the principle of development is therefore considered to be acceptable. However, there are of course policies and guidance that aim to ensure basement development is sympathetic to its surroundings and is acceptable in relation to a number of technical matters. Policy A5 of the local plan refers specifically and Camden's recently adopted Planning Guidance on basements (CPG) provides further detail on the application of that policy.
- 6.1.3 The CPG usefully contextualises the benefit of basement development in stating that *basements are a typical feature of the Central London part of Camden and used for various purposes including commercial, retail and leisure uses, servicing and storage.* However, it is cautiously positive in stating that *while basement developments can help to make efficient use of the borough's limited land, they have the potential to cause harm to the amenity of neighbours, affect the stability of buildings, cause drainage or flooding problems, or damage the character of areas and the natural environment.*
- 6.1.4 This is consolidated by Policy A5 of the local plan which states that the *Council will only permit basement development where it is demonstrated to its satisfaction that the proposal would not cause harm to:*
- a. neighbouring properties;*
 - b. the structural, ground, or water conditions of the area;*
 - c. the character and amenity of the area;*
 - d. the architectural character of the building; and*
 - e. the significance of heritage assets.*
- In determining proposals for basements and other underground development, the Council will require an assessment of the scheme's impact on drainage, flooding, groundwater conditions and structural stability in the form of a Basement Impact Assessment and where appropriate, a Basement Construction Plan.*
- 6.1.5 In light of those requirements a basement impact assessment supports this application where the technical criteria of the policy is discussed in detail.
- 6.1.6 Policy A5 also provides a set of specific criteria in relation to basement development as follows:

The siting, location, scale and design of basements must have minimal impact on, and be subordinate to, the host building and property. Basement development should:
f. not comprise of more than one storey;

Response: The application proposes no more than one storey excavation of the basement space. For further information please refer to the Basement Impact Assessment.

g. not be built under an existing basement;

Response: The application site does not currently consist of basement space and the proposed development will not therefore conflict with this criterion.

h. not exceed 50% of each garden within the property;

Response: While this criterion is clearly related to residential uses it is nevertheless noted that the proposed development utilises the footprint of the building only and does not extend into surrounding land.

i. be less than 1.5 times the footprint of the host building in area;

Response: As above (h).

j. extend into the garden no further than 50% of the depth of the host building measured from the principal rear elevation;

Response: As above (h).

k. not extend into or underneath the garden further than 50% of the depth of the garden;

Response: As above (h).

l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building;

Response: As above (h). and

m. avoid the loss of garden space or trees of townscape or amenity value.

Response: As above (h).

- 6.1.7 To conclude on matters of principle, there would be no conflict with established use classes and the use would nevertheless be appropriate in the context of these surroundings. There are no policy objections in principle to basement development subject to the satisfaction of a number of technical matters and detailed considerations which are all considered either in the supporting basement impact assessment and/or below.

6.2 ***Impact on the character and appearance of the area***

- 6.2.1 Section 7 of the NPPF refers to design. Paragraph 60 states that *planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles*. Further, paragraph 61 states that *planning policies and decisions should address the connections between people and places*.
- 6.2.2 Policy D1 of the local plan provides further detail on local requirements and, importantly, states that the council will require that development respects local character and context.
- 6.2.3 In such a wide-ranging context there is no need for architectural consistency and the minor alterations to the front elevation of the ground floor are largely diminimus in their

impact and in any case appropriate in the context of their setting. The sub-soil works by themselves, with no external manifestations, would not affect the character or appearance of the conservation area.

- 6.2.4 The main issue relating to impact would therefore be limited to use and it is noted that there would be no conflict with the existing lawful use of the building. The limited footprint of the building ensures that the basement space would not lead to an extreme intensification of the use and the perception of the application site would therefore be no different than at present.
- 6.2.5 In light of the above, the proposed development is considered to be acceptable with regard to its impact on the character and appearance of the area in accord with the principles of the development plan and national planning policy guidance.

6.3 ***Heritage impact***

- 6.3.1 Case law dictates that decision makers are required to give *great weight* to any harm to the significance of a heritage asset and how this should be applied is set out under section 12 of the NPPF. This refers to the historic environment and requires the decision maker to consider whether the proposal sustains and enhances the significance of the heritage asset, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset (paras 131-135).
- 6.3.2 In this instance, as discussed at section 6.2, the proposed excavation to facilitate basement development would not be discernible in the public domain. In addition, there would be no conflict of uses and given the limited footprint of the building (and resulting basement space), the development would not create an obtrusive intensification of use and the impact on the significance of the conservation area could only be considered to be neutral. The NPPF tests of public benefit against harm are not therefore engaged.
- 6.3.3 In light of the above, the proposed development is considered to accord with the principles of the NPPF and policy D2 of the local plan which requires the preservation of heritage assets.

6.4 ***Highways and Access***

- 6.4.1 Policies T1 and T2 of the Local Plan highlight the importance of prioritising walking and cycling as a sustainable mode of transport and indicate that car-free development across the borough is a key aim. The CPG on Transport offers greater flexibility in stating that car-free development will be expected in the Central London Area, town centres and other areas with high public transport accessibility.
- 6.4.2 In this instance, the site is extremely well serviced by public transport and has a PTAL rating of 6(Best). Camden Town Underground Station as well as several bus routes are very near the site along Kentish Town Road. There are on-street parking facilities directly opposite the site.
- 6.4.3 The proposed new main entrance to the new hotel building will have a level threshold

at pavement level and the proposed new entrance doors will comply with the requirements in Part M of the Building Regulations. A new internal ramp will be incorporated at the entrance foyer in accordance with good practice.

6.4.4 A new lift is proposed at ground floor level that will service the basement and upper floors and the basement level will also be served in addition to the lift, by two new fire escape staircases that would meet Part K & M of the Building Regulations. The design of the main staircase (used for both circulation and escape) will be designed to meet the recommended risers and goings in Part M (riser between 150mm and 170mm and going 280mm and 425mm). Additionally, handrails and contrast nosings will be designed to meet Part M.

6.4.5 In light of the above commentary, the proposed development is considered to be acceptable with regard to its impact on the local highway network and is acceptable in all other regards in accord with the development plan and the NPPF.

6.5 ***Impact on residential amenity***

6.5.1 Policy A1 of the Local Plan requires the highest standards of design to ensure the amenities of existing occupiers are safeguarded and this is echoed in guidance contained within the NPPF. In this instance neither the application site or the adjoining buildings are in residential use. In any case, the underground development of a building in restaurant/hotel use would be no more damaging to residential amenity than the existing scenario and the proposed development is therefore considered acceptable in this regard.

6.6 ***Drainage and flood risk***

6.6.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. This guidance is echoed under Policy CC3 of the local plan.

6.6.2 The Environment Agency's (EA) flood zone map identifies the entirety of the site within Flood Zone 1. The 'Risk of Flooding from Surface Water' mapping, available through the Environment Agency website, indicates that there is a low to very low risk of surface water flooding across the site and there are no records of surface water flooding at the site.

6.6.3 The proposed site area is less than 1 hectare, and therefore under the NPPF (and NPPG) does not require a site specific Flood Risk Assessment (FRA) to be provided. For further information on technical impacts please refer to the Basement Impact Assessment that supports the application.

6.7 ***Financial contributions***

6.7.1 Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following CIL tests:

- *Necessary to make the development acceptable in planning terms;*
- *Directly related to the development; and*
- *Fairly and reasonably related in scale and kind to the development.*

- 6.7.2 The tests above are known as the “CIL Tests” after the Community Infrastructure Levy Regulations which made them statutory requirements.
- 6.7.3 The applicant considers that the limited scale of the proposed development would not warrant any financial contributions by virtue of s106 funding.
- 6.7.4 The Mayor of London introduced a CIL to help fund Crossrail and the charging schedule was approved on 29 February 2012. Camden is identified in zone 1 of the schedule where there is a charge of £50 per sq.m. Please refer to the accompanying CIL Information Form for more detail.
- 6.7.5 Camden introduced their CIL on 1 April 2015. The application site is located in zone B of the Council’s charging schedule which specifies a CIL liability of £25-30 per sq.m for hotel and other commercial uses. Similarly, for further detail please refer to the accompanying CIL Information Form.

7. SUMMARY & CONCLUSION

- 7.1 The proposed excavation of sub-soil will make better use of the application site and, by proxy, improve the way it functions. This would accord with the governments priority of using brownfield sites to achieve multiple aims and objectives.
- 7.2 The proposed hotel use is consistent with the town centre location, particularly given its vibrant character and good transport links. The proposal will provide valuable additional floor space to support the consented hotel and restaurant use which is an alternative employment provider and sustainable use of the existing building.
- 7.3 The works will not be visible in the public domain and would not extend beyond the footprint of the existing building. The works would therefore have a neutral impact on the character and appearance of the area and given the limited footprint of the building, would not result in an overly intense use of the site.
- 7.4 The approved shopfront will be preserved bar some modest alterations in order to achieve appropriate levels of access in accordance with all-inclusive planning policy at a national level. These works are considered to be essential for the efficient operation of the business and accord further with the principles of securing a successful and inclusive economy in Camden by creating appropriate conditions for economic growth. This takes all available opportunities for harnessing the benefits of the site for local residents and businesses.
- 7.5 The proposed development fulfils the three dimensions of sustainable development as defined by the NPPF and therefore the presumption in favour of sustainable development applies. The proposal is fully in accordance with national and local planning policy providing a scheme that contributes towards the provision of all inclusive economic growth.
- 7.6 This Planning Statement should be read alongside the other supporting documentation and drawings which have been submitted as part of the Full Planning Application.