

PLANNING STATEMENT

6 KENTISH TOWN ROAD, LONDON, NW1 9NX

Dated: September 2019

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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 extension of the existing basement at 6 Kentish Town Road, London, NW1 9NX.
- 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
 - Sustainable Drainage Strategy
 - Draft Construction Management Plan

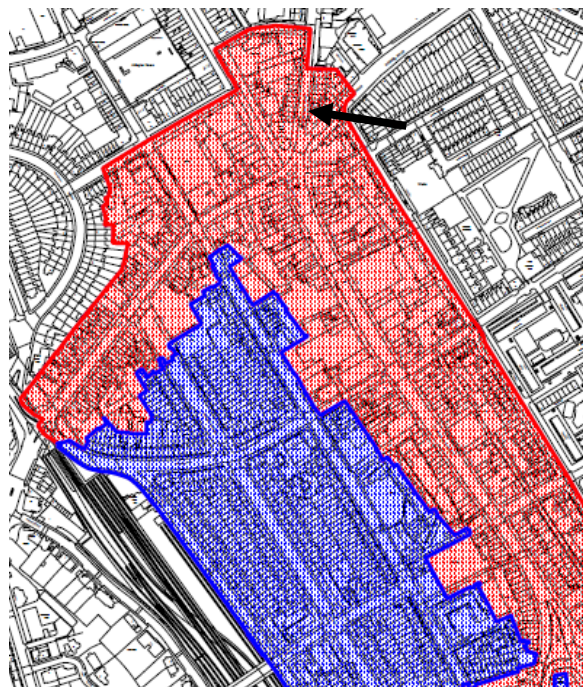
2. SITE & SURROUNDING CONTEXT

- 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. The site is part of a wider three-four storey terrace of buildings located within a secondary frontage as identified by the Camden Policies Map 2017.

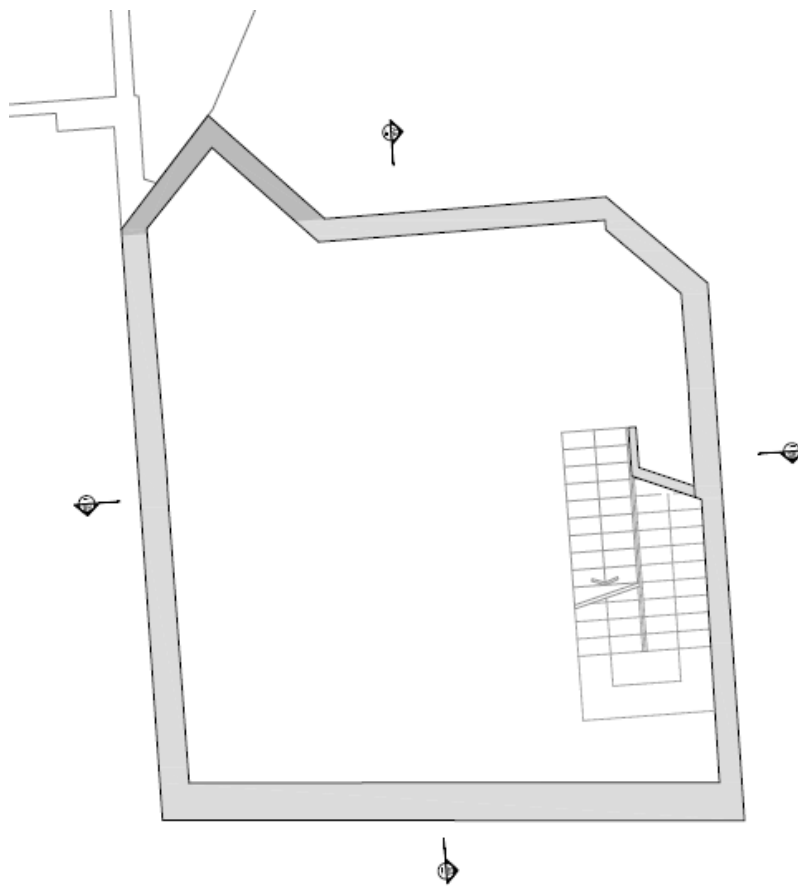


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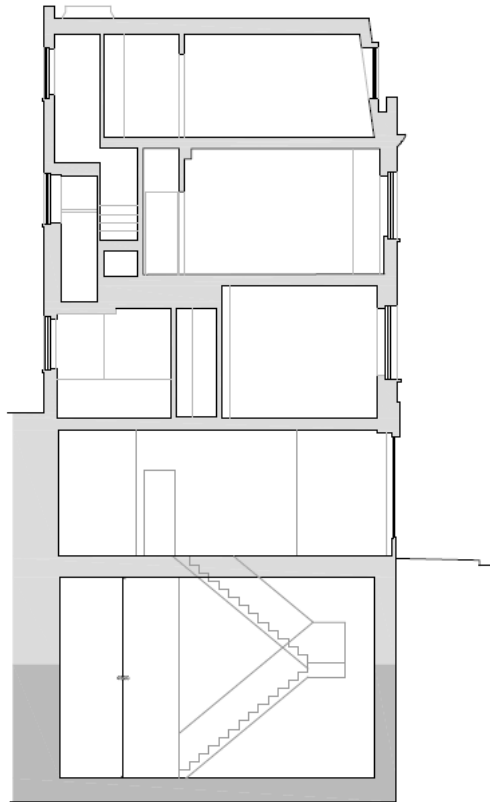
- 2.4 The terrace largely embraces the linear form of late Victorian commercial development and the application building comprises a three-storey building with mansard roof extension. The ground floor unit at the application site is currently occupied by a Chinese restaurant (Use Class A3) whilst the upper floors are understood to be in residential use. The shopfront has a single point of entrance with an additional entrance dedicated to the upper residential floors.
- 2.5 The surroundings are largely characterised by a varied mix of commercial, residential, leisure and community uses. The wider terrace includes numbers 4 and 8-12 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 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*'. 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 extension of the existing basement underneath the existing footprint of the building. The proposed basement will form ancillary space to the existing ground floor restaurant use.
- 3.2 The proposed development seeks to extend the depth of the existing basement to approximately 4.9m beneath the ground floor. The proposed development will not be visible in the public domain.



Proposed Basement Plan



Section Showing Proposed Basement

4. PLANNING HISTORY

- 4.1 The application site has been subject to a history of planning applications, the most relevant of which is set out below in chronological order.
- 4.2 Full planning permission (**PEX0001099**) was granted on 13 December 2001 for the change of use of the basement and ground floor from retail A1 to restaurant/coffee bar A3.
- 4.3 Full planning permission (**PEX0001100**) was granted on 25 July 2001 for the change of use of first, second and third floors from light industrial (B1c) and storage (B8) use to three 2-bedroom self-contained flats and alterations including the erection of a new mansard extension to replace the existing mansard.
- 4.4 Pertinent to this application is the recent planning history of the neighbouring sites along Kentish Town Road. Full planning permission (**2018/3613/P**) was granted on 29 March 2019 at No.8 Kentish Town Road for the excavation of a single basement floor to accommodate retail space associated with the existing use of the ground floor. Most recently full planning permission (**2018/2425/P**) was granted on 22 May 2019 at No.10-12 Kentish Town Road for the excavation of a single basement floor.

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 (2019)

- 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 & 11 are helpful in applying this presumption.
- 5.6 Paragraph 11 sets out how this is to be applied. It states that, *for decision-taking, this means:*
- *Approving development proposals that accord with an up-to-date development plan without delay; or*
 - *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 5.7 The NPPF introduces three objectives to ‘Sustainable development’ (Economic, Environmental & Social - para 8), and advises that they are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 5.8 In applying this approach, firstly, development must be considered to be sustainable taking into account all three objectives of sustainable development. 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 approve development proposals that accord with an up-to-date development plan without delay. The applicant considers that the development accords with the development plan (see section 6).
- 5.10 Thirdly, for decision-taking this means, where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless;
- *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 5.11 Section 6 refers to building a strong competitive economy and paragraph 80 states that *planning policies decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*
- 5.12 Section 7 refers to ensuring the vitality of town centres and states at paragraph 85 that *decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.*
- 5.13 Section 8 refers to promoting healthy and safe communities. Paragraph 92 states that *to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.*
- 5.14 Section 9 refers to promoting sustainable transport and states at paragraph 102 that *opportunities to promote walking, cycling and public transport use are identified and pursued*, whilst paragraph 103 states that the planning system should actively manage patterns of growth in support of such objectives and with development focused on locations which are or can be made sustainable. Paragraph 109 states that planning policies should *support an appropriate mix of uses across an area to minimise the*

number and length of journeys needed 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 and is an inherently sustainable location.

- 5.15 Section 11 refers to making effective use of land. Paragraph 117 encourages an effective use of land in meeting the need for homes and other uses whilst paragraph 118 states that *planning policies and decisions should give substantial weight to the value of using suitable brownfield land for homes and other identified needs.*
- 5.16 Section 12 refers to well-designed places and paragraph 127 states that planning policies and decisions should ensure that developments *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities.*
- 5.17 Section 16 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 (paragraphs 192-197). The applicant considers that the proposed development would have a neutral impact on the significance of the conservation area.

National Planning Practice Guidance

- 5.18 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; Town Centres and; transport.

LOCAL PLANNING POLICY

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

London Plan 2016

- 5.20 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.
- 5.21 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 4.7: 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 New London Plan

- 5.22 While the 2016 London Plan is still the adopted Development Plan and carries full weight, the Draft New 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 on 13th August 2018 the Mayor published a version of the draft Plan that includes minor suggested changes. The draft Plan was considered by a formal Examination in Public (EIP) which ran from 15th January 2019 to 22nd May 2019. A consolidated version of the London Plan has now been published with the Mayors suggested changes following the EIP.
- 5.23 The draft 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.
- 5.24 The 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

- 5.25 The Camden Local Plan sets out the Council's planning policies and covers the period from 2016-2031.
- 5.26 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.
- 5.27 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.
- 5.28 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.
- 5.29 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.

- 5.30 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.
- 5.31 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.
- 5.32 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.
- 5.33 Policy T1 states that the Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.
- 5.34 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

- 5.35 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
 - CPG Design

6. PLANNING ASSESSMENT

6.1 *Principle of development*

- 6.1.1 The application proposes the extension of the existing basement underneath the existing footprint of the building. The proposed basement will be extended to a depth of 4.9m beneath the ground floor and will form ancillary space to the existing ground floor restaurant use.
- 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 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 to basements and Camden's adopted Planning Guidance on basements (CPG Basements) 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 Local Plan Policy A5 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 (dated September 2019) has been submitted to support this application where the technical criteria of the policy are 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 to extend the existing basement depth but proposes no more than one storey excavation of the basement space. For further information please refer to the submitted Basement Impact Assessment.

g. not be built under an existing basement;

Response: The proposed development seeks to extend the existing basement rather than to build under an existing basement. The proposal will result in a single basement and 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 the established use of the property 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 12 of the NPPF refers to design. Paragraph 127 states that planning policies and decisions should ensure that developments *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).*
- 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 The proposed development would not result in any external alterations to the building. 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 ground floor which is wholly appropriate in a town centre location. The limited footprint of the building ensures that the basement space would not lead to an extreme intensification of 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 acceptable with regard to its impact on the character and appearance of the area in accordance 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 16 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 (paragraphs 192-197).
- 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. This is echoed by the CPG on Transport which states that all new non-residential developments will also be expected to be car free in accordance with Local Plan Policy T2.
- 6.4.2 In this instance, the site is extremely well serviced by public transport and has a PTAL rating of 6b(Best). Camden Town Underground Station, as well as several bus routes along Kentish Town Road and Camden Road, are very near the site. In light of these circumstances, 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 accordance 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 ground floor/existing basement of the application site or the adjoining buildings are in residential use. In any case, the underground development of a building in commercial 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 reflected 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 which 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 Sustainable Drainage Strategy statement and Basement Impact Assessment that support the application.

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 proposal 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 existing ground floor use and which is a 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 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.
- 7.5 This Planning Statement should be read alongside the other supporting documentation and drawings which have been submitted as part of the full planning application.