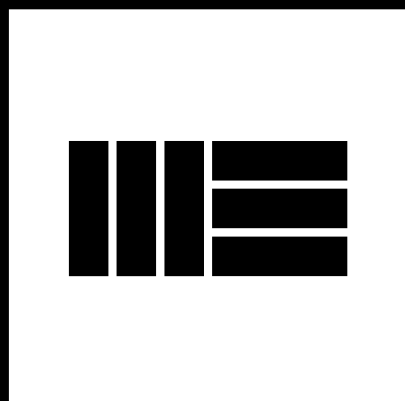


# **WARREN COURT EUSTON ROAD LONDON, NW1 3A**

## **PLANNING STATEMENT**

**MAY 2020**



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# 1.0 INTRODUCTION

1.1 This Planning Statement forms part of the planning application (“the Application”) submitted by Warren Court Investments LLP to the London Borough of Camden (LBC) for the replacement of the existing sixth storey to provide four residential units (“the Proposed Development / “the Scheme”) at Warren Court, Euston Road, London, NW1 3AA (“the Site”).

1.2 The description of development for the Application, which seeks full planning permission is as follows:

*“Demolition of existing sixth floor and the erection of a replacement single storey extension to provide four residential units”.*

1.3 The Site, which comprises of Warren Street Tube Station and retail units at ground floor with the remaining floors above occupied by residential floorspace, has been subject to a previous unsuccessful application for the erection of a two storey extension in 2017 (ref:2016/5317/P). Following this refusal, an appeal was lodged and dismissed by the Planning Inspectorate in October 2017 under reference: APP/X5210/W/17/3176366. Following the refusal and dismissal of the two storey scheme, pre-application engagement with LBC was undertaken by the Applicant, in relation to a revised single storey scheme. This application therefore seeks to address both the reasons for refusal of application 2016/5317/P and dismissal within the subsequent appeal alongside the comments received during pre-application engagement with LBC to ensure a high quality residential development is brought forward. The planning history of the Site is detailed within **Section 3** of this statement.

1.4 Full details of the proposals are set out in the Design and Access Statement, and Application Drawings, prepared by HUB Architects, which form part of this Application.

## **Purpose and Format of the Planning Statement**

1.5 The purpose of this Planning Statement is to provide information to allow for the informed assessment of the Proposed Development against relevant national, regional and local planning policy and other material considerations.

1.6 This Statement sets out how the relevant planning policies and other key material considerations to the determination of the Application have been taken into account. This assessment brings together the findings of the technical reports identified below, and having regard to these, provides a balanced planning judgement on the merits of the proposals.

1.7 The scope of the supporting information has been established with regard to the national and local list requirements. The schedule of documents is set out in **Table 1** below:

**Table 1: Application Documents**

Title	Author
Schedule WC-1 – Application Material Submitted (i.e. this Schedule)	Montagu Evans LLP
Application Covering Letter	Montagu Evans LLP
Application Form	Montagu Evans LLP
Schedule WC-2 – Drawing Submitted	Montagu Evans LLP
Location Plan @ 1:1250	HUB Architects
Existing and Proposed Application Drawings	HUB Architects
Design and Access Statement	HUB Architects
Planning Statement	Montagu Evans LLP
Energy and Sustainability Statement	Ferguson Brown
Daylight and Sunlight Assessment	Avison Young
Noise Survey	Cole Jarman
Air Quality Assessment	AQ Consultants
Structural Assessment	Michael Barclay Partnership
Draft Construction Management Plan	HUB Architects
Community Infrastructure Levy Form	Montagu Evans LLP

1.8 This Planning Statement demonstrates that the Scheme would:

- Deliver sustainable development within London, in line with the overarching approach to development outlined in the NPPF;
- Deliver a scheme which responds to the reasons for refusal by both LBC and the Planning Inspectorate of application 2016/5317/P and appeal ref: APP/X5210/W/17/3176366 respectively;
- Deliver a development which would contribute positively to the delivery of housing in Camden, consistent with Camden's strategic objectives;
- Apply a high quality design which promotes sustainability measures throughout its design, construction and lifetime of the building;
- Deliver a design of high quality architecture that would be well-related to the surrounding context, including the character and appearance of the neighbouring conservation area (The Fitzroy Conservation Area);
- Enable the delivery of four high quality residential units, consistent with the strategic objections of all tiers of planning policy, promoting residential development within accessible and sustainable locations;
- Assist in achieving LBC's housing targets through the provision of additional housing on a 'small site', which diversifies the location and sources of housing supply and supports small and medium sized developers;
- Deliver sustainable travel objectives of national, regional and local planning policy through a car free development.

1.9 **Section 2** of this Statement provides background information on the Site. **Section 3** sets out the planning history of the Site. **Section 4** sets out the details of the Scheme. **Section 5** summarises the planning policy relevant to the Site, and the proposals are assessed against these policies in **Section 6**. Summary and conclusions are contained within **Section 7**.

# 2.0 APPLICATION SITE & SURROUNDINGS

## Application Site

- 2.1 The Site is located within the administrative boundary of the London Borough of Camden and comprises a site area of approximately 0.07ha. A Site Location Plan (ref: 1281-EX-000-Site Location) is enclosed within the application submission.
- 2.2 The Site is located within Central London, to the west of Euston Station. Euston Road bounds the Site to the north, Tottenham Court Road to the east and Warren Street to the south. The surrounding area includes a wide range of uses, consisting primarily of retail, hotel, office, residential and healthcare/higher education uses. The surrounding context of the Site is set out below.
- 2.3 The Site currently comprises a seven storey brick building arranged over ground plus six storeys. Warren Street, London Underground Station, and retail floorspace is located at ground level with residential accommodation located on the remaining upper floors.
- 2.4 The main vehicular access to the Site is obtained from either Warren Street, which runs to the south of the Site or Tottenham Court Road to the east. Pedestrian access to the Site is further obtained from Warren Street, Tottenham Court Road and Euston Road.
- 2.5 The Site is located within Flood Zone 1, which is defined as an area which benefits from a low probability of flooding.
- 2.6 The Site is not located within a conservation area nor does the Site contain any listed buildings. The Fitzroy Square Conservation Area is located adjacent to the Site, and encompasses properties to the south of the Site and on the north western side of Warren Street. The closest statutorily listed building, 63-68 Warren Street, Grade II, is located approximately 60m to the south of the Site. The proposal is therefore considered to be within the setting of Designated Heritage Assets.

## Surrounding Area

- 2.7 As set out above, the Site is located within Central London and lies to the west of Euston. Given the Site's location within Central London, the surrounding uses are predominately commercial uses with some residential properties located to the west of the Site.
- 2.8 Adjoining the Site to the:
- North, adjacent to the Euston Road, predominately office buildings with retail at ground floor are located. Residential accommodation is located beyond this, typically in the form of flatted accommodation ranging between four and twenty storeys;
  - East, University College Hospital is located with St Pancras located beyond this;
  - South, a six storey predominately brick building is located which comprises of retail uses at ground floor and hotel accommodation above. Goodge Street Tube Station is located beyond this; and
  - West, residential properties ranging between four and six storeys, with retail typically located at ground floor.

## Accessibility

- 2.9 The Site benefits from a Public Transport Accessibility rating of 6a, which is the highest PTAL rating achievable.
- 2.10 The Site is located above Warren Street Tube Station, which is serviced by both the Northern Line (Charing Cross Branch) and the Victoria Line and provides connection between Edgware, Barnet, Brixton and Walthamstow Central. Euston, St Pancras International and Kings Cross are located within approximately 1.5km north of the Site, which provide services all over the country and internationally.

- 2.11 Regular bus services are located on both Euston Road and Tottenham Court Road. The nearest bus stop is located to the north of the Site, on Euston Road and provide services between Marble Arch, Paddington and Hammersmith.

## 3.0 SITE HISTORY

- 3.1 A review of the planning records held by LBC has been undertaken. **Table 2** below sets out the available planning history for the Site:

**Table 1: Planning History**

Application No.	Description	Decision Date	Decision
PS9704263	Change of use of the first floor from office use (Class B1) to four residential dwellings (Class C3) comprising one 3 bedroom flat, one 2 bedroom flat, one 1 bedroom flat and one studio/bedsit unit, as shown on drawing numbers 646/96/01 and /02a.	9 May 1997	Granted
2006/3936/P	Application for Certificate of Lawfulness for a proposed use of suite 12 (first Floor) as a telephone booking office for private car hire business.	27 October 2006	Granted
2011/0651/P	Change of Use and conversion from office units (Class B1a) at first floor level to form 1 x self-contained 2-bed flat (Class C3).	31 August 2011	Granted subject to S106
2014/0888/P	Part change of use at 1st floor level from offices (Class B1) to 2 x 1 bed and 2 x 2 bed flats (Class C3).	8 August 2014	Granted subject to S106
2016/5317/P	Erection of a two storey roof extension comprising 2 x 3-bed units following demolition of existing single storey roof extension.	17 February 2017	Refused
APP/X5210/W/17/3176366	Appeal in relation to application ref:2016/5317/P, which sought permission for: Erection of a two storey roof extension comprising 2 x 3-bed units following demolition of existing single storey roof extension.	16 October 2017	Dismissed

- 3.2 As set out above, application ref: 2016/5317/P sought permission for a two storey extension to provide two residential units. The application was refused by LBC on 17 February 2017 on the following grounds:

- The proposed extension, by virtue of its size, bulk, location and design, would appear as an incongruous addition resulting in harm to the character and appearance of the host building and the surrounding townscape, including the adjacent conservation area and the setting of the surrounding listed building;
- The proposed extension, by virtue of its size, bulk, location and design, would cause an unacceptable loss of daylight, sunlight and outlook to neighbouring residential occupiers;
- The lack of cycle parking provision would discourage ownership and use of cycles in what would be required to be a car-free development;
- The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would fail to secure adequate provision for the safety of pedestrians and protect their amenity; and
- The proposed development, in the absence of a legal agreement to secure car-free housing for residential units, would be likely contribute to unacceptable parking stress and congestion in the surrounding area. The Decision Notice is contained within this Statement at **Appendix 1**.

- 3.3 An appeal was lodged in relation to the above application and dismissed (ref: APP/X5210/W/17/3176366) on 16 October 2017. The Inspector's Appeal Decision is contained at **Appendix 2**.

- 3.4 Within both the LPA's Statement of Case and the Inspector's Decision, many of the Council's original reasons for refusals were conceded either by the Council or dismissed by the Inspector in the decision. The appeal further established a set of key development principles and parameters, which are of relevance to this application. These include:

- The principle of a two storey extension on the roof of the host building would not result in harm to the appearance and character of the surrounding area, the setting of the nearby Conservation Area or Listed Buildings;
- It was agreed that the top of the building i.e. the sixth floor could be improved upon and any roof addition should be restricted to the sixth storey only;

- It was agreed by the LPA that it is neither practical nor possible to provide cycle parking and therefore cycle parking is not required as part of the scheme; and
- A car-free agreement is acceptable subject to this being secured through a legal agreement.

3.5 Whilst the Inspector dismissed the appeal, this was only on two grounds. These are set out below:

- The proposal would fail to preserve the character and appearance of the host building; and
- The proposal would have significant adverse effects in regards to daylight and outlook of the proposed residential units.

3.6 The revised scheme, which permission is sought for under this application, now seeks to preserve the character and appearance of the host building. Careful design consideration has been adopted in relation to the replacement sixth storey to ensure the proposal does not give rise to any significant adverse effects with regard to daylight and outlook on the proposed residential units of Warren Court. It is our view therefore, that the proposal appropriately addresses the reasons for which appeal ref: APP/X5210/W/17/317636 was dismissed.

### **Pre-Application Engagement**

3.7 Prior to the submission of this application, the Applicant participated in pre-application discussions with LBC. Pre-application discussions were held with LBC on the 13<sup>th</sup> January 2020, during which the following principles were agreed:

- The principle of residential accommodation at this location was considered acceptable;
- The principle of an extension to the existing 6<sup>th</sup> floor, achieved through demolition and erection of a new 6<sup>th</sup> storey was considered acceptable; and
- A car free development and the provision of no on-site cycle parking is acceptable.

3.8 This Application is accompanied by a Design and Access Statement, prepared by HUB Architects, which further details the proposal's evolution following pre-application engagement. The proposed scheme seeks to respond to the both the dismissed appeal and the comments raised during the pre-application engagement with LBC. In combination, the scheme has been developed to ensure a high quality replacement storey is proposed, which delivers a quantum of residential floorspace that contributes to the both regional and local housing targets.



# 4.0 DEVELOPMENT PROPOSAL

- 4.1 As set out in **Section 1** of this Statement, the Application proposes a replacement of the 6<sup>th</sup> storey to provide four residential units (net increase of three units).
- 4.2 The development would involve the following:
- Demolition of the existing sixth floor;
  - Creation of a replacement sixth floor to provide residential floorspace;
  - Delivery of four units (a net increase of three units), comprising of 3 x studios units and 1 x two bedroom unit; and
  - Retention of the existing water tanks and London Underground vertical ventilation shafts.

## **Demolition**

- 4.3 Demolition of the existing sixth floor, which currently comprises of a two bedroom residential unit is proposed as part of this application.
- 4.4 It should be noted that this application does not propose any changes to the existing water tanks and London Underground vertical ventilation shafts located on the existing sixth floor.

## **Residential Extension (Replacement of 6th Storey)**

- 4.5 As set out above, this Application seeks permission for a replacement sixth storey at Warren Court. The replacement would provide 213 sqm of residential floorspace (GIA). The ground to fifth floor would remain unchanged. Details of the proposed materials and appearance of the proposed replacement are contained within the accompanying Design and Access Statement, produced by HUB Architects.
- 4.6 The proposed replacement will be no higher than the existing building and will be set back from the main façade. This will ensure that the replacement storey appears subordinate in scale to the rest of the host building.
- 4.7 The Application proposes a total of four units. The proposed unit mix comprises of three studio units and two-bedroom units, which have been designed to comply with the 'Nationally Described Space Standards' (March 2015) and the London Plan Standards.
- 4.8 The new residential units would be accessed through the existing entrance and would utilise existing access arrangements to the upper floors. This includes the staircases located at both the north and south of the building.

# 5.0 PLANNING POLICY FRAMEWORK

- 5.1 This Application has been informed by adopted and emerging Development Plan Policies and other relevant guidance. This section of the Statement provides a summary of the relevant planning context, and **Section 6** provides an assessment of the Application against the policies and guidance contained within these documents.

## National Guidance

- 5.2 The revised National Planning Policy Framework (the “NPPF”) was published in February 2019 and supersedes previous National Planning Guidance contained in various Planning Policy Guidance and Planning Policy Statements, as well as the previous March 2012 version. The NPPF sets out the Government’s approach to planning matters, and is a material consideration in the determination of planning applications.
- 5.3 At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 goes on to state 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”.*

- 5.4 In March 2014, the Government published the Planning Practice Guidance (PPG) which is a material consideration in relation to planning applications. The PPG replaces a number of previous circulars and guidance to provide a simplified single source of guidance at the national level. The PPG is a material consideration in the determination of applications.

## Statutory Framework

- 5.5 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with policies of the statutory Development Plan, unless material considerations indicate otherwise.
- 5.6 The Statutory Development Plan for the Site comprises the:
- The London Plan (2016);
  - Camden Local Plan (2017); and
  - Fitzrovia Area Action Plan (2014).

## Emerging Policy

### *New Draft London Plan*

- 5.7 The Mayor of London is in the process of preparing a new London Plan. A public draft of the new London Plan was published on 29 November 2017 and a subsequent six week consultation took place between 1 December 2017 and 2 March 2018. On 13 August 2018, the Mayor published a version of the Draft Plan that included his minor suggested changes.
- 5.8 An Examination in Public ran between the 15 January and 22 May 2019. Further suggested changes to the Draft Plan were published on the 1<sup>st</sup> of May 2019. Following this, the Mayor published a Consolidated Suggested Changes Version of the Plan in July 2019. On 8 October 2019 the Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor.
- 5.9 On the 9<sup>th</sup> December 2019, the Mayor issued to the Secretary of State his intention to publish the London Plan. Given the advanced stage of the emerging London Plan, the emerging policies should be afforded considerable weight.

- 5.10 It should be noted however, that on the 13 March 2020, the Secretary of State wrote to the Mayor of London directing him to make changes to the emerging London Plan. These changes predominately related to, but are not limited to, housing delivery, density of development and parking standards. In light of this, it is likely that the publishing of the new London Plan will be delayed until these matters are addressed.

*London Borough of Camden*

- 5.11 At present, LBC are not in the process of reviewing or producing a new Local Plan.

**Adopted and Emerging Guidance**

- 5.12 The Greater London Authority (GLA) has published a number of supporting documents that are relevant in the consideration of this application. Of particular relevance are:

- SPG: Affordable Housing & Viability (August 2017);
- SPG: Accessible London: Achieving an Inclusive Environment (October 2014);
- SPG: The Control of Dust and Emissions during Construction and Demolition (July 2014);
- SPG: Town Centres (July 2014);
- SPG: Shaping Neighbourhoods: Character and Context (June 2014);
- SPG: London Planning Statement (May 2014);
- SPG: Sustainable Design and Construction (April 2014); and
- SPG: Planning for Equality and Diversity in London (October 2007).

- 5.13 LBC has a number of adopted and emerging guidance documents which are material considerations in respect of the Application including:

- Amenity CPG (March 2018);
- Air Quality CPG (March 2019);
- Developers Contributions (March 2019);
- Energy Efficiency and Adaption (March 2019); and
- Housing CPG (May 106, as amended March 2019).

- 5.14 The remainder of this document identifies the key issues relevant to the determination of the Application and considers these in the context of relevant Policy Guidance.

**Site Specific Designations**

- 5.15 The Site is subject to the following designations under LBC Policies Map (2017):

- Fitzrovia Area Action Plan;
- Safeguarding Area;
- Central London Area;
- Protected Primary Frontage; and
- Parliament Hill Viewing Corridor.

# 6.0 PLANNING POLICY ASSESSMENT

6.1 Within this section, we assess the component parts of the proposed development against the statutory Development Plan and other material considerations as set out in **Section 5**.

## Principle of Development

6.2 The proposed developments accords with the current thrust of planning policy at national, regional and local level, which places an emphasis on achieving sustainable development.

6.3 Housing delivery is a key objective of the NPPF and it advocates for sufficient amount and variety of land to come forward to significantly boost the supply of housing (paragraph 59).

6.4 Paragraph 67 of the NPPF also requires local planning authorities to ensure planning policies identify a sufficient supply and mix of sites taking into account their availability, suitability and likely economic viability. There is a specific requirement for local planning authorities to maintain a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements, and developable sites or broad locations for growth for 6-15 years. An appropriate buffer should be included to ensure choice and competition in the market (paragraph 73).

6.5 Paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

6.6 London Plan Policy 3.3 (Increasing Housing Supply) states that there is a *"pressing need for more homes in London"*. Part D of the policy states that boroughs should seek to achieve and exceed the relevant minimum borough annual average housing targets through the intensification of brownfield housing sites and mixed use redevelopment, including of surplus commercial capacity.

6.7 The London Plan (2016) annual target in Camden is for 889 additional residential units per year, highlighting the need for London borough's to provide more homes. The Draft London Plan (Table 4.1) seeks to increase this figure to 1,086 new homes per year.

6.8 Within the emerging London Plan, there is a further emphasis on the role 'small sites' can play in the delivery of housing within the capital. Draft London Plan Policy H2 (Small Sites and Small Housing Developments) states that small sites should play a much greater role in housing delivery (contributing towards the ten-year housing targets) and Boroughs should pro-actively support well designed new homes on small sites through planning decisions. This will:

- *"Significantly increase the contribution of small sites to meeting London's housing needs;*
- *Diversify the sources, locations, type and mix of housing supply;*
- *Support small and medium-sized housebuilders;*
- *Support those wishing to bring forward custom, self-build and community-led housing; and*
- *Achieve the targets for small sites set out in Table 4.2 and the overall housing targets set out in Table 4.1."*

6.9 Table 4.2 of the emerging London Plan, identifies that the LB of Camden should seek to deliver 328 units per annum on small sites.

6.10 The 'small sites' policy will not apply to schemes that would give rise to unacceptable harm that outweighs the benefits of additional housing, or where schemes do not comply with a design code, if prepared for the Site. In addition, the scheme must comply with minimum space, cycle and parking standards.

6.11 At a local level, Policy H1 (Maximising Housing Supply) of the Camden Local Plan states that the Council will aim to secure a sufficient supply for homes to meet the needs of existing and future households. This will be achieved through maximising the supply of housing and exceeding a target of 16,800 additional homes from 2016/17-2030/31, including 11,130 additional self-contained homes.

- 6.12 Principle 1 of the Fitzrovia Area Action Plan states that the Council regard housing as the priority land use and will promote the delivery of permanent self-contained housing (in Use Class C3), unless there is a strong economic reasons why such development would be inappropriate within Fitzrovia.
- 6.13 The provision of three additional units is considered to fully accord with the aims of the national, regional and location policy guidance, which promote housing delivery and will assists LBC in meeting such targets for housing delivery. In addition, the development of 'small sites' is further identified by the Mayor as a significant method to meet housing delivery targets and therefore the proposal further accords with national, regional and local objectives.
- 6.14 The principle of residential accommodation, at this location, has also been established as acceptable by both the Officer's report pursuant to application reference 2016/5317/P and the subsequent Appeal Decision (ref: APP/X5210/W/17/3176366). Both of these decisions concluded that the introduction of new residential floorspace at this location aligned with the Council's land use policies.
- 6.15 We are therefore of the view that the principle of residential accommodation continues to be acceptable at this location and fully accords with national, regional and local objectives.

### **Residential Unit Mix**

- 6.16 National Planning Policy contained within the NPPF requires a range of sizes, types and tenures of housing to address the need of different groups in the community, including affordable housing, families with children, older people and students. Paragraph 72 seeks to ensure that the size and location of homes will support a sustainable community and ensure that a variety of homes are provided.
- 6.17 Policy 3.8 (Housing Choice) of the London Plan seeks to ensure that new residential developments comprise a mix of unit sizes to address the housing needs of the local area. The policy does not, however, specify a precise mix of housing types.
- 6.18 Draft London Plan Policy H10 (Housing Size Mix) states that "*schemes should generally consist of a range of units sizes*" and requires consideration of a qualitative criteria when assessing the suitability of a scheme's unit mix. This includes considering the need to deliver a range of affordable homes, the nature and location of the site, the aim to optimise housing potential and the role of one and two bedroom units in freeing up family housing.
- 6.19 The Emerging Policy further sets out that boroughs should not set prescriptive dwelling size mix requirements for market and intermediate homes.
- 6.20 Local Plan Policy H6 (Housing Choice and Mix) states that the Council "*will seek to secure a variety of housing suitable for existing and future households overall across developments within the borough*".
- 6.21 Local Plan Policy H7 (Large and Small Homes) states that the Council will ensure that all housing developments contribute to meeting the priorities set out in the Council's Dwelling Size Priorities Table and include a mix of large and small homes. The Council's Dwelling Size Priorities Table is set out below:

**Table 2: LBC Dwelling Priority Mix**

	<b>1-bedroom (or studio)</b>	<b>2-bedroom</b>	<b>3-bedroom</b>	<b>4-bedroom (or more)</b>
<b>Social-affordable rented</b>	lower	high	high	medium
<b>Intermediate affordable</b>	high	medium	lower	lower
<b>Market</b>	lower	high	high	lower

- 6.22 The Application proposes the provision of four residential units, with a mix of three Studios units and one two-bedroom unit. This mix is a result of pre-application engagement with LBC. The proposal now includes a two-bedroom unit in response to both the requirements of Policy H6 and the Dwelling Priority Mix, as set out above.

- 6.23 The proposed unit mix is also considered to be an appropriate response to the Site's highly constrained nature and central location. Whilst there is an identified need for 3 bedroom units within the Borough, as set out above, both the nature of the proposal i.e. a replacement roof top storey and the central location of the Site does not allow for the delivery of such accommodation. This is a result of larger three bedroom units, for which there is an inherently higher child yield, requiring commensurate playspace and private outdoor amenity space to be provided. Given the proposal seeks permission for a replacement storey at the roof of a building, these commensurate requirements cannot be fulfilled onsite. The proposal therefore delivers a unit mix which is appropriate to both the location of the Site and the proposed development.
- 6.24 The proposed unit mix addresses both the aims of the London Plan, which seeks to ensure an appropriate mix of units is delivered whilst delivering an identified need for two-bedroom market units within the Borough, as set out within the Camden Local Plan.

### Housing Design

- 6.25 London Plan Policy 3.5 (Quality and Design of Housing Developments) states that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The policy adds that the design of new dwellings should take account of *“factors relating to ‘arrival’ at the building and the ‘home as a place of retreat’, have adequately sized rooms and convenient and efficient room layouts”*.
- 6.26 The policy also states that LDFs should incorporate minimum space standards that generally conform to Table 3.3 of the London Plan, which is comparative to the Nationally Described Space Standards, introduced by the Government.
- 6.27 Local Plan Policy H6 (Housing Choice and Mix) requires development to provide functional, adaptable and accessible spaces. The policy further requires all self-contained homes to meet the nationally described space standards.
- 6.28 The accommodation schedule showing the size of each unit is outlined in **Table 4** below, in accordance with the NDSS and London Plan.

**Table 3: Proposed Unit Size**

Unit	Unit Type	NDSS / London Plan Requirement	Unit Size
Unit 1	Studio	39 sqm	41 sqm
Unit 2	Studio	39 sqm	40 sqm
Unit 3	Studio	39 sqm	40 sqm
Unit 4	2B3P	50sqm	65 sqm

- 6.29 As shown in Table 4, all four units would exceed the minimum space standards.
- 6.30 London Plan Policy 3.8 (Housing Choices) states that all new housing should be built to 'The Lifetime Homes' Standards', and 10% of housing should be designed to be wheelchair accessible.
- 6.31 The Lifetime Homes Standards were superseded in October 2015 by reviewed Building Regulations (Part M).
- 6.32 Emerging Draft London Plan Policy H2 states that:
- “new build homes on sites capable of accommodating less than ten units, which are on the ground floor should meet M4(2) standard for ‘accessible and adaptable dwellings’ and provide step-free access. New build homes on these sized sites that are not on the ground floor do not need to meet M4(2) standards and can comply with the M4(1) standard, which does not require step free access.”*
- 6.33 At a local level, Policy H6 (Housing Choice and Mix) outlines that the Council will seek to secure high quality accessible homes in all developments which include housing. The Council will *“require 90% of new build self-contained homes in each development to be accessible and adaptable in accordance with Building Regulation M4(2) and require 10% of new-build self-contained homes in each development to be suitable for occupation by wheelchair user or easily adapted for occupation by a wheelchair user in accordance with Building Regulations M4(3)”*.

- 6.34 In line with the emerging London Plan, as the proposals are not located on ground floor there is no requirement to meet M4(2) standards. As such, the proposal seeks to comply with M4(1) standards. It also should be noted that the existing access arrangement for Warren Court does not provide step-free access. Access arrangements to the residential accommodation was not raised as a concern at either recent pre-application engagement with LBC or within the determination of both application ref: 2016/5317/P and the subsequent appeal (ref:APP/X5210/W/17/3176366).
- 6.35 The London Housing Design Guide requires 5sqm of private outdoor space to be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.
- 6.36 Policy A2 (Open Space) requires new development to seek opportunities to provide amenity space. LBC's Interim Housing Planning Guidance (2017) requires new homes to meet the open space standard of 9sqm per resident.
- 6.37 As set out within the Design and Access Statement, each individual residential unit will have their own private roof terrace. All roof terraces exceed the both the London Housing Design Guide and LBC's Interim Housing Planning Guidance (2017).

### **Affordable Housing**

- 6.38 Paragraph 62 of the NPPF requires Planning Policies to specify the type of Affordable Housing required and set policies for meeting this need on site, unless off-site provision or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 6.39 The provision of Affordable Housing should not be sought for residential developments that are not major developments, other than in rural areas, as required by NPPF paragraph 63.
- 6.40 Policy 3.11 in the London Plan requires boroughs to set an affordable housing target having regard to housing need assessments and a realistic assessment of supply.
- 6.41 Policy 3.12 in the London Plan emphasises that a range of factors must be considered when assessing the level of affordable housing on a particular proposal. It states that:
- *the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to:*
    - *current and future requirements for affordable housing at local and regional levels identified in line with Policies 3.8 and 3.10 and 3.11*
    - *affordable housing targets adopted in line with Policy 3.11*
    - *the need to encourage rather than restrain residential development (Policy 3.3)*
    - *the need to promote mixed and balanced communities (Policy 3.9)*
    - *the size and type of affordable housing needed in particular locations*
    - *the specific circumstances of an individual site."*
- 6.42 Draft London Plan Policy H4 (Delivering Affordable Housing) sets a strategic target for 50% of all new homes delivered across London to be affordable.
- 6.43 Local Plan Policy H4 (Maximising the Supply of Affordable Housing) of LBC's Local Plan outlines that the Council will expect a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100 sqm GIA or more. Part D of the Policy states that a sliding scale target applies to developments that provide one or more additional homes and have the capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home added to capacity.
- 6.44 The proposal seeks an increase of 113 sqm (GIA), which rounded to the nearest 100sqm, as per the above policy guidance, equates to a 2% Affordable Housing contribution. Turning to GEA to calculate the Payment in lieu, the scheme proposes an increase of 144sqm (GEA). 2% of 144 sqm equates to 2.88. In line with the required Payment in lieu contribution of £2,650 per sqm (GEA), an overall payment of £7,632 (plus indexation) would be required as part of this application.

## Design

- 6.45 High quality and inclusive design is encouraged at all policy levels. The NPPF notes that good design is a key aspect of sustainable development, and should contribute positively to making places better for people. Part 12 of the NPPF outlines the requirement for good design and sets out, at Paragraph 127, that development:
- a) *“will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
  - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
  - c) *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);*
  - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
  - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
  - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*
- 6.46 Chapter 7 of the London Plan sets out the Mayor’s policies on a number of issues relating to London’s places and spaces.
- 6.47 Policy 7.2 (An Inclusive Environment) requires all new development in London to achieve the highest standards of accessible and inclusive design, while Policy 7.4 (Local Character) states that *“development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings”*.
- 6.48 Policy 7.6 (Architecture) of the London Plan further states that *‘architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context’*.
- 6.49 The Draft London Plan sets out its policies regarding design in Policies D1 to D4. This includes Policy D2 (Delivering Good Design). The emerging London Plan reflects the current London Plan policies requiring high quality designs which have regard to form, function and structure of an area.
- 6.50 The GLA has also published Supplementary Guidance to the London Plan “SPG: Achieving an Inclusive Environment”, which provides detailed advice and guidance on providing inclusive design in London.
- 6.51 At a local level, Policy D1 (Design) of the Local Plan requires developments to be of the highest architectural and urban design quality to improve the function, appearance and character of an area.
- 6.52 The accompanying Design and Access Statement sets out the manner in which the design has evolved as a result of the pre-application engagement undertaken to date. The document also describes the design rationale for the scheme and how the proposal responds to the existing building and the surrounding built context. A summary of the proposed material palette alongside the approach to the design of the facades, fenestration and roof is also contained within the accompanying document.
- 6.53 Although the existing building is not listed and does not lie within a Conservation Area, the Site is adjacent to the Fitzroy Square Conservation Area and several grade II listed buildings situated along Warren Street (Paragraph 2.6). As such, it is important to consider the proposal’s relationship with both the surrounding Designated Heritage Assets and the wider townscape. These two aspects are individually dealt with below.

### Architectural Design

- 6.54 As set out above, the appeal relating to application ref: 2016/5317/P was dismissed by the Inspector as it was concluded that the proposal would fail to preserve the character and appearance of the host building. The design of the proposed replacement storey has evolved in light of both the Inspector’s comments and the advice received during the recent pre-application discussions with LBC.



- 6.55 The proposed replacement storey seeks to draw upon and take architectural cues from the host building. This ensures that the building's visually pleasing architecture is reflected by the replacement sixth storey. The existing design features that the proposal draws upon, include Portland Stone with distinctive capping or coping elements, Crittal windows and a curved U shaped floorplan at the building's lower levels.
- 6.56 The Design and Access Statement depicts how the proposals draws upon architectural characteristics of both the host building and the surrounding local context. The extension emphasises the horizontal proportioning of the building and incorporates a curved 'U' shaped floorplan, which echoes the 'drum' element at lower levels. These are key 'Holden-esque' features that make the proposal an appropriate replacement in the sense that it creates a coherent architectural piece and sits comfortably within the wider built context, where taller elements (albeit extremely modest in this case) are commonly located at key highway intersections.
- 6.57 The proposed material pallet for the replacement storey is consistent with and complimentary to the existing building. The scheme employs brick and stone work which matches the host building to ensure visual continuity with the existing building. The design also incorporates new double glazed Crittal windows and fenestration patterns which match the proportion and visual appearance of those already within the existing building. These design choices will ensure that the proposed materiality of the scheme reinforces the broadly positive contribution the building makes to the local built environment.
- 6.58 In light of the above, through ensuring the replacement storey draws upon the host building's integral architectural features, the proposal preserves the building's strong distinctive character. As such, the scheme addresses the Inspector's first reason for dismissal which concluded that the proposal would fail to preserve the character and appearance of the host building.

#### *Townscape*

- 6.59 Warren Court is located on one of four prominent corner sites at the intersections of Euston Road, Tottenham Court Road and Hampstead Road. Whilst the Site's prominent location appropriately reflects the building's public transport role, the building itself currently lacks a commensurate visual prominence that would be appropriate in its context. This is a result of the existing relationship between the host building and the roof top element, which does not 'complete' or frame the top of the building. The existing roof top paraphernalia of plant, underground station ventilation shafts, and water tanks further detract from the building's prominence within the townscape context.
- 6.60 As set out within the Design and Access Statement, whilst the footprint of the replacement storey is enlarged, the proposal will not result in any additional height to the existing building. As such, the building retains an appropriate relationship with neighbouring buildings and does not appear incongruous in this location.
- 6.61 The increased massing of the sixth storey seeks to enhance the building's prominence at this corner location through elongating the visual appearance of the building. Whilst the proposal more closely reflects the smaller scale buildings in the vicinity, as opposed to the numerous other examples of large scale buildings, the replacement sixth storey by virtue of the proposed height, bulk, scale and massing seeks to ensure that the predominant role of Warren Court as a transitional building between the differing character areas is enhanced.
- 6.62 In relation to views, the overall effect of the proposal would be peripheral to the viewer's appreciation of the townscape of Warren Street and wider area more generally. Views towards the site from the north, west and south are limited by the transient nature of people passing through the intersection of Euston Road, Tottenham Court Road and Hampstead Road and heavily influenced by the busy road side location. Given that the proposal seeks a greater massing, in terms of an enlarged sixth storey footprint, it is considered that where the proposal would be visible in views along Warren Street towards the Site, the view of the building would appear completed in light of an appropriate rooftop storey which finishes the building at roof level. In addition the proposal would represent a marked improvement to the existing roof top paraphernalia of plant, underground station ventilation shafts, and water tanks again, which again would improve existing any view of the Site.
- 6.63 Therefore as a result of the proposal's height, bulk, scale and massing, the replacement storey will ensure that the host building continues to sit comfortably within the existing townscape and its role as a predominant, positively contributing building within the wider townscape, will be maintained. The proposal therefore accords with the planning policy

requirements set out above and successfully addresses the Inspector's concerns that the proposals would not enhance the character and appearance of the existing building.

#### *Designated Heritage Assets*

- 6.64 A strategic policy of the NPPF is to conserve and enhance the historic environment. Paragraph 184 describes heritage assets as an:

*"...irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."*

- 6.65 Paragraph 189 of the NPPF states that applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. The paragraph goes on to state that the level of detail of that assessment should be proportionate to the asset's importance to understand the potential impact of the proposal.
- 6.66 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 132 goes on to state that the more important the asset, the greater the weight should be, which is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.
- 6.67 London Plan Policy 7.8 (Heritage Assets and Archaeology) states that development affecting heritage assets and their setting should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 6.68 Draft London Plan Policy HC1 states that *"developments proposals affecting heritage assets and their setting should conserve their significance, by being sympathetic to the assets' significance and appreciation of their surroundings"*. The cumulative impacts of incremental change from development on heritage assets and their settings, should also be actively managed.
- 6.69 At a local level, Policy D2 (Heritage) states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings. Within the Fitzrovia Area Action Plan, developments are required to preserve and enhance the areas heritage assets.
- 6.70 The existing roof top element (level 6) is a poorly arranged combination of residential accommodation, plant, plant enclosures, large ventilation shafts and water tanks. As such, the existing roof top element of the building detracts from the character and appearance of the setting of the nearby listed building and Conservation Area. The opportunity for development, which seeks to deliver a sensitive replacement sixth storey would make a positive contribution to the local character and would seek to conserve the nearby heritage assets.
- 6.71 Within the Inspector's decision relating to application ref: 2016/5317/P, it was concluded that the proposed two storey extension would not result in harm to the character of the neighbouring Conservation Area and nearby listed buildings.
- 6.72 On the basis that the proposal is for a single storey replacement rather than two storeys, it is self-evident that the impact on nearby Designated Heritage Assets must be less than established by the Planning Inspector in the above appeal as acceptable. It follows that the proposals, especially in light of their enhanced detailed design, would also not have undue impacts on the setting of any nearby Designated Heritage Assets.

#### **Residential Amenity**

- 6.73 The previous appeal (Ref:APP/X5210/W/17/3176366) was in part dismissed due its adverse effects on the daylight and outlook of the proposed residential units. Comments regarding the privacy of the proposed units were also raised during recent pre-application engagement with LBC. The proposal seeks to address both the Inspector's reason for dismissal and LBC's comments.
- 6.74 London Plan Policy 7.6 (Architecture) states that buildings and structures should not *"cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate"*. Within the emerging London Plan Policy D6, Part C requires applications to demonstrate that developments will have adequate daylight.

- 6.75 At a local level, Policy A1 (Managing the Impact of Development) seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered and proposals would not harm the amenity of neighbouring residents. This includes privacy, outlook, noise, daylight and sunlight.
- 6.76 Principle 9 of the Fitzrovia Area Action Plan states that the Council will have regard to the particular impacts on residential amenity, which arise from the dense mix of land uses within Fitzrovia and will seek to achieve a good standard of amenity is achieved for both existing and future occupants.

#### *Daylight and Sunlight*

- 6.77 This application is accompanied by a Daylight and Sunlight Assessment, prepared by Avison Young, which considers the effects of the proposal on both the host building and the surrounding properties.

#### *295 Euston Road*

- 6.78 295 Euston Road is located to the west of the proposed development. Where changes in light levels have been identified within 295 Euston Road, the report concludes that these would be limited to the internal lightwells only and as such do not give rise to any loss of light to habitable rooms.
- 6.79 The report concludes that in relation to 295 Euston Road, the scheme is fully BRE compliant and all windows and rooms assessed retain 0.8 of their former value. We note that this is consistent with the Inspector's findings within the appeal decision of application ref: 2016/5317 (appeal ref. APP/X5210/W/17/3176366), which did not identify the loss of daylight and sunlight to the neighbouring properties as a reason for refusal.

#### *Warren Court (Host Building)*

- 6.80 The Inspector concluded that the dismissed proposals would result in significant adverse effects with regard to the daylight levels experienced by the existing units at lower levels. Within the appeal decision, the Inspector concluded that the average daylight factor of a number of affected kitchens and bedrooms within Warren Court would fall below the minimum required. The proposed scheme has been carefully designed to address this.
- 6.81 The accompanying report demonstrates that in relation to daylight, any impacts caused by the proposal would be limited to 6 non-habitable kitchens (not large enough to consume food within) and six bedrooms located on third to fifth floor which face into the existing lightwell of the building. The report concludes that these impacts are very minor indeed where no noticeable change in light conditions will occur and that the rooms will retain sufficient light in areas where current light levels are low or values are commensurate with the location.
- 6.82 To enable a direct comparison between the dismissed scheme and the scheme for which permission is sought, the Average Daylight Factor of the windows within Warren Court has been reviewed. The report identifies that all but one bedroom will retain in excess of the British Standard requirement value of 1% ADF. Where the identified room falls short of this, it is only marginally (0.9% ADF) and the room continues to retain 0.8 of its former value, in line with the BRE guidelines. It is therefore considered that all rooms will remain satisfactorily well-lit or will not witness a noticeable change in daylight conditions as a result of the proposal. This is a result of all windows either retaining 0.8 of their former value or experience no material reduction in their ADF value as a result of the proposal.
- 6.83 We conclude therefore that the scheme addresses the Inspector's reason for refusal with respect to daylight.
- 6.84 With regard to sunlight, eight windows arranged over first to fifth floors have been assessed in accordance with the BRE's ASPH test. The report demonstrates that six out of eight windows assessed will satisfy the guidelines, with the remaining two windows experiencing a reduction. It should be noted however that these windows serve a bedroom and a kitchen window. Whilst the identified windows would experience some reduction in sunlight, in both instances the windows would retain 15% ASPH. This impact is considered commensurate with the dense urban location. The windows will not see a change in winter sunlight values. In light of the above, the report concludes that in relation to sunlight the conditions will be commensurate and therefore is considered acceptable. This accords with the Inspector's decision which did not identify that the two storey development would give rise to any unacceptable impacts in relation to sunlight.

- 6.85 In light of the above, we conclude that the scheme accords with planning policy requirements, as set out above, alongside addressing the Inspector's second reason for refusal.

#### *Outlook*

- 6.86 The Inspector concluded that the proposal would result in an unacceptable impact on future resident's amenity with regard to outlook. She was of the view that the existing roof extension enabled some of the windows in the upper floors to enjoy a reasonably open outlook, above the existing roof of the host building. The introduction of a two storey replacement extension was considered to significantly reduce the outlook and as such would be harmful to the living conditions. It was considered that in combination with the daylight issues above, the restriction on outlook was unacceptable and therefore constituted grounds for refusal.
- 6.87 The outlook of the proposed units in this revised scheme, in particular regarding the ability to enjoy a 'reasonably open outlook' would be retained as existing. In addition, the proposal has been carefully designed to ensure that the residents on the sixth floor continue to enjoy a reasonably open outlook. Through orientating the living spaces to ensure that these rooms benefit from views both to the east and west of the Site.
- 6.88 In combination with an acceptable daylight position, as described above, the proposed residential units will benefit from an adequate degree of outlook. As such the amenity in these respects afforded to future residents is of a high standard and we consider the Inspectorate's concerns in these regards are now comprehensively addressed.

#### *Overlooking / Privacy*

- 6.89 Overlooking and privacy were not identified as reasons for the previous scheme being dismissed. However, Camden officers did comment regarding privacy and overlooking in relation to the existing residential units within 295 Euston Road. During the pre-application engagement with LBC, it was agreed that this impact could be appropriately addressed through the provision of privacy screens within the scheme.
- 6.90 The scheme now proposes the inclusion of privacy screens along the western side of the balconies of both flat 1 and 4. This would ensure adequate privacy is achieved for both the identified neighbouring properties and those within the proposed scheme. The inclusion of privacy screens would not compromise the daylight and sunlight levels received within the units. An initial design approach for the privacy screens is contained within the accompanying plans, however detailed design would be secured by a condition.
- 6.91 On this basis we consider that the proposals would not have an undue impact in this regard and therefore are acceptable.

#### **Noise**

- 6.92 A Noise and Vibration Assessment has been prepared by Cole Jarman and forms part of this Application. The report assesses the suitability of the Site for residential development alongside the potential impacts of the Proposed Development upon nearby sensitive receptors.
- 6.93 London Plan Policy 7.15 (Reducing noise and enhancing soundscapes) states development proposals should seek to reduce noise by:
- *"Minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals;*
  - *Separating new noise sensitive development from major noise sources wherever practicable through the use of distance, screening, or internal layout in preference to sole reliance on sound insulation; and*
  - *Promoting new technologies and improved practices to reduce noise at source."*
- 6.94 Draft Policy D13 (Noise) of the emerging London Plan outlines that proposals should manage noise by avoiding significant adverse noise impacts on the health and quality of life.
- 6.95 At a local level, Policy A4 (Noise and Vibration) states that *"the Council will ensure that noise and vibration is controlled and appropriately managed"*. The Policy outlines that planning permission will not be granted for noise sensitive

developments in locations which experience high levels of noise, unless appropriate attenuation measures can be provided. The policy further requires development not to give rise to harm, in relation to noise, which would prohibit the continued operation of existing uses.

- 6.96 The accompanying Noise and Vibration Report demonstrates that the development will not give rise to any adverse impacts on the surrounding existing residential receptors, as any noise emission from mechanical service plant associated with the proposal, would be appropriately mitigated to ensure compliance with identified noise limits. The scheme, in respect of noise, therefore accords with the identified policy requirements, as set out above.
- 6.97 We note that during the determination of application ref:2016/5317, LBC's Noise Officer was satisfied with the proposal subject to the application of standard noise conditions. Given that the findings of the accompanying Noise Report do not differ from that submitted under application ref:2016/5317, the same principle in the determination of this application should be applied. The Applicant is willing to accept reasonable conditions, which responds to the findings and recommended mitigation set out within the accompanying Noise Report.

### **Air Quality**

- 6.98 An Air Quality Assessment has been prepared by AQ Consultants and accompanies this application.
- 6.99 Policy 7.14 (Improving Air Quality) of the 2016 London Plan states that development proposals should promote sustainable design and construction and be at least 'air quality neutral', ensuring that where provisions are made to reduce emissions from a development, they are usually made on-site.
- 6.100 Section B of Policy SL1 (Improving air quality) of the emerging London Plan notes that development proposals should not create any new areas that exceed air quality limits or lead to a further deterioration of existing poor air quality.
- 6.101 Policy CC4 (Air Quality) of the LBC Local Plan states that the Council will ensure that the impact of the development on air quality is mitigated and that exposure to poor air quality is reduced within the borough. The Policy further states that an Air Quality Assessment will be required to form part of an application where developments are likely to expose residents to high levels of pollution.
- 6.102 As set out within the accompanying Air Quality report, the LBC falls within an Air Quality Management Area (AQMA) for failing to meet the Government's health based air quality objectives for both nitrogen dioxide and particulate matter.
- 6.103 The report identifies that there is the potential for localised dust impacts to be triggered during the construction of the development. Given however the relatively small amount of demolition, proposed as part of this application, this is considered to be *Low Risk* in accordance with the GLA's SPG (2014). A range of mitigation measures are provided within the accompanying report to further mitigate, where appropriate, any impact which may arise during the construction phase of the development.
- 6.104 In relation to the proposed residential units, the report concludes that the pollutant concentrations are likely to be significantly lower than at ground floor and close to background level. Annual mean nitrogen dioxide, PM<sup>10</sup> and PM<sub>2.5</sub> concentrations within the development are predicted to be below the relevant objectives in the opening year and as such the new residents will experience acceptable air quality. Overall the provision of a 'car-free' development further contributes to ensuring that the air quality experienced by the new residents is an acceptable level.
- 6.105 In summary therefore, the air quality effects of the proposed development are considered to be 'not significant' and localised to the demolition phase of the development only. Appropriate mitigation to manage this localised impact has been provided within the report and as such, the proposal accords with policy guidance set out above.

### **Energy and Sustainability**

- 6.106 The NPPF seeks to contribute to protecting and enhancing the natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 6.107 The NPPF sets out (at Paragraph 150) that new developments should be planned to help reduce greenhouse gas emissions through location, orientation and design. Local authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- 6.108 The London Plan sets out a number of core policies for major developments with regard to reducing carbon dioxide emissions and providing energy in a sustainable manner. The London Plan targets are not obligatory for minor developments, although are useful in guiding development.
- 6.109 London Plan Policy 5.2 (Minimising Carbon Dioxide Emissions) states that development proposals should make the fullest contribution to minimising carbon dioxide emission in accordance with the 'be lean, be clean, be green' energy hierarchy. It seeks a 35% improvement in carbon reductions over 2013 Building Regulations for major residential developments.
- 6.110 Policy 5.3 (Sustainable Design and Construction) of the London Plan states that development proposals should demonstrate that sustainable design standards are integral to the proposal. This should include:
- *Minimising carbon dioxide emissions across the Site, including the building and services (such as heating and cooling);*
  - *Avoid internal overheating and contributing to the urban heat and island effect;*
  - *Promoting and protecting biodiversity and green infrastructure; and*
  - *Design features such as green roofs can enhance biodiversity, absorb rainfall, improve the performance of the building, reduce the urban heat island effect and improve the appearance of a development.*
- 6.111 Draft Policy SI2 (Minimising greenhouse gas emissions) stipulates that in meeting the zero-carbon target, a minimum on-Site reduction of at least 35% beyond Building Regulations is expected. Residential development should aim to achieve 10 per cent, and non-residential development should aim to achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on Site, any shortfall should be provided through a payment in lieu contribution or off-Site provided that an alternative proposal is identified and delivery is certain.
- 6.112 Local Plan Policy CC1 (Climate change mitigation) states that *"the Council will require all developments to minimise the effects of climate change and encourage developments to meet the highest feasible environmental standards that are financially viable during construction and occupation"*. Policy CC2 (Adapting to climate change) of the Local Plan further requires developments to adopt appropriate climate change adaption measures, including sustainable design and construction measures.
- 6.113 This Planning Application is accompanied by an Energy and Sustainability Statement, prepared by Ferguson Brown, which assess the Proposed Development against the Energy Hierarchy and the development plan policies. It should be noted that under the determination of application ref: 2016/5317, the proposed energy and sustainability strategy for the development did not form a reason for refusal.
- 6.114 The proposed energy strategy has been developed in accordance with the Camden's Development Plan to ensure a strategy is delivered which reflects the 'Be Lean, Be Clean, Be Green and Be Seen' energy hierarchy. Given that the proposed development seeks permission for four residential units, with a floor area totalling under 500 sqm, an overall emission reduction figure has been provided rather than calculations at each stage of the hierarchy.
- 6.115 In relation to 'Be Lean', the scheme seeks to incorporate design measures which seek to achieve acceptable environmental comfort conditions and improve the building's thermal performance. Due to the scale and size of the development, the provision of decentralised combined heat and power technology has been explored and discounted. The scheme proposes to deliver an energy strategy which utilises both Photovoltaic Panels and air source heat pumps for water and cooling. Each dwelling will have an independent Photovoltaic Panel generated supply.
- 6.116 The report concludes that the strategy seeks to deliver an 80% improvement over the associated emissions rate for Part L 1a 2013 compliance, using SAP 10 software, and as such exceeds the requirements of both the Camden Local Plan, the adopted London and the emerging London Plan.

- 6.117 With regard to sustainability, the proposed development seeks to maximise the use of sustainable design and construction principles to ensure the objectives of the adopted and emerging London Plan are achieved. For example, each residential unit will be equipped with reduced water consumption sanitary fittings to meet the requirements for a maximum internal daily water use. The roof of the proposed storey will further incorporate areas of brown and green roofing, where possible, and hard landscaping materials to minimise contribution to the heat island effect.
- 6.118 In combination therefore, the proposed development seeks to achieve and exceed both the energy and sustainability requirements set out at a local, regional and national level.

### **Transport**

- 6.119 London Plan Policy 6.13 (Parking) states that the Mayor will seek to ensure an appropriate balance is struck between promoting new development and preventing excessive car parking. Within the emerging London Plan, draft Policy VT6 (Vehicle Parking) states that car-free development should be starting point for all development proposals in places that are well-connected by public transport. This relates to Sites with PTAL rating of 5-6.
- 6.120 At a local level, Policy T2 (Parking and Car-free development) requires all new developments in the borough to be car-free.
- 6.121 As set out above, the development will be car-free and as such, accords with the policy requirements set out above. It is our understanding that LBC would seek to secure this through a legal agreement, which would prevent future occupiers from obtaining on-street parking permits. The Applicant is willing to agree to this.
- 6.122 In relation to cycle parking due to the size and nature of the proposal, the scheme does not propose any cycle parking storage. The provision of no cycle parking was confirmed as acceptable within both the appeal of application ref:2016/5317/P, where LBC withdrew the lack of cycle parking storage as a reason for refusal and also during recent pre-application engagement with LBC.

### *Construction Management Plan*

- 6.123 Policy A1 (Managing the impact of development) of the LBC Local Plan states that the Council will consider the impacts of the construction phase, including the use of a Construction Management Plan, to ensure that proposals do not give rise to unacceptable impacts on the quality of life of both occupiers and neighbours of a development.
- 6.124 Paragraph 6.13 of the Local Plan further outlines that Construction Management Plan may be sought for the following types of developments:
- Major developments;
  - Basement developments;
  - Developments involving listed buildings or adjacent to listed buildings;
  - Developments that could affect wildlife;
  - Developments with poor or limited access on site;
  - Developments which are accessed via narrow residential streets;
  - Developments in areas with a high number of existing active construction sites; and
  - Developments that could cause significant disturbance due to their location or the anticipated length of the demolition, excavation or construction period.
- 6.125 As set out above, one of the reasons for refusal of application ref:2016/5317/P was that the proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would fail to secure adequate provision for the safety of pedestrians and protect their amenity.
- 6.126 A draft Construction Management Plan is provided as part of this submission, which demonstrates that during the demolition and construction phase of the scheme will not give rise to any unacceptable impacts on the residents within Warren Court, the surrounding residents or the local road and transport network.

### **Servicing, Refuse and Recycling**

- 6.127 The refuse and recycling collection arrangements for the proposed replacement sixth storey will be incorporated within the existing arrangements. This is considered acceptable as the proposal, when considered as part of the wider Warren Court development, would not result in a material increase in the creation of waste.



# 7.0 SUMMARY & CONCLUSIONS

- 7.1 The Proposed Development to which this Statement relates seeks permission for the demolition of the existing sixth storey and a replacement storey to provide four (three additional) residential units.
- 7.2 The Planning Statement has assessed the proposals against the adopted Development Plan, as required by Section 38(6) of the Planning and Compulsory Purchase Act.
- 7.3 The Scheme has been formulated in accordance with the NPPF, the adopted and emerging London Plan and policies contained with LBC's Local plan and supporting guidance.
- 7.4 As set out within this Statement, the Application seeks to address the reasons for refusal for dismissal of appeal ref: APP/X5210/W/17/3176366 which solely related to:
- The proposal failing to preserve the character and appearance of the host building; and
  - The proposal having significant adverse effects in regards to daylight and outlook of the proposed residential units.
- 7.5 Taking each reason for dismissal in turn, through ensuring the replacement storey draws upon the host building's integral architectural features, the proposal preserves the building's strong distinctive character. The scheme therefore delivers an appropriately proportioned and well- designed replacement storey which addresses in terms of design one of the reason for dismissal within the previous appeal.
- 7.6 With regard to daylight and outlook (the second of the Inspector's reasons for refusal), the impacts of the scheme on the existing building have been significantly reduced as a result of the replacement storey being reduced from two storeys to a single storey. The scheme therefore does not give rise to any unacceptable impacts in relation to daylight or sunlight on either the proposed development or the neighbouring property of 295 Euston Road.
- 7.7 The scheme has been carefully designed to ensure that the residents continue to enjoy a reasonable open outlook and through reducing the proposal from a two storey to a single storey the concerns raised by the Inspector in regard to outlook have been addressed.
- 7.8 In combination therefore, the above demonstrates that the Inspector's second reason for refusal has been addressed as part of this application. We therefore conclude that the scheme delivers a policy compliant application which addresses where required both the concerns of the LPA during pre-application engagement and the reasons for refusal of application ref:2016/5317 and then the subsequent dismissal of appeal ref: APP/X5210/W/17/3176366.
- 7.9 Having regard to assessment undertaken within this Statement, we consider the planning benefits arising from the scheme can be summarised as follows:
- Delivering sustainable development within London, in line with the overarching approach to development outlined in the NPPF;
  - Delivering a scheme which responds to reasons of refusal from both LBC and the Planning Inspectorate;
  - Delivering a development that would contribute positively to the delivery of housing in Camden, consistent with its strategic objectives;
  - Delivering a high quality design which promotes sustainability measures throughout its design, construction and lifetime of the building;
  - Delivering a design of high quality architecture that would be well-related to the surrounding context, including the character and appearance of the neighbouring appearance of the conservation area;
  - Delivering the development of four high quality residential units, consistent with the strategic objections of all tiers of planning policy, promoting residential development within accessible and sustainable locations;
  - Assisting in achieving LBC's housing targets through the provision of additional housing on a 'small site', which diversifies the location and sources of housing supply and supports small and medium sized developers; and

- Delivering sustainable travel objectives of national, regional and local planning policy through delivering a car free development.

7.10 In light of the above, we request that LBC grants planning permission for the Proposed Development.

# APPENDIX 1.0

## Decision Notice

Montagu Evans LLP  
5 Bolton Street  
London  
W1J 8BA

Application Ref: **2016/5317/P**  
Please ask for: **Ian Gracie**  
Telephone: 020 7974 **2507**

17 February 2017

Dear Sir/Madam

## **DECISION**

Town and Country Planning Act 1990 (as amended)

### **Full Planning Permission Refused**

Address:  
**Warren Court**  
**Euston Road**  
**London**  
**NW1 3AA**

Proposal:

Erection of two storey roof extension comprising 2 x 3-bed units following demolition of existing single storey roof extension.

Drawing Nos: (Prefix: 706-) 1.001; 1.002; 2.011; 2.100; 2.101; 2.102; 3.101; 3.102; 4.102; 4.103; 4.104; 2.001A; 2.002A; 2.003A; 3.001A; 3.002A; 4.001A; 4.002A; 4.003A; 4.004A.

Reports: Design & Access Statement prepared by Moxley Architects dated September 2016; Planning Statement prepared by Montagu Evans dated August 2016; Heritage and Townscape Assessment prepared by Montagu Evans dated August 2016.

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

#### Reason(s) for Refusal

- 1 The proposed extension, by virtue of its size, bulk, location and design, would appear as an incongruous addition resulting in harm to the character and appearance of the host building and surrounding townscape, including the adjacent



conservation area, and the setting of the adjacent listed buildings contrary to policy CS14 (Promoting high quality places and conserving heritage) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.

- 2 The proposed development, by virtue of its height, location and bulk would cause an unacceptable loss of daylight, sunlight and outlook to neighbouring residential occupiers contrary to policy CS5 (Managing the Impact of Growth and Development) of the London Borough of the 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.
- 3 The lack of cycle parking provision would discourage the ownership and use of cycles in what would be required to be a car-free development, contrary to Policy CS11 (Promoting sustainable and efficient travel) and policies DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Local Development Framework Development Policies.
- 4 The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would fail to secure adequate provision for and safety of pedestrians and protect their amenity, contrary to policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.
- 5 The proposed development, in the absence of a legal agreement to secure car-free housing for the residential units would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies 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.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

*David T. Joyce*

David Joyce  
Executive Director Supporting Communities

# APPENDIX 2.0

## Appeal Decision

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## Appeal Decision

Site visit made on 4 September 2017

**by Beverley Wilders BA (Hons) PgDurp MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 October 2017**

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**Appeal Ref: APP/X5210/W/17/3176366**

**Warren Court, Euston Road, Camden, London NW1 3AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Warren Court Investments LLP against the decision of the Council of the London Borough of Camden.
  - The application Ref 2016/5317/P, dated 31 August 2016, was refused by notice dated 17 February 2017.
  - The development proposed is demolition of existing sixth floor 2 bed unit and replacement with two storey roof extension to accommodate two x 3 bedroom apartments (additional one unit).
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Camden Local Plan (CLP) was adopted on 3 July 2017 and replaces the Camden Core Strategy 2010 – 2025 and the Camden Development Policies 2010-2025. The CLP was adopted after the application was determined and the appeal was submitted. Though no CLP policies were referred to in the Council's reasons for refusal, in reaching my decision I have had regard to the CLP policies listed within the Council's statement. As the relevant CLP policies were referred to in the Council's statement, I am satisfied that the appellant has had the opportunity to comment on the relevance of them to their case.
3. The Council's decision notice includes five reasons for refusal. The Council has confirmed that it wishes to withdraw reason for refusal number three which relates to cycle parking. I have determined the appeal accordingly.

### Main Issues

4. The main issues are the effect of the proposal on:
  - the character and appearance of the host building and on the surrounding area including the adjacent conservation area and the setting of nearby listed buildings;
  - the living conditions of the occupiers of neighbouring residential properties having regard to daylight, sunlight and outlook.



## Reasons

### *Character and appearance*

5. The appeal site comprises a six storey stone and brick faced flat roofed building with a modest single storey roof extension. The host building comprises Warren Street Underground Station and retail units to the ground floor with residential units above. The appeal site is located in a prominent corner position at the junction of Euston Road and Tottenham Court Road, with Warren Street located to the south. The immediate surrounding area comprises buildings of varying scale and appearance including modern large scale buildings at Euston Tower, University College Hospital and Regent's Place and smaller more traditional buildings on Warren Street.
6. The appeal site is not within a conservation area but is located adjacent to the Fitzroy Square Conservation Area (CA), the boundary of which is on the opposite side of Warren Street and to the west of the site from 68 Warren Street onwards. Numbers 63 to 68 Warren Street are Grade II listed buildings with other buildings near to the appeal site identified as positive contributors to the character and appearance of the CA.
7. The proposed roof extension would have a significantly larger footprint, would be taller and would have a reduced set back from the edge of the host building than the existing roof extension. It would be primarily faced in brick to match the host building with large areas of glazing on the west elevation. Though I note that it has been designed to incorporate similar features and design elements to the host building and whilst it would result in the removal of the existing unsightly plant at roof level, it would nevertheless be a large and dominant roof addition which would significantly alter the proportions and appearance of the host building and would consequently be harmful to its character and appearance. I do not agree with the appellant that the existing building appears unfinished or that there is an unsightly termination of the building at roof level. Rather I consider that the existing flat roof is a strong architectural feature of the host building with the existing roof extension being subordinate to it.
8. The prominent corner location of the appeal site means that the proposed roof extension would also be visible from various vantage points including from within the adjacent CA. However having regard to the mixed character of the immediate surrounding area, to the presence of much taller buildings and structures nearby, to the position of the extension on the roof of the host building and relative to the CA and nearby listed buildings on Warren Street, I consider that the proposal would not result in harm to the character and appearance of the surrounding area or to the setting of the nearby CA and listed buildings. The proposal would generally be viewed against a backdrop of and in the context of much taller buildings of varying designs and I consider that this would mean that its impact on the character and appearance of the surrounding area would be acceptable, albeit that I have still found harm to the character and appearance of the host building itself.
9. Taking the above matters into consideration, I conclude that whilst the proposal would not be harmful to the character and appearance of the surrounding area including the CA and nearby listed buildings, it would have a

significant adverse effect on the character and appearance of the host building. It is therefore contrary to Policy D1 of the CLP which states, amongst other things, that the Council will seek to secure high quality design in development that respects local context and character and considers the character and proportions of existing buildings where alterations and extensions are proposed.

### *Living conditions*

10. The existing building at the appeal site and the adjacent property at 295 Euston Road contain a number of residential units, some of which have rooms with windows facing onto an internal lightwell. A daylight and sunlight analysis (DSA) was submitted with the application with an addendum to it submitted with the appeal.
11. It appears that a number of existing flats within Warren Court (WC) that are to be retained have bedroom, kitchen and bathroom windows facing onto the lightwell with no other light or outlook sources to these rooms. In addition it appears that hallway, bedroom and kitchen windows at No 295 face onto the lightwell.
12. The DSA and addendum refer to the Building Research Establishment guidelines in relation to daylight and sunlight (BRE guidelines) and conclude that the proposal is BRE compliant from a sunlight perspective and that affected rooms in WC and No 295 would retain sufficient daylight. The DSA has assessed daylight levels by calculating the vertical sky component (VSC), the average daylight factor (ADF) and no sky-line percentage (NSL).
13. All of the rooms surveyed have a VSC of less than 27% and would have a VSC of less than 80% of their former value following the proposal. I note that the BRE guidelines state that if the VSC with the new development in place is both less than 27% and less than 0.8 times its former value then occupants will notice the reduction in the amount of skylight. The BRE guidelines also recommend a minimum ADF of 2% for kitchens and 1% for bedrooms. Some of the affected kitchens and bedrooms within WC have ADFs above the recommended minimum, a number of which would have ADFs below the minimum following the proposal. All of the surveyed rooms within WC and a third floor bedroom and fourth floor kitchen at No 295 would have an increase in NSL following the proposal.
14. The appellant argues that the affected rooms are not primary habitable rooms and that they already experience low daylight levels meaning that any further reduction in levels would not significantly affect living conditions. However I do not agree. It is clear from the results of the DSA that a significant number of rooms within WC and No 295 would have reduced daylight levels following the proposal and that the reduction would be noticeable to the occupiers. Though I note that the kitchens affected do not appear to be large enough to include a dining function, a number of bedrooms with no other light sources would nevertheless be affected. The fact that many of the rooms facing onto the lightwell already experience reduced daylight levels means that any further reduction in daylight is likely to have a significant impact on and be harmful to living conditions.

15. The addendum to the DSA concludes that affected rooms within WC and No 295 would retain sufficient sunlight and I have no reason to disagree with the findings of the addendum.
16. With regard to outlook, whilst I accept that this is already restricted from the windows in lower floors facing onto the lightwell, I noted at my site visit that the scale and position of the existing roof extension means that some of the windows in the upper floors currently enjoy a reasonably open outlook above the existing roof of the host building. This outlook would be significantly reduced by the proposal and this reduction would be harmful to living conditions. The fact that other rooms within the residential units have a more open outlook unaffected by the proposal would not overcome the harm to outlook that I have identified.
17. Taking the above matters into consideration, I conclude that whilst the proposal would not adversely affect the living conditions of the occupiers of neighbouring residential properties having regard to sunlight, it would have a significant adverse effect having regard to daylight and outlook. It is therefore contrary to Policy A1 of the CLP which seeks, amongst other things, to protect the amenity of residents and development proposals to consider outlook and daylight.

### **Other Matters**

18. Reasons for refusal four and five of the Council's decision notice refer to the lack of a legal agreement to secure a construction management plan (CMP) and car free housing. The appellant considers that a CMP could be secured by the imposition of a suitably worded condition and has submitted a Planning Obligation with the appeal relating to car free housing. Whilst the submitted obligation has been signed it has not been dated.
19. The Council does not consider the use of a condition requiring a CMP to be acceptable and has prepared and submitted a draft Planning Obligation relating to a CMP and to car free housing. The obligation is not complete and the appellant has confirmed that they are unwilling to sign it.
20. However as I am dismissing the appeal based on my findings on the main issues, there is no need for me to consider the matter of the CMP or the submitted obligations further as my finding on these issues would not affect the outcome of the appeal.
21. In reaching my decision I have had regard to the fact that the proposal would provide additional residential accommodation in an accessible location and would help to meet housing need. It would also bring some modest economic benefits. However these benefits would not outweigh the harm identified.

### **Conclusion**

22. The proposal would fail to preserve the character and appearance of the host building and would have a significant adverse effect on the living conditions of the occupiers of neighbouring residential properties having regard to daylight and outlook.
23. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Beverley Wilders*

INSPECTOR

**MONTAGU EVANS**  
**5 BOLTON STREET**  
**LONDON**  
**W1J 8BA**



**London | Edinburgh | Glasgow | Manchester**

WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.  
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.