

APPEAL BY MR BACON

**AGAINST THE DECISION OF THE LONDON BOROUGH OF CAMDEN
FULL PLANNING PERMISSION**

**Proposed extension to lift core and the forming of glazed corridor link
and lift lobby with one additional student room to fourth floor of existing
student accommodation**

2-12 HARMOOD STREET & 34 CHALK FARM ROAD, LONDON, NW1 8DJ

PINS REF:	TBC
LPA APPLICATION REF:	2020/0046/P
DATE OF DECISION:	12 AUGUST 2020

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1.0 SITE & SURROUNDINGS

- 1.1 In terms of context the appeal site is located within the administrative area of the London Borough of Camden, a Borough in north-west London (partly within inner London) divided into 18 three-member wards. The appeal site is located within the administrative ward of Haverstock.
- 1.2 The ward of Haverstock is a suburban area of north London, primarily residential in character but with a mix of commerce and industry. The ward is located east of Belsize Park, north of Chalk Farm and west of Kentish Town. It is well connected, benefiting from several bus routes as well as underground and overground rail services into and out of central London. Accordingly, the site has a Public Transport Accessibility Level (PTAL) rating of 6a which is equivalent to 'excellent' accessibility, highlighting the highly sustainable location of the appeal site.
- 1.3 The appeal site is located on the north side of Chalk Farm Road close to its junction with Harmood Street and comprises a four-storey building in commercial use at ground floor and student accommodation above.
- 1.4 The site is not within a conservation area, but the Harmood Street Conservation Area (designated in 2005) adjoins the site to the north.
- 1.5 The existing building is bounded by Chalk Farm Road to the south, a busy arterial route between Camden Town and North London. The entrance to the building is bounded by the Lock Tavern public house to the west and by a restaurant to the east. To the south, on the opposite side of Chalk Farm Road, are the Stables and Camden Lock Markets.
- 1.6 Overall, the surrounding area is mixed in character, appearance, materiality and activity ranging from the residential streets of Harmood Street and Hartland Road to the commercial and lively Chalk Farm Road. There is no prevailing architectural style with each street offering its own distinct townscape.

2.0 THE APPLICATION

- 2.1 The application was received by the LPA on 6 January 2020 and registered on 18 March 2020. The application was assigned reference number 2020/0046/P.
- 2.2 The application sought full planning permission for an *extension to the lift core and the forming of a glazed corridor link and lift lobby with one additional student room to the fourth floor of existing student accommodation.*
- 2.3 The description of development was later changed by the local planning authority to the *'erection glazed link extensions, new lift shaft including the increase in height of existing flue/ventilation duct all associated with the additional student accommodation (sui generis) at roof level'.*

2.4 The application was refused on 12 August 2020 for the following reasons:

1. *The proposed development, by virtue of its height, mass, scale and detailed design, would be detrimental to the character and appearance of the host building, streetscene and wider area while failing to either preserve or enhance the character and appearance of the adjacent Harwood Street Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.*
2. *Insufficient information has been submitted to demonstrate that the proposed roof extension would not cause harm to the amenity of the occupiers of existing adjacent residential dwellings along Hartland Road in terms of a loss of daylight to habitable rooms, contrary to policy A1 (managing the impact of development) of the Local Plan 2017.*
3. *Insufficient details have been submitted to demonstrate that the proposal would be sustainable development. As such, the scheme would fail to be sustainable in its use of resources, contrary to policies CC1 (Climate change mitigation), CC2 (Adapting to climate change), CC3 (Water and flooding) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*
4. *The proposed development, in the absence of a legal agreement to secure a carfree development, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.*
5. *The proposed development, in the absence of a legal agreement securing a student management plan, would fail to protect the amenities of the surrounding area contrary to policies A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.*
6. *The proposed development, in the absence of a legal agreement for defining that the occupation of the student units would be restricted to students in full or part time higher education at specific education institutions and no part of the property to be sold as a separate self-contained unit, would fail to supply appropriate student housing and lead to accommodation that would be inappropriate for private use, contrary to policies H9 (Student Housing) and D1 (Design) of Camden Local Plan 2017.*

2.5 It is noted that the reasons for refusal reference development plan policies in their entirety. Each of those policies contain several criteria, the relevancy of which are addressed at sections 5 and 6 of this statement.

2.6 In refusing the application, the LPA set out, under informative note 2 that:

You are advised that reasons for refusal 4-6 could be overcome by entering into a s106 agreement.

- 2.7 A draft unilateral undertaking is currently being negotiated with the LPA and, in accordance with the Planning Inspectorates Procedural Guide, will be submitted in support of the appeal within 7 weeks of the start date. It is expected that this will fully overcome reasons for refusal 4-6. For this reason, the remainder of this statement will focus on the enduring reasons for refusal.

3.0 PLANNING HISTORY

- 3.1 The appeal site has been the subject of a detailed planning history which is set out in chronological order below.
- 3.2 On 23 September 2008 full planning permission was granted, under application reference 2008/2981/P, for *the erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities following demolition of existing buildings.*
- 3.3 Subsequently, an application was submitted on 31 July 2013, under application reference 2013/4467/P, for a rear extension at 4th floor level to provide two additional student units. A resolution to grant the application was reached but a decision never issued. A lawful development certificate has since been issued for those works under application reference 2020/4233/P on 19 October 2020.
- 3.4 On 9 October 2012, full planning permission was granted, under application reference 2012/0974/P, for *the redevelopment of a petrol filling station site with a basement plus 4-storey mixed-use building, comprising 6 x retail units (Class A1/A3) at basement and ground floor level and 40 student residential units at mezzanine, first, second and third floor level with cycle storage in the basement.*
- 3.5 On 24 December 2012, a full planning application was refused under reference 2012/5639/P for the erection of a roof extension to provide an additional five single occupancy student accommodation units to the existing building.
- 3.6 On 14 October 2020, full planning permission was granted, under application reference 2020/1192/P, for the conversion of lower ground floor storage/utility rooms to 7 additional student accommodation rooms.

4.0 NATIONAL PLANNING POLICY/LEGISLATION

LEGISLATION

- 4.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

The National Planning Policy Framework (NPPF)

- 4.3 The following paragraphs of the National Planning Policy Framework (hereafter referred to as the NPPF) are considered relevant to this case.

The presumption in favour of sustainable development:

- 4.4 Paragraphs 7-14 introduce a presumption in favour of sustainable development. Paragraphs 8, 9 & 11 are helpful in applying this presumption.
- 4.5 Paragraph 11 sets out how this is to be applied. It states that, *for decision-taking, this means:*
- *Approving development proposals that accord with an up-to-date development plan without delay; or*
 - *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless*
 - *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 4.6 The NPPF introduces 3 dimensions to 'Sustainable development' (Economic, Environmental & Social - paragraph 8), and advises that they are interdependent and should be pursued in mutually supportive ways.
- 4.7 In applying this approach, firstly, development must be considered to be sustainable taking into account all three of the dimensions of sustainable development; a development that is sustainable in only one dimension would not be considered sustainable for the purposes of the presumption. The appellant considers that the development meets all three threads of sustainable development.

- 4.8 Secondly, the decision-taker is required to consider whether the development accords with an up-to-date development plan – and if it does permission should be granted unless material considerations indicate otherwise. The appellant considers that the development accords with the development plan.
- 4.9 Thirdly, the decision-taker is required to determine whether there are any relevant development plan policies, or the policies which are most important for determining the application, that are out-of-date, and thereafter grant permission unless:
- *the application of policies in this Framework (NPPF) 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.*
- 4.10 Section 5 refers to housing. With regard to delivering a wide choice of high-quality homes, paragraph 59 re-iterates the governments objective of significantly boosting the supply of homes and states the importance of a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without delay. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, students).
- 4.11 Section 11 refers to the effective use of land and states at paragraph 117 that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. It states further at 118(c) that policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
- 4.12 Section 12 refers to achieving well-designed places. Paragraph 127, criterion c, states that *planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.*
- 4.13 Criterion d of paragraph 127 states that *planning policies and decisions should 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.*
- 4.14 Criterion f of paragraph 127 states that *planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.*

- 4.15 Paragraph 130 states that *permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Paragraph 130 states further that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.*
- 4.16 Section 16 refers to the historic environment and requires the decision maker to consider whether the proposal sustains and enhances the significance of the heritage asset, making a balanced judgement having regard to the scale of harm or loss and the significance of the heritage asset (paras 193-197).

5.0 THE DEVELOPMENT PLAN

- 5.1 The Camden Local Plan 2017 and Camden's Supplementary Planning Documents, together with the Mayor's London Plan, form the statutory development plan for the Borough.

Camden Local Plan 2017

- 5.2 The Camden Local Plan sets out the Council's planning policies and covers the period from 2016-2031. It was adopted on 3 July 2017 following examination by an independent planning inspector.
- 5.3 The reasons for refusal refer to Policies A1, D1, D2, CC1, CC2, CC3, T1, T2, H9 and DM1 which relate to the general impacts of development, design, the historic environment, highways impact, student housing, climate change and flooding and are attached in full at **appendix 1**.

London Plan 2016

- 5.4 The London Plan is the spatial development strategy for London. It recognises the pressing need for more homes in London in order to promote opportunity under policy 3.3 and identifies a need to take into account local context and character in optimising housing output.
- 5.5 The Plan, under paragraph 3.52 states that:

London's universities make a significant contribution to its economy and labour market. It is important that their attractiveness and potential growth are not compromised by inadequate provision for new student accommodation. While there is uncertainty over future growth in the London student population and its specialist accommodation needs, including the unmet demand, there could be a requirement for some 20,000 – 31,000 places over the 10 years to 2025. New provision may also tend to reduce pressure on other elements of the housing stock currently occupied by students, especially in the private rented sector.

The SHLAA has identified a pipeline of circa 20,000 student bed spaces 2015–2025.

- 5.6 The reasons for refusal do not however refer to London Plan policies.

Emerging London Plan

- 5.7 While the 2016 London Plan is still the adopted Development Plan and carries full weight, the Draft London Plan is nevertheless a material consideration in planning decisions. The significance given to it is a matter for the decision maker, but it gains more weight as it moves through the process to adoption. In December 2019, the Mayor issued his intention to publish the New London Plan to the Secretary of State and in its current form, it therefore carries significant weight.

- 5.8 In terms of the need for student housing the new London Plan states under paragraph 4.1.1:

The Mayor has carried out a London-wide Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA). The SHMA has identified need for 66,000 additional homes per year. The SHMA covers overall housing need as well as exploring specific requirements for purpose-built student accommodation and specialist older persons accommodation within the overall figure.

- 5.9 Policy H15 refers specifically to purpose-built student accommodation and encourages student accommodation in locations well connected to local services by walking, cycling and public transport, as part of mixed-use regeneration and redevelopment schemes. In addition, the plan reiterates the importance that higher education makes to London's economy and labour market and the corresponding importance of ensuring adequate student housing is provided. It states at paragraph 4.15.1 that housing need of students in London, whether in Purpose-Built Student Accommodation (PBSA) or shared conventional housing, is an element of the overall housing need for London determined in the 2017 London SHMA.

- 5.10 The overall strategic requirement for PBSA in London has been established through the work of the Mayor's Academic Forum, and a requirement for 3,500 PBSA bed spaces to be provided annually over the Plan period has been identified.

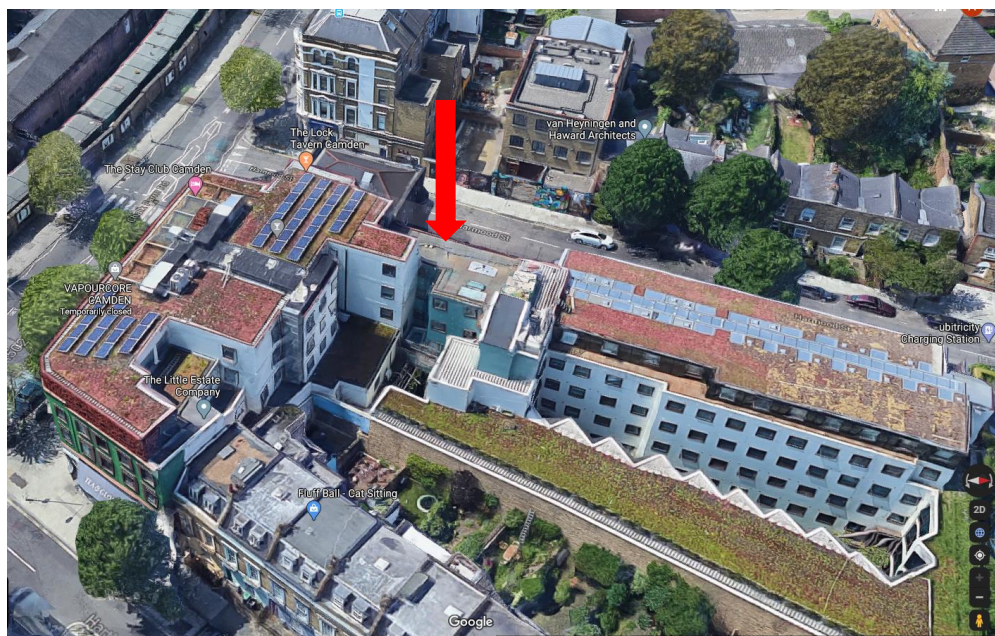
- 5.11 The Plan also emphasises the need to develop sites at a higher density, particularly on sites near to town centres or good public transport, reducing the need for car parking spaces within developments.

6.0 THE APPELLANTS CASE

Reason for refusal 1: The proposed development, by virtue of its height, mass, scale and detailed design, would be detrimental to the character and appearance of the host building, streetscene and wider area while failing to either preserve or enhance the character and appearance of the adjacent Harmood Street Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.

- 6.1 The harm identified in the council's reason for refusal is levelled at the host building, the streetscene and the Harmood Street Conservation Area.
- 6.2 Firstly, to more accurately disseminate the policy context, Policy D1 of the Local Plan refers to design and seeks to ensure high quality design in development. Criteria a requires development to respect local context and character; criteria b to preserve or enhance the historic environment; e to comprise of detail/materials that are of high quality and complement the local character; f to interact well with surrounding streets and contribute positively to the street frontage; and k to maximise opportunity for the planting of trees/soft landscaping. Overall, the policy aims to resist development of poor design that fails to take the opportunities available for improving the character and quality of the area and the way it functions.
- 6.3 Policy D2 of the Local Plan refers to heritage and requires the preservation and where appropriate, the enhancement of conservation areas/listed buildings. The policy states that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.
- 6.4 By deduction, it is these elements of the cited Policies that relate specifically to the reason for refusal.
- 6.5 Firstly, it is acknowledged that the appeal site is located next to an attractive conservation area. That attractiveness is principally derived from its small scale residential 'cottage character'.
- 6.6 The appeal site is located outside of the conservation area, largely because it is not reflective of the small-scale residential character of Harmood Street. The appeal site is located directly between two distinct character areas. To the south, the rich mixture of building types and styles, variations in roofline and street width and the irregular curves of frontages provide Chalk Farm Road with a functional charm contextualised by its commercial 'make-up'. This directly contrasts with the late Georgian/early Victorian architecture of Harmood Street which is read as a more consistent architectural presence by virtue of largely consistent built terraces with small front gardens bounded by low brick walls with piers, and occasionally defined by railings. This level of consistency is contextualised further by its residential 'make-up'.

- 6.7 The appeal site is more closely related to the commercial character area in light of its presence at the end of Harwood Street, at the corner of Chalk Farm Road where development character, style and function is significantly different to that of the conservation area. Therefore, any additional built form in this location need not rigidly adhere to the small scale residential cottage style of the adjacent conservation area because the differentiation in character areas already exists.
- 6.8 In dealing with the appeal proposal in isolation, the proposed glazed link would not unbalance the architecture of the building or that of built development surrounding. The structure would be contained within the roof of the existing structure, set back significantly from the Harwood Street elevation, ensuring public views would be limited and by proxy therefore, ensuring that it would not compete with the existing structure for dominance. The building would maintain its existing proportions from the perception of views from both the north and the south and its strong built presence abutting the footpath would be maintained by virtue of the significant set back of the appeal proposal.
- 6.9 In addition, the proposed materiality is deliberately translucent in appearance in order to ensure that it won't compete with the more prominent lower stories where limited views are possible.
- 6.10 Overall, the proposed works are considered to be modest and sympathetically maintain the existing architectural composition of the appeal building by virtue of their simple proportions that complement the detail of the existing building. By virtue of this arrangement, and the established variety and scale of roofscapes in the surroundings, the height, mass and scale of the extension is not considered to have a harmful impact on the host property or the streetscene, rather it is considered it will preserve the character of the area.



Location of appeal proposal

- 6.11 Weight is also given to the significance of the identified heritage asset, that being the Harmood Street Conservation Area and a number of locally listed buildings adjacent. Camden's Conservation Area Statement for Harmood Street highlights that the designation is intended to encompass the residential buildings of Harmood Street and to a lesser extent, those of the surrounding streets. The buildings are therefore understandably understated and modestly scaled. The wider area, including the appeal site, is not located within the conservation area boundary and is more closely associated, in both function and appearance, to the busier commercial hub of Chalk Farm Road. In light of the above, in heritage terms, the impact of the appeal scheme can only be described, at worst, as '*less than substantial*' in terms of the NPPF test where paragraph 196 is engaged.
- 6.12 Paragraph 196 requires the harm of the proposed development to be weighed against the public benefits. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as set out in the NPPF.
- 6.13 There are considerable public benefits associated with the proposed development and these need to be assumed substantial weight.
- 6.14 Firstly, the proposal would deliver social and economic benefits by providing an additional unit of accommodation in an accessible location. In this respect, the development would make a modest contribution to meeting housing requirements in the borough whilst supporting local services and businesses. There would be temporary economic benefits arising from the construction activity required to deliver the development which would generate employment opportunities for the local community and have associated benefits for local services and suppliers in the short term (longer term in relation to the maintenance of buildings). In the longer term, the development would support the local economy in terms of the use of local shops, services and facilities, and overall would contribute towards achieving the economic dimension of sustainable development.
- 6.15 A recent appeal decision (APP/E2530/W/17/3181823), attached at **Appendix 2**, serves to illustrate that providing a supply of housing to meet the needs of present and future generations is a public benefit that delivers social and economic progress, and is capable, in its self, of outweighing harm to the significance of designated heritage assets.
- 6.16 In terms of the balance required by paragraph 196 of the NPPF, it is clear that, in light of the above, the public benefits of the proposal, while limited, would nevertheless outweigh any '*less than substantial*' harm to the significance of the heritage asset that is identified. In any case, the harm to the significance of the conservation area is more realistically '*neutral*' where the balance of public benefit is not engaged.

Reason for refusal 2: *Insufficient information has been submitted in demonstrate that the proposed roof extension would not cause harm to the amenity of the occupiers of existing adjacent residential dwellings along Hartland Road in terms of a loss of daylight to habitable rooms, contrary to policy A1 (managing the impact of development) of the Local Plan 2017.*

- 6.17 Firstly, to more accurately disseminate the policy context, Policy A1 of the Local Plan refers to the *impact of development* and seeks to ensure that standards of amenity are protected, with specific reference to daylight.
- 6.18 Firstly, it must be emphasised that the main body of the building has been constructed under the umbrella of a planning approval. It is only therefore the increase in built development that can be reasonably considered when assessing harm to neighbouring occupiers.
- 6.19 To clarify the impact of the additional built form, a separate Daylight and Sunlight Report from Right of Light Consulting has been provided to support the appeal proposal. The study assesses the impact of the development on the light receivable by neighbouring properties and concludes that all neighbouring windows pass the relevant BRE diffuse daylight and direct sunlight tests. The development also passes the BRE overshadowing to gardens and open spaces test.
- 6.20 The appeal proposals are not therefore considered to materially alter the daylight conditions at the assessed surrounding building façade locations in comparison to the approved scheme. The full Daylight and Sunlight report is attached at **appendix 3** and fully addresses reason for refusal 2.
- 6.21 In the interests of transparency and in an attempt to streamline the process, it is noted that the LPA have had sight of the report via email, attached at **appendix 4**.

Reason for refusal 3: *Insufficient details have been submitted to demonstrate that the proposal would be sustainable development. As such, the scheme would fail to be sustainable in its use of resources, contrary to policies CC1 (Climate change mitigation), CC2 (Adapting to climate change), CC3 (Water and flooding) and DM1 (Delivery and monitoring) of the London Borough of Camden Local Plan 2017.*

- 6.22 The policies referred to in the reason for refusal aim to tackle the causes of climate change in the borough and require compliance with a specific set of standards outlined in the London Plan. However, these policies apply a floorspace/quantum threshold of when a Sustainability/Energy Statement should be sought, none of which are exceeded by the modest appeal proposals.
- 6.23 To clarify, a separate note from Hodkinson, a specialist energy and environment consultancy, has been provided to support the appeal proposals, attached at **appendices 5**.
- 6.24 As per reason for refusal 2, the LPA have had sight of the note (**appendix 4**).

Reasons for refusal 4-6: Relating to the absence of a s106 legal agreement

- 6.25 In refusing the application, the LPA set out, under informative note 2 that:

You are advised that reasons for refusal 4-6 could be overcome by entering into a s106 agreement.

- 6.26 A draft unilateral undertaking is currently being negotiated and as per the Planning Inspectorates Procedural Guide, a certified copy will be submitted in support of the appeal within 7 seven weeks of the start date. It is expected that this will address reasons for refusal 4-6.

7.0 SUMMARY AND CONCLUSION

- 7.1 The LPA consider the appeal proposal to be harmful to the character of the existing building and the wider area; and that inadequate information has been provided to demonstrate that neighbouring properties will not be affected by a loss of daylight, and that the proposal will be environmentally sustainable. They consider therefore that the proposal would be contrary to the development plan.
- 7.2 As set out in this statement, it is considered that it has been demonstrated that the proposed roof development will have limited impact on the character and appearance of the host building or wider area and would not overwhelm either its proportions or its presence in the street scene.
- 7.3 The proposed development would accord with the general principles of the National Planning Policy Framework. The site is located within an inherently sustainable location in close proximity to existing public transport services and is consistent with the objectives of the NPPF and the development plan. The site will contribute to the creation of a socially inclusive community while synchronising the supply of student housing with demand.
- 7.5 Technical notes support the appeal which demonstrates compliance with daylight/sunlight standards and environmental sustainability.
- 7.6 Furthermore, reasons for refusal 4-6 all refer to matters that would normally be expected to be obligated through a legal agreement. The council have acknowledged that the reasons for refusal could be overcome by entering into a legal agreement and a unilateral undertaking will support the appeal.
- 7.8 In summary, the proposed development fulfils the three dimensions of sustainable development as defined by the NPPF and therefore the presumption in favour of sustainable development applies. The proposal is fully in accordance with national and local planning policy providing a scheme that contributes towards the provision of the overall supply of housing and the Inspector is respectfully requested to allow the appeal.

APPENDIX 1: CAMDEN LOCAL PLAN POLICIES

Policy H9 Student housing

The Council will aim to ensure that there is a supply of student housing available at costs to meet the needs of students from a variety of backgrounds in order to support the growth of higher education institutions in Camden and Camden's international academic reputation.

We will seek a supply of student housing to meet or exceed Camden's target of 160 additional places in student housing per year and will support the development of student housing provided that the development:

- a. will not involve the net loss of 2 or more self-contained homes;
- b. will not prejudice the Council's ability to meet the target of 742 additional self-contained homes per year;
- c. will not involve a site identified for self-contained housing through a current planning permission or a development plan document unless it is shown that the site is no longer developable for self-contained housing;
- d. complies with any relevant standards for houses in multiple occupation (HMOs);
- e. serves higher education institutions that are accessible from it;
- f. includes a range of flat layouts including flats with shared facilities wherever practical and appropriate;
- g. has an undertaking in place to provide housing for students at one or more specific education institutions, or otherwise provide a range of accommodation that is affordable to the student body as a whole;
- h. will be accessible to public transport, workplaces, shops, services, and community facilities;
- i. contributes to creating a mixed, inclusive and sustainable community; and
- j. does not create a harmful concentration of such a use in the local area or cause harm to nearby residential amenity.

Where proposed student housing development is not robustly secured as student housing that provides accommodation affordable to the student body in accordance with criterion (g), the Council will expect the development to provide an appropriate amount of affordable housing for general needs having regard to Policy H4 Maximising the supply of affordable housing.

We will resist development that involves the net loss of student housing unless either:

- k. it can be demonstrated that the existing accommodation is incapable of meeting contemporary standards or expectations for student housing; or
- l. adequate replacement accommodation will be provided that satisfies criteria (a) to (j) above;
- m. it can be demonstrated that the accommodation is no longer needed because the needs of students at the institutions that it serves can be better met in existing accommodation elsewhere.

Where the Council is satisfied that a development involving the loss of student housing is justified, we will expect it to create an equivalent amount of floorspace in another permanent housing use, such as self-contained housing (in Use Class C3), including an appropriate amount of affordable housing, having regard to Policy H4.

Policy A1 Managing the impact of development

The Council will seek to protect the quality of life of occupiers and neighbours. We will grant permission for development unless this causes unacceptable harm to amenity.

We will:

- a. seek to ensure that the amenity of communities, occupiers and neighbours is protected;
- b. seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities;
- c. resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network; and
- d. require mitigation measures where necessary.

The factors we will consider include:

- e. visual privacy, outlook;
- f. sunlight, daylight and overshadowing;
- g. artificial lighting levels;
- h. transport impacts, including the use of Transport Assessments, Travel Plans and Delivery and Servicing Management Plans;
- i. impacts of the construction phase, including the use of Construction Management Plans;
- j. noise and vibration levels;
- k. odour, fumes and dust;
- l. microclimate;
- m. contaminated land; and
- n. impact upon water and wastewater infrastructure.

Policy D1 Design

The Council will seek to secure high quality design in development. The Council will require that development:

- a. respects local context and character;
- b. preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage;
- c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;
- d. is of sustainable and durable construction and adaptable to different activities and land uses;
- e. comprises details and materials that are of high quality and complement the local character;
- f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
- g. is inclusive and accessible for all;
- h. promotes health;
- i. is secure and designed to minimise crime and antisocial behaviour;
- j. responds to natural features and preserves gardens and other open space;
- k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,
- l. incorporates outdoor amenity space;
- m. preserves strategic and local views;
- n. for housing, provides a high standard of accommodation; and
- o. carefully integrates building services equipment.

The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Tall buildings

All of Camden is considered sensitive to the development of tall buildings. Tall buildings in Camden will be assessed against the design criteria set out above and we will also give particular attention to:

Policy D2 Heritage

The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.

Designated heritage assets

Designated heritage assets include conservation areas and listed buildings. The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site;
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.

The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

Conservation areas

Conservation areas are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas.

The Council will:

- e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;
- f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;
- g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and
- h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.

Listed Buildings

Listed buildings are designated heritage assets and this section should be read in conjunction with the section above headed 'designated heritage assets'. To preserve or enhance the borough's listed buildings, the Council will:

- i. resist the total or substantial demolition of a listed building;
- j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and
- k. resist development that would cause harm to significance of a listed building through an effect on its setting.

Archaeology

The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.

Other heritage assets and non-designated heritage assets

The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.

The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.

- p. how the building relates to its surroundings, both in terms of how the base of the building fits in with the streetscape and how the top of a tall building affects the skyline;
- q. the historic context of the building's surroundings;
- r. the relationship between the building and hills and views;
- s. the degree to which the building overshadows public spaces, especially open spaces and watercourses; and
- t. the contribution a building makes to pedestrian permeability and improved public accessibility.

In addition to these design considerations tall buildings will be assessed against a range of other relevant policies concerning amenity, mixed use and sustainability.

Public art

The Council will only permit development for artworks, statues or memorials where they protect and enhance the local character and historic environment and contribute to a harmonious and balanced landscape design.

Excellence in design

The Council expects excellence in architecture and design. We will seek to ensure that the significant growth planned for under Policy G1 Delivery and location of growth will be provided through high quality contextual design.

Policy CC1 Climate change mitigation

The Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation.

We will:

- a. promote zero carbon development and require all development to reduce carbon dioxide emissions through following the steps in the energy hierarchy;
- b. require all major development to demonstrate how London Plan targets for carbon dioxide emissions have been met;
- c. ensure that the location of development and mix of land uses minimise the need to travel by car and help to support decentralised energy networks;
- d. support and encourage sensitive energy efficiency improvements to existing buildings;
- e. require all proposals that involve substantial demolition to demonstrate that it is not possible to retain and improve the existing building; and
- f. expect all developments to optimise resource efficiency.

For decentralised energy networks, we will promote decentralised energy by:

- g. working with local organisations and developers to implement decentralised energy networks in the parts of Camden most likely to support them;
- h. protecting existing decentralised energy networks (e.g. at Gower Street, Bloomsbury, King's Cross, Gospel Oak and Somers Town) and safeguarding potential network routes; and
- i. requiring all major developments to assess the feasibility of connecting to an existing decentralised energy network, or where this is not possible establishing a new network.

To ensure that the Council can monitor the effectiveness of renewable and low carbon technologies, major developments will be required to install appropriate monitoring equipment.

Policy CC2 Adapting to climate change

The Council will require development to be resilient to climate change.

All development should adopt appropriate climate change adaptation measures such as:

- a. the protection of existing green spaces and promoting new appropriate green infrastructure;
- b. not increasing, and wherever possible reducing, surface water run-off through increasing permeable surfaces and use of Sustainable Drainage Systems;
- c. incorporating bio-diverse roofs, combination green and blue roofs and green walls where appropriate; and
- d. measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy.

Any development involving 5 or more residential units or 500 sqm or more of any additional floorspace is required to demonstrate the above in a Sustainability Statement.

Sustainable design and construction measures

The Council will promote and measure sustainable design and construction by:

- e. ensuring development schemes demonstrate how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation;
- f. encourage new build residential development to use the Home Quality Mark and Passivhaus design standards;
- g. encouraging conversions and extensions of 500 sqm of residential floorspace or above or five or more dwellings to achieve "excellent" in BREEAM domestic refurbishment; and
- h. expecting non-domestic developments of 500 sqm of floorspace or above to achieve "excellent" in BREEAM assessments and encouraging zero carbon in new development from 2019.

Policy CC3 Water and flooding

The Council will seek to ensure that development does not increase flood risk and reduces the risk of flooding where possible.

We will require development to:

- a. incorporate water efficiency measures;
- b. avoid harm to the water environment and improve water quality;
- c. consider the impact of development in areas at risk of flooding (including drainage);
- d. incorporate flood resilient measures in areas prone to flooding;
- e. utilise Sustainable Drainage Systems (SuDS) in line with the drainage hierarchy to achieve a greenfield run-off rate where feasible; and
- f. not locate vulnerable development in flood-prone areas.

Where an assessment of flood risk is required, developments should consider surface water flooding in detail and groundwater flooding where applicable.

The Council will protect the borough's existing drinking water and foul water infrastructure, including the reservoirs at Barrow Hill, Hampstead Heath, Highgate and Kidderpore.

Policy T1 Prioritising walking, cycling and public transport

The Council will promote sustainable transport by prioritising walking, cycling and public transport in the borough.

Walking

In order to promote walking in the borough and improve the pedestrian environment, we will seek to ensure that developments:

- a. improve the pedestrian environment by supporting high quality public realm improvement works;
- b. make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping;
- c. are easy and safe to walk through ('permeable');
- d. are adequately lit;
- e. provide high quality footpaths and pavements that are wide enough for the number of people expected to use them. Features should also be included to assist vulnerable road users where appropriate; and
- f. contribute towards bridges and water crossings where appropriate.

Cycling

In order to promote cycling in the borough and ensure a safe and accessible environment for cyclists, the Council will seek to ensure that development:

- g. provides for and makes contributions towards connected, high quality, convenient and safe cycle routes, in line or exceeding London Cycle Design Standards, including the implementation of the Central London Grid, Quietways Network, Cycle Super Highways and;
- h. provides for accessible, secure cycle parking facilities exceeding minimum standards outlined within the London Plan (Table 6.3) and design requirements outlined within our supplementary planning

document Camden Planning Guidance on transport. Higher levels of provision may also be required in areas well served by cycle route infrastructure, taking into account the size and location of the development;

- i. makes provision for high quality facilities that promote cycle usage including changing rooms, showers, dryers and lockers;
- j. is easy and safe to cycle through ('permeable'); and
- k. contribute towards bridges and water crossings suitable for cycle use where appropriate.

Public Transport

In order to safeguard and promote the provision of public transport in the borough we will seek to ensure that development contributes towards improvements to bus network infrastructure including access to bus stops, shelters, passenger seating, waiting areas, signage and timetable information. Contributions will be sought where the demand for bus services generated by the development is likely to exceed existing capacity. Contributions may also be sought towards the improvement of other forms of public transport in major developments where appropriate.

Where appropriate, development will also be required to provide for interchanging between different modes of transport including facilities to make interchange easy and convenient for all users and maintain passenger comfort.

Policy T2 Parking and car-free development

The Council will limit the availability of parking and require all new developments in the borough to be car-free.

We will:

- a. not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits;
- b. limit on-site parking to:
 - i. spaces designated for disabled people where necessary, and/or
 - ii. essential operational or servicing needs;
- c. support the redevelopment of existing car parks for alternative uses; and
- d. resist the development of boundary treatments and gardens to provide vehicle crossovers and on-site parking.

Policy DM1 Delivery and monitoring

The Council will deliver the vision, objectives and policies of the Local Plan by:

- a. working with a range of partners to ensure that opportunities for creating the conditions for growth and harnessing its benefits for the borough are fully explored;
- b. working with relevant providers to ensure that necessary infrastructure is secured to support Camden's growth and provide the facilities needed for the borough's communities. Information on key infrastructure programmes and projects in the borough up to 2031 are set out in Appendix 1;
- c. working proactively in its actions as a landowner and by facilitating land assembly where considered appropriate;
- d. using planning contributions where appropriate to;
 - i. support sustainable development;
 - ii. secure the infrastructure, facilities and services to meet the needs generated by development;
 - iii. mitigate the impact of development;
- e. secure appropriate scheme implementation (including multi-site developments) and control phasing where necessary;
- f. working with neighbouring boroughs to coordinate delivery across boundaries; and
- g. monitoring the implementation of the Local Plan policies and infrastructure provision on a regular basis.

APPENDIX 2: APPEAL DECISION APP/E2530/W/17/3181823

Separate attachment.

**APPENDIX 3: DAYLIGHT & SUNLIGHT REPORT BY RIGHT OF LIGHT
CONSULTING DATED 14 OCTOBER 2020**

Separate attachment.

APPENDIX 4: EMAIL CORRESPONDENCE WITH LPA

Separate attachment.

**APPENDIX 5: TECHNICAL NOTE FROM HODKINSON CONSULTANCY IN
RESPONSE TO REASON FOR REFUSAL 3**

Separate attachment.