

**WARREN COURT
EUSTON ROAD
LONDON, NW1 3AA**

PLANNING STATEMENT

JANUARY 2023



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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. In 2020, an application (ref. 2020/2431/P) (“the 2020 application”) was submitted which addressed both reasons for the refusal of application 2016/5317/P and dismissal within the subsequent appeal alongside the comments received during pre-application engagement with LBC ensuring a high-quality residential development was brought forward. The 2020 application reached a resolution to grant, however the S106 agreement was not signed within required length of time, resulting in the application being withdrawn by LBC.

1.4 This application therefore seeks to submit the same proposals which reached resolution to grant in the 2020 under ref. 2020/2431/P and seeks to restart the application process, in order that the S106 can be signed, and permission ultimately granted. The Officer’s Report for the 2020 application can be found in Appendix 1. The planning history of the Site is detailed within Section 3 of this statement.

1.5 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. The proposals forming part of this application are identical to the 2020 application which was approved subject to the S106 Agreement. Having reviewed all the material considerations, we believe that the proposals remain entirely acceptable in planning terms.

Purpose and Format of the Planning Statement

1.6 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.

1.7 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.

1.8 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	Acoustics Central
Air Quality Assessment	AQ Consultants
Structural Assessment	Michael Barclay Partnership
Draft Construction Management Plan	HUB Architects
Community Infrastructure Levy Form	Montagu Evans LLP

1.9 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 (2021);
 - The officer's report from the 2020 application was in agreement that the proposed development aligned with sustainability objectives, stating; *"overall, the development would result in an 80% improvement over the associated emission rate for part L 2013 compliance. [...] the proposals also include the installation of green roofs to the flat areas at rooftop level, which is welcomed and will increase the ecological value of the existing site."*
- 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;
 - The officer's report from the 2020 application recognises that the concerns supporting the refusal of the previous application and appeal were addressed in the 2020 application. This is further illustrated by the fact that the 2020 application reached a resolution to grant.
- Deliver a development which would contribute positively to the delivery of housing in Camden, consistent with Camden's strategic objectives;
 - The officer's report from the 2020 application was in agreement that the proposed housing delivery was policy compliant and further stated that; *"the Fitzrovia Area Action Plan promotes the development in Fitzrovia of permanent self-contained housing."* The officer's report from the 2020 application also recommended an affordable housing contribution of £7,632 within the S106 Legal Agreement since affordable housing is not provided on the site. The applicant was in agreement with the recommended contribution.
- Apply a high quality design which promotes sustainability measures throughout its design, construction and lifetime of the building;
 - The officer's report from the 2020 application was in agreement that the proposed development was of high quality design and promoted sustainability measures, the report stated; *"the units would benefit from a high quality outlook."*
- 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);
 - The officer's report from the 2020 application was in agreement that the proposed development was of high quality architectural that would be well-related to the surrounding context, stating; *"the proposals are considered to be of high quality architectural design using durable and well considered materials along with detailing which are sympathetic to the character and appearance of the host building."* The report also states; *"the massing of the extension would not be significantly different from the existing. The use of matching materials and detailing would ensure the extension would be a sympathetic addition to the host building which would not cause harm to the setting of the designated heritage assets."*
- 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;
 - The officer's report from the 2020 application was satisfied that the units were consistent with all tiers of planning policy and promoted residential development within accessible and sustainable locations. The 2020 application resolution to grant demonstrates that the scheme was, and remains, policy compliant and promotes residential development.
- 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;
 - The officer's report from the 2020 application acknowledged the development contributes to housing targets and is considered a residential development on a small site. The report stated; *"Although the majority of the new flats would be lower priority one bedroom units, given the scale of development, its central location above a tube station and adjoining a busy ring road, and existing site constraints, this is considered acceptable in this instance."*

- Deliver sustainable travel objectives of national, regional and local planning policy through a car free development.
 - The officer's report from the 2020 application was in agreement that the development being car free was compliant with planning policy at all tiers and while cycle parking is expected to be provided, in this case, lack of cycle parking provision is acceptable given the restraints of the site.

1.10 **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, demonstrating excellent public transport connections.
- 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 relevant 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
2020/2431/P	Demolition of the existing sixth floor and the erection of a replacement sixth floor extension and associated alterations to provide four self-contained residential flats (Class C3).	16 th December 2021	Withdrawn by LPA

- 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 refusal 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 As set out above, a revised scheme was submitted to the LPA (ref. 2020/2431/P). That application received resolution to grant, however the S106 Agreement was not signed within a reasonable period by all stakeholders and thus the application was withdrawn by LBC. Officers agreed that the application adopted careful design considerations in relation to the replacement sixth storey to ensure the proposal did not give rise to any significant adverse effects with regard to daylight and outlook on the proposed residential units of Warren Court. It was therefore considered by LBC, that the proposal appropriately addresses the reasons for which appeal ref: APP/X5210/W/17/317636 was dismissed, resulting in a resolution to grant and a draft head of terms for the S106 Agreement.

3.7 This application now seeks to re-submit the proposals as agreed under ref. 2020/2431/P in 2021 to reach a resolution to grant and to draft a S106 Agreement with LBC and all other stakeholders concerned.

Pre-Application Engagement

3.8 As discussed prior to the submission of this application, the same proposals had resolution to grant in 2021 under ref. 2020/2431/P. During the application process, the Applicant participated in pre-application discussions with LBC. Pre-application discussions were held with LBC on the 13th 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 6th floor, achieved through demolition and erection of a new 6th storey was considered acceptable; and
- A car free development and the provision of no on-site cycle parking is acceptable.

3.9 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 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 6th 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 'Technical Housing Standards - Nationally Described Space Standard' (March 2015).
- 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 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 2021 and supersedes previous versions. 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 November 2021 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. The PPG was last updated 24th June 2021.

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 (2021);
- Camden Local Plan (2017); and
- Fitzrovia Area Action Plan (2014).

The London Plan was adopted in March 2021. Former London Plan policies within this application have been superseded and replaced by the relevant London Plan 2021.

London Borough of Camden

- 5.7 Very recently, LBC announced their intention to consult on the next iteration of the Local Plan. Currently though, there are no emerging Local Plan policies.

Adopted and Emerging Guidance

- 5.8 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: Shaping Neighbourhoods: Character and Context (June 2014); and
- SPG: Planning for Equality and Diversity in London (October 2007).

5.9 LBC has a number of adopted guidance documents which are material considerations in respect of the Application including:

- Amenity CPG (January 2021);
- Air Quality CPG (January 2021);
- Developers Contributions (March 2019); Energy Efficiency and Adaption (January 2021); and
- Housing CPG (January 2021).

5.10 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

5.11 The Site is subject to the following designations under LBC Policies Map (August 2021):

- Fitzrovia Area Action Plan;
- Safeguarding Area;
- Central London Area;
- 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 development 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 60).

6.4 Paragraph 68 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 74).

6.5 Paragraph 69 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 H1 (Increasing Housing Supply) states that the SHMA identifies *"a need for 66,000 additional homes per year"*. Part 2 of the policy states that boroughs should seek to optimise the potential for housing delivery on all suitable and available brownfield sites.

6.7 The London Plan (2021) Table 4.1 shows the net housing completion target for Camden for the period 2019/20 – 2028/28 is 10,380. This figure translates to approximately 1,038 additional residential units per year highlighting the need for London borough's to provide more homes.

6.8 Within the London Plan, there is a further emphasis on the role 'small sites' can play in the delivery of housing within the capital. London Plan Policy H2 (Small Sites) 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 minimum targets for small sites set out in Table 4.2 as a component of the overall housing targets set out in Table 4.1."*

6.9 Table 4.2 of the London Plan, identifies that the LB of Camden should seek to deliver 3,280 units on small sites over the ten year period from 2019/20 – 2028/29, equating to 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 reason 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 assist 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) and most recently, the resolution to grant established under the 2020 application (ref. 2020/2431/P). 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 73 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 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.
- 6.18 Policy H10 further sets out that boroughs should not set prescriptive dwelling size mix requirements for market and intermediate homes.
- 6.19 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*".
- 6.20 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

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

- 6.21 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 during the course of the last application which was resolved to grant in 2020. The proposal now includes a two-bedroom unit in response to both the requirements of Local Plan Policy H6 and the Dwelling Priority Mix, as set out above.
- 6.22 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 play-space 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.

- 6.23 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

- 6.24 London Plan Policy D6 (Housing quality and standards) and Policy D4 (Delivering good design state that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The London Plan adds under paragraph 3.6.2 that the design of new dwellings should take account of “the *“home as a place of retreat”* and Policy D6 states that new developments should have *“adequately sized rooms with comfortable and functional layouts”*.”
- 6.25 The policy also states that LDFs should incorporate minimum space standards that generally conform to Table 3.1 of the London Plan, which is comparative to the Nationally Described Space Standards, introduced by the Government.
- 6.26 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.
- 6.27 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	37 sqm	41 sqm
Unit 2	Studio	37 sqm	40 sqm
Unit 3	Studio	37 sqm	40 sqm
Unit 4	2B3P	61sqm	65 sqm

- 6.28 As shown in Table 4, all four units would exceed the minimum space standards.
- 6.29 London Plan Policy D7 (Accessible Housing) states that 10% of all new dwellings should be wheelchair accessible to meet Building Regulation requirement M4(3) ‘wheelchair user dwellings’.
- 6.30 London Plan Policy H2 states that:

“Homes located on the ground floor on minor developments should meet the requirements of Policy D7 Accessible housing. Homes that are not on the ground floor on minor developments can comply with the M4(1) standard, which does not require step-free access, where provision of step-free access would be unfeasible.”

- 6.31 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)”*.
- 6.32 In line with the 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 pre-application engagement with LBC or within the determination of both application

ref: 2016/5317/P, the subsequent appeal (ref: APP/X5210/W/17/3176366) and the 2020 application (ref. 2020/2431/P), that received a resolution to grant.

- 6.33 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.
- 6.34 Local Plan 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.
- 6.35 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 (interim, 2010) and LBC's Housing Planning Guidance (2021). There is emerging London Plan Guidance for Housing Design Standards, the consultation draft was published February 2022, the roof terraces meet the standards set out in the emerging guidance.

Affordable Housing

- 6.36 Paragraph 63 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.
- 6.37 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 64.
- 6.38 London Plan Policy H4 (Delivering Affordable Housing) sets a strategic target for 50% of all new homes delivered across London to be affordable.
- 6.39 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.
- 6.40 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

- 6.41 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 130, 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."*

- 6.42 The London Plan sets out its policies regarding design in Chapter 3 (Design) Policies D1 to D1. This includes Policy D4 (Delivering Good Design). The London Plan policies require high quality designs which have regard to form, function and structure of an area.
- 6.43 Policy D5 (Inclusive Design) requires all new development in London to achieve the highest standards of accessible and inclusive design, while Policy D3 (Optimising site capacity through the design-led approach) states that development should *enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.*”.
- 6.44 Policy D3 of the London Plan further states that development should *“respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character” and “be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well.”*
- 6.45 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.
- 6.46 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.
- 6.47 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. The officer’s report for the 2020 application was in agreement that the design is in keeping with the existing context stating “The current design is the result of various iterations, to ensure that the proposed redesign of the setback storey is sensitive and appropriate to Holden and Heaps’ original designs and the character and appearance of the host building. It is considered that the proposed are successful in achieving this objective”. Similarly, the proposed like-for-like materials were considered acceptable.

Architectural Design

- 6.48 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.
- 6.49 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, Crittall windows and a curved U-shaped floorplan at the building’s lower levels.
- 6.50 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.

- 6.51 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.
- 6.52 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.
- 6.53 As mentioned in paragraph 6.47, the officer's report from the 2020 application was supportive of the proposals which are consistent with this application, having addressed previous concerns by respecting the original design of the building.

Townscape

- 6.54 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.
- 6.55 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.
- 6.56 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.
- 6.57 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.
- 6.58 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. The officer's report for the 2020 application expressed support as the proposal were "sympathetic to the existing form of the roof storey and the host building." Similarly, the materials and pattern of windows were considered acceptable as they complement the surrounding townscape and were not considered to be significantly different to the existing building thus not attributing harm,

Designated Heritage Assets

6.59 A strategic policy of the NPPF is to conserve and enhance the historic environment. Paragraph 189 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.”

6.60 Paragraph 194 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.

6.61 Paragraph 199 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.

6.62 London Plan Policy HC1 (Heritage Conservation and Growth) 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.

6.63 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.

6.64 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.

6.65 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.

6.66 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. The officer's report from the 2020 application concluded that the proposals did not cause harm to local heritage assets within the vicinity of the Site due to high quality design and sympathetic materials and detailing which was conducive to the character of the area.

Residential Amenity

6.67 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.

6.68 London Plan Policy D3 (Optimising site capacity through the design-led approach) states that developments should “deliver appropriate outlook, privacy and amenity.” Similarly, London Plan Policy D6 (Housing quality and standards) states that developments should “provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.”

6.69 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.

- 6.70 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

- 6.71 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

- 6.72 295 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 significant loss of light to habitable rooms. The 72% of windows tested would satisfy the default BRE guideline recommendations.
- 6.73 The report concludes that in relation to 295 Euston Road, the scheme is fully BRE compliant and that there are no unacceptable effects to existing natural light amenity. . 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. Furthermore, we understand that this is consistent with the officer's report from the 2020 application.

Warren Court (Host Building)

- 6.74 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.
- 6.75 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) or 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.
- 6.76 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.
- 6.77 We conclude therefore that the scheme addresses the Inspector's reason for refusal with respect to daylight.
- 6.78 With regard to sunlight, ten windows arranged over first to fifth floors have been accessed in accordance with the BRE's ASPH test. The report demonstrates that eight out of ten windows assessed will satisfy the BRE guidelines, with the remaining two windows experiencing a reduction and do not meet BRE guidelines. It should be noted however that these windows serve non-habitable kitchens. 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.

- 6.79 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. The officer's report from the 2020 application accepted the revisions from the 2016 application and concluded that although there was a reduction in daylight / sunlight, the proposals were in accordance with the BRE guidelines, and the reduction would not likely be noticeable.

Outlook

- 6.80 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.
- 6.81 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.
- 6.82 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. The officer's report from the 2020 application were acceptable in amenity terms as the extension was sufficiently reduced from the 2016 application and formed only a single storey.

Overlooking / Privacy

- 6.83 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.
- 6.84 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.
- 6.85 On this basis we consider that the proposals would not have an undue impact in this regard and therefore are acceptable. Likewise, the officer's report from the 2020 application states that "the privacy of existing and future occupants is protected."

Noise

- 6.86 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.
- 6.87 London Plan Policy D14 (Noise) states development proposals should seek to reduce noise by:
- *"mitigating and minimising the existing and potential adverse impacts of noise on, from, within, as a result of, or in the vicinity of new development without placing unreasonable restrictions on existing noise-generating uses;*
 - *separating new noise-sensitive development from major noise sources (such as road, rail, air transport and some types of industrial use) through the use of distance, screening, layout, orientation, uses and materials – in preference to sole reliance on sound insulation; and*

- *Promoting new technologies and improved practices to reduce noise at source, and on the transmission path from source to receiver.”.*

- 6.88 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.
- 6.89 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.
- 6.90 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.
- 6.91 The officer’s report from the 2020 application states that *“the noise report is acceptable [...] the plant will comply with Camden’s noise standards”* therefore concluding that the proposals were acceptable in terms of environmental health.

Air Quality

- 6.92 An Air Quality Assessment has been prepared by AQ Consultants and accompanies this application.
- 6.93 Policy SI1 (Improving Air Quality) of the 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.
- 6.94 Policy SI1 also 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.
- 6.95 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.
- 6.96 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.
- 6.97 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.
- 6.98 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, PM¹⁰ and PM_{2.5} 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.

- 6.99 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. The officer's report from the 2020 application note that the draft CMP would provide appropriate mitigation measures for air quality.

Energy and Sustainability

- 6.100 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.
- 6.101 The NPPF sets out (at Paragraph 154) 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.
- 6.102 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.
- 6.103 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.
- 6.104 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.
- 6.105 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.
- 6.106 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.
- 6.107 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.
- 6.108 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 and the London Plan.
- 6.109 With regard to sustainability, the proposed development seeks to maximise the use of sustainable design and construction principles to ensure the objectives of the 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.

- 6.110 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. The officer's report from the 2020 application concluded that "the development would result in an 80% improvement over the associated emissions rate for Part L1a 2013 compliance" therefore exceeding the minimum requirement of the Camden Local Plan. The proposals also include incorporation of a green roof which increased the ecological value and was considered acceptable.

Transport

- 6.111 London Plan Policy T6 (Car Parking) states that car-free development should be starting point for all development proposals in places that are well-connected by public transport.
- 6.112 At a local level, Policy T2 (Parking and Car-free development) requires all new developments in the borough to be car-free.
- 6.113 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.
- 6.114 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.
- 6.115 The officer's report from the 2020 application noted that the site had constraints preventing cycle parking and this was considered to be acceptable given the circumstances. The officer's report was supportive of a car free development. The S106 Agreement would also include financial contributions for the CMP, the Construction Impact Bond and highways as a result of the sensitive location of the development. It was also proposed in the officer's report to enter into a Section 278 Agreement to repave the highway and pavements.

Construction Management Plan

- 6.116 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.
- 6.117 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.
- 6.118 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.

- 6.119 A draft Construction Management Plan is provided as part of this submission, which demonstrates that the 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

- 6.120 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. The officer's report from the 2020 application noted the proposed services were more energy efficient.

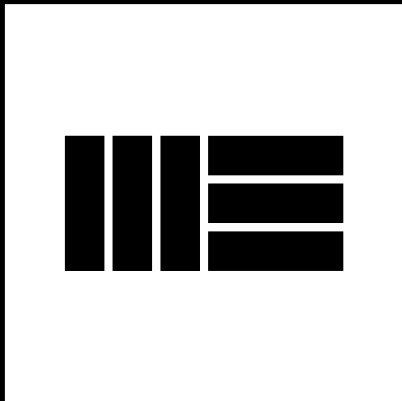
7.0 SUMMARY & CONCLUSIONS

- 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 and the London Plan and policies contained within 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. As discussed in the officer's report for the 2020 application, officers agreed that the scheme did address the concerns raised in the appeal. Furthermore, since the 2020 application's resolution to grant, there have been no changes in policy or any material considerations which would result in the acceptability of the scheme having changed. We therefore understand this scheme is acceptable in planning terms.
- 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 objectives 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.

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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