

Delegated Report		Analysis sheet		Expiry Date:		27/04/2023	
		N/A		Consultation Expiry Date:		18/03/2023	
Officer				Application Number(s)			
Charlotte Meynell				2022/5508/P			
Application Address				Drawing Numbers			
160 Malden Road London NW5 4BT				See decision notice			
PO 3/4	Area Team Signature		C&UD	Authorised Officer Signature			
Proposal(s)							
Erection of 4 storey building to provide 15 self-contained flats at ground, first, second and third floor levels and office use at ground floor level, following demolition of existing MOT repair garage and hand car wash.							
Recommendation(s):		Refuse planning permission					
Application Type:		Full planning permission					
Conditions or Reasons for Refusal:		Refer to Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. of responses	0	No. of objections	0		
Summary of consultation responses:		<p><u>Site notices were displayed on 22/02/2023 and expired on 18/03/2023.</u></p> <p>One objection was received from a neighbouring resident raising the following points:</p> <ul style="list-style-type: none"> The proposed development as designed will have a significant detrimental effect on the gardens of the two adjoining buildings at 162 and 164 Malden Road. These areas are already “hemmed in” by relatively tall buildings including the existing garage. The proposal which increases the height of the exiting building alongside the gardens will significantly diminish the amenity and light to those areas. This element of the proposal provides for 1st floor flat 4 and terrace at 2nd floor to unit 9 as shown on the plan. The scheme should be amended to continue the rear wall at 1st floor level as for the remainder of the facade with some provision so the privacy of the gardens is preserved from overlooking from the terrace areas. 					

Thames Water

Waste comments

- No objection based on information provided, to the combined waste water network infrastructure capacity.
- The proposed development is located within 15 metres of a strategic sewer. A condition is required to be added to any planning permission to secure the submission and approval of a piling method statement before the commencement of piling.
- There may be public sewers crossing or close to the development. If a sewer is discovered, Thames Water will need to check that the development doesn't limit repair or maintenance activities, or inhibit the services they provide in any other way. Recommends reading guide to 'working near or diverting our pipes'.

Water comments

- Must notify Thames Water if planning on using mains water for construction purposes.
- The proposed development is located within 15 metres of Thames Waters underground water assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Recommends reading guide 'working near our assets'.
- With regard to water network and water treatment infrastructure capacity, no objections are raised.
- The developer should take account of this minimum pressure in the design of the proposed development (10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes).

Supplementary comments

- The above is based on achieving a maximum surface water flow rate of 3l/s. Should this proposal change, Thames Water would need to be notified to review our position.

Site Description

The site is located on the north-eastern side of Malden Road, opposite the junction with Malden Place. Wellesley Place is adjacent to the site to the south-east, and Gospel Oak Open Space is located on the opposite side of Wellesley Place.

The site is L-shaped and is located immediately in front of the Wellesley Road Care Home, which was re-built in 2010 and has an entrance onto Wellesley Place. The site is currently occupied by a single-storey MOT garage and car wash.

The site has a PTAL rating of 3, which indicates a medium level of public transport accessibility. The nearest station is Gospel Oak, located to the north east of the site, whilst the nearest bus stops are located on Malden Road, Agincourt Road and Prince of Wales Road.

The site is not situated within a conservation area and there are no listed buildings within close proximity.

Relevant History

Site History:

2020/2451/PRE - Demolition of MOT garage and car wash (Class Sui Generis) and erection of 24 flats (Class C3) (studio flats to three bedrooms flats). **Pre-application advice issued 10/11/2020**

Conclusion: The proposal is unacceptable in terms of scale, bulk and massing and the proposed stepped design does not relate well to the existing context. It would have a harmful impact on the

residential amenity of the neighbouring occupiers, especially the residents of the adjacent Wellesley Road Care Home, in terms of loss of daylight, sunlight, outlook and privacy. It is suggested that future proposals are significantly reduced in size and scale and should carefully consider the impact of any new building on the residential amenity of the neighbouring buildings.

The proposed dwellings would provide a poor standard of accommodation to future occupiers and the proposals should be revised to reduce the number of proposed units and increase their size to meet nationally described space standards.

In terms of land use, whilst the provision of housing is supported, the loss of the existing employment floorspace has not been justified and the proposal is therefore currently unacceptable in principle, and would not be supported at application stage.

PEX0100411 - The retention of a canvas cover supported by 8 poles measuring a maximum of 3.6 meters over the car washing forecourt area to the existing garage. **Planning permission granted 04/12/2001**

PE9900149 - Erection of security fencing. **Planning permission granted 31/07/2000**

9501346 - The erection of an extension at the rear to be used in connection with the existing motor repair garage. **Planning permission refused 02/02/1996**

TP80813/8489 - The establishment and erection of a petroleum-filling Station, Service Station, showroom and stores and the formation of new accesses to Malden Road and Wellesley Place, on the site of the Court Cinema, 160A Malden Road, St. Pancras. **Planning permission granted 25/10/1957**

Relevant policies

National Planning Policy Framework 2021

Technical Housing Standards – Nationally Described Space Standards

The London Plan 2021

Camden Local Plan 2017

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

A4 Noise and vibration

C5 Safety and security

C6 Access for all

D1 Design

D2 Heritage

E2 Employment Premises and Sites

H1 Maximising housing supply

H4 Maximising the supply of affordable housing

H6 Housing choice and mix

H7 Large and small homes

CC1 Climate Change Mitigation

CC2 Adapting to climate change

CC3 Water and flooding

CC4 Air quality

CC5 Waste

T1 Prioritising walking, cycling and public transport

T2 Parking and car free development

T3 Transport infrastructure

T4 Sustainable movement of goods and services

Camden Planning Guidance

CPG Access for All (2019)

CPG Air Quality (2021)

CPG Amenity (2021)

CPG Biodiversity (2018)

CPG Design (2021)

CPG Developer Contributions (2019)

CPG Employment Sites and Business Premises (2021)

CPG Energy Efficiency and Adaptation (2021)

CPG Housing (2021)

CPG Planning for Health and Wellbeing (2021)

CPG Public Open Space (2021)

CPG Transport (2021)

CPG Trees (2019)

CPG Water and Flooding (2019)

Assessment

1.0 Proposal

- 1.1 Planning permission is sought for the erection of 4 storey building to provide 15 self-contained flats at ground, first, second and third floor levels (Class C3) and a 184sqm office unit (Class E) at ground floor level, following the demolition of existing MOT repair garage and hand car wash (Class B2).
- 1.2 The proposed building would be situated to the front of the site and would extend the existing terrace. The proposed building would occupy the majority of the site, with a part-single-storey/part-2-storey rear projection extending to the north-west, following the L-shape of the site. The building would be setback from the street at 4th floor level with arches incorporated into the design at this level. The building would be constructed with beige facing bricks and the infills and recessed wall on the 4th floor would be made of composite fire resistant dark grey metal panels. All openings to the front, rear and eastern side of the building would incorporate full-height glazing with dark grey frames.
- 1.3 All residential units and the office unit would benefit from private amenity spaces in the form of gardens, balconies or roof terraces. A communal roof terrace would also be provided to the rear at first floor level.
- 1.4 The proposed dwelling mix is as follows:

Flat 1	3-bed 5-person	Ground Floor
Flat 2	3-bed 5-person	Ground Floor
Flat 3	2-bed 4-person	Ground Floor
Flat 4	3-bed 5-person	First Floor
Flat 5	1-bed 2-person	First Floor
Flat 6	2-bed 3-person	First Floor
Flat 7	2-bed 3-person	First Floor
Flat 8	2-bed 3-person	First Floor
Flat 9	2-bed 4-person	Second Floor
Flat 10	2-bed 3-person	Second Floor

Flat 11	2-bed 3-person	Second Floor
Flat 12	2-bed 3-person	Second Floor
Flat 13	2-bed 3-person	Third Floor
Flat 14	1-bed 2-person	Third Floor
Flat 15	3-bed 6-person	Third Floor

- 1.5 A new bin store and bike store would be incorporated within the ground floor of the building, accessed from Malden Road.

2.0 Assessment

The material considerations for this application are summarised as follows:

- Land Use
- Design
- Housing (including affordable housing, dwelling mix, quality of living accommodation)
- Impact on neighbours
- Transport and highway implications
- Trees and Landscaping
- Open Space
- Land Contamination
- Energy and Sustainability
- Flood Risk and Drainage
- Air Quality
- Employment and Training Opportunities
- Fire Safety

3.0 Land Use

Proposed residential use

- 3.1 Policy G1 of the Local Plan promotes the most efficient use of land in the borough and housing is regarded as the priority land use of the Local Plan. Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings.
- 3.2 The support at local policy level for developing housing on underused land reflects a key objective of the NPPF 2021 which is to make effective use of land. 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. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes'.
- 3.3 The Housing Delivery Test (HDT) is an annual measurement of housing delivery in the area of relevant plan-making authorities introduced by the government. It measures whether planned requirements (or, in some cases, local housing need) have been met over the last 3 years. The government's most recently published figure is for 2021, when the measurement for Camden was 76% - which means that Camden has to produce an action plan and apply a 20% buffer to its 5-year housing land supply. The housing land supply set out in the Authority Monitoring Report concludes the amount of deliverable housing land in the borough falls substantially short of what is needed for a 5-year supply. This means the presumption in favour of granting permission for development under paragraph 11(d) of the NPPF is engaged.
- 3.4 The provision of housing should be given significant weight. The NPPF indicates that applications

should be granted unless their adverse impacts would significantly and demonstrably outweigh their benefits when assessed against NPPF policies as a whole.

Loss of existing employment use

- 3.5 Local Plan policy E2 details the Council's approach to maintaining and securing a range of premises for businesses to support Camden's economy and provide employment opportunities for the borough's residents. It outlines how the Council will encourage the provision of employment premises and sites in the borough and resist development of business premises and sites for non-business use unless it is demonstrated to the Council's satisfaction that the site is no longer suitable for its business use and the possibility of retaining, reusing or redeveloping the building for similar or alternative business use has been explored over an appropriate period of time.
- 3.6 Paragraph 5.37 of policy E2 states that when assessing proposals that involve the loss of a business use to a non-business use, the Council will consider whether there is potential for that use to continue, and will take into account various factors including: the suitability of the location for any business premises; whether the premises are in a reasonable condition to allow the use to continue; the range of unit sizes it provides; and whether the business use is well related to nearby land uses.
- 3.7 Paragraph 5.40 of policy E2 states that where premises or sites are suitable for continued business use, the Council will consider higher intensity redevelopment schemes which improve functional efficiency, maintain or, preferably, increase the amount of employment floorspace and number of jobs and provide other priority uses such as housing, where this would not prejudice the continued operation of businesses on the site. The reprovided employment floorspace should be designed flexibly to be able to accommodate a range of business types and sizes, in particular small and medium-sized enterprises (SMEs) and businesses in growth sectors such as the creative industries.
- 3.8 Paragraph 5.41 of policy E2 further states that applicants must demonstrate to the Council's satisfaction that the commercial element of any redevelopment scheme is appropriate to meet the likely needs of the end user, and that the provision of inappropriate business space will not be acceptable as this often fails to attract an occupier, which can lead to vacancy.
- 3.9 A pre-application advice request for a proposal to erect a 4 storey block of 24 flats was submitted in 2020 (see 'Relevant History' section above). This did not include the reprovion of any employment space and the Council advised that as the MOT garage was still operating and no justification had been provided for the loss of employment floorspace, the proposed change of use was unacceptable in principle.
- 3.10 The current scheme includes the reprovion of 184sqm of employment floorspace in the form of a ground floor office unit. An Employment Viability Report has been submitted to justify the loss of the MOT garage. The Viability Report highlights that there are a number of alternative MOT garages and car wash facilities within close proximity of the site, which is accepted. It is also recognised and accepted that the current B2 use is not well related to the neighbouring land uses, including the adjacent Wellesley Road Care Home, in terms of amenity impacts, and that the existing buildings are in poor condition. It is therefore considered that the submitted Viability Report has sufficiently justified the loss of the MOT garage and hand car wash at the site when considered against the factors set out in paragraph 5.37 of policy E2.
- 3.11 However, in terms of paragraphs 5.40 and 5.41 of policy E2, it is considered that insufficient justification has been provided for the appropriateness of the proposed office space. The proposed office space is considered to be poorly configured with very little street presence and a lack of natural light towards the street frontage, which is considered to constitute a poor working environment. There is no consideration of the employment needs of the immediate local area within the Employment Viability Report and no evidence has been submitted to demonstrate that

there is demand for such office space and that there would be take-up of this space over a reasonable time space.

- 3.12 As such, the proposals are considered to be contrary to policy E2 and thus unacceptable, as the scheme would result in the loss of the existing business space without providing a replacement space that is demonstrably suitable to meet the needs of local business occupiers.

4.0 Design

- 4.1 Local Plan Policy D1 is aimed at achieving the highest standard of design in all developments. Policy D1 requires all developments to be of the highest standard of design. Development is expected to consider and respect local context and character, integrate well with surrounding streets and open spaces, include high quality details and materials, and be legible, sustainable and accessible to all.
- 4.2 The surrounding townscape is mixed in character and scale. Building ages and character range from the Victorian period through to the 1960s Gospel Oak Council Housing Estate and to the more recent Wellesley Road Care Home to the rear of the site. Buildings in the immediate vicinity range from 3-5 storeys in height.
- 4.3 The proposed height on Malden Road would be 4 storeys with the top storey set back from the front elevation. The overall scale of the building on Malden Road is considered broadly acceptable in terms of the scale of buildings within the immediate context. The proposed footprint of the building would bring the building line onto Malden Road in line with the established front boundary line of the neighbouring terrace to create an extension to the terrace, which is considered to be acceptable.
- 4.4 However, the proposed site coverage, with the built form occupying most of the site except for some setbacks from the rear boundary, which form private garden spaces to the 3 ground floor residential units and the ground floor office unit, is considered to be excessive. The entire building projects beyond the established rear building line of the adjoining terrace and a part-single storey/part-2-storey rear projection and high side boundary fencing extends the entire depth of the site along the boundary with the rear garden of No. 162 Malden Road. Whilst it is acknowledged that the existing MOT garage is situated in the location of the proposed rear projection and has a height of 1.5 storeys, this is not considered to be a successful location for a new building at this site, given the amenity impact on No. 162 and the Wellesley Road Care Home (discussed further in the 'Amenity' section below).
- 4.5 Furthermore, the proposed use of the flat roofs above the first and second floor rear projections as roof terraces for Unit 4 and Unit 9 respectively would require a 1.8m high privacy screen to be installed along the entire side elevation of the terrace to prevent overlooking into the rear gardens and into windows of habitable rooms of the adjacent terrace. This would create further high level bulk hard-up against the boundary with No. 162 Malden Road which would be dominant and further exacerbate the overbearing impact of the development on the neighbouring properties.
- 4.6 In line with Policy D1(a) and (e), the elevational design is required to show a respect for local context and character with details and materials of the highest quality. In both its form and composition, it is not clear how the front elevation of the building relates to its existing context (see figure 1 below). The design with full-height glazing to all floors, brick 'columns' and curved brick 'arches' at roof level appears contrived and incongruous. The proposed materials palette of beige brick, dark grey metal panels and dark grey window frames is confused and is out of keeping with existing character. Overall, the design proposal shows a lack of respect to the locality and does not contribute positively to its context.



Figure 1 (above): Proposed front elevation of building in context of surrounding streetscape

- 4.7 Policy D1(o) requires building services equipment to be carefully integrated within the development. A lift overrun has not been shown above the proposed lift and there is insufficient height for this to be integrated within the roof form. The commercial and residential units would be served by Air Source Heat Pumps (ASHPs) and Mechanical Ventilation with Heat Recovery (MVHR); however, the location, design, quantity and noise levels of the proposed plant has not been specified. The plant would likely be external as no plant room is specified on the proposed plans and it is not clear whether an acoustic enclosure would be required to be installed around the proposed plant to limit its noise impact, and the impact that such an enclosure would have on the design of the development if placed in a prominent position such as at roof level. In the absence of details of the proposed plant, the proposed development has not demonstrated that the plant would respect the context and character of the area and would not have a detrimental impact on future and neighbouring occupiers in terms of noise, and this forms a further reason for refusal. The potential noise impact from the proposed plant is discussed further in the 'Living standards for future occupants' and 'Impact on neighbours' sections below.
- 4.8 As previously discussed in the 'Land Use' section above, a proportion of the ground floor space is allocated to commercial floorspace occupying the deepest area of the site, which results in a long narrow floor plate lacking in sunlight and daylight and limited outlook, which constitutes a poor working environment. Some attempt has been made to mitigate the low levels of sunlight and daylight with high level windows on the boundary with the rear garden of No. 162 Malden Road to the west; however, it is not considered to be acceptable or appropriate for windows to be located within this boundary wall.
- 4.9 The proposal includes front doors to the commercial floorspace and residential units on Malden Road, which is considered to be a benefit to the public realm affording greater activity and surveillance thus enhancing public safety.
- 4.10 The Metropolitan Police's Designing Out Crime Officer (DOCO) has reviewed the proposals. The recessed entrances to both the proposed office space and the communal residential entrance are excessively deep at 1.6m, and are likely to be used for persons to take shelter and also subject to anti-social behaviour as a public convenience given the close proximity of the pub and off-licence. The DOCO also notes that the shared residential and commercial bin store is an area of crossover where conflict could arise. If the proposals were otherwise acceptable, conditions would have been secured to require the submission and approval of Secured by Design Silver award accreditation and to ensure that this standard is maintained in perpetuity.
- 4.11 The proposal, by way of its siting, form, bulk, massing and architectural design would have a detrimental impact on the character and appearance of the streetscene along Malden Road is considered unacceptable in design terms.

5.0 Housing

Affordable Housing

- 5.1 Policy H4 states that the Council expects a contribution to affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more. Where developments have capacity for 10 or more additional dwellings, the affordable housing should be provided on site. Targets are based on an assessment of development capacity whereby 100sqm (GIA) of housing floorspace is generally considered to create capacity for one home. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% of for each home added to capacity.
- 5.2 The GIA of the residential floorspace is measured at 1235sqm. This floorspace equates to capacity for 13 additional homes, which equates to an affordable housing target of 26% (capacity x 2%). The scheme includes the provision of on-site affordable housing in the form of 4 2-bed affordable housing units for London Affordable Rent. This would be a 27% affordable housing provision which complies with the targets set out in policy H4.
- 5.3 The provision of 2-bed sized affordable housing units is welcomed as they would be suitable for both couples and small families. Policy H4 notes that the guideline mix of affordable housing types is a 60% / 40% split between London Affordable Rent and Intermediate Rent; however, the provision of London Affordable Rent units only is considered acceptable here. Whilst it is desirable for affordable housing units to be located in a separate core from the private sale units, it is recognised that this is not practical in a small scheme of this size. Although the lift is likely to impact service charge costs, London Affordable Rents are exclusive of service charge.

Dwelling Mix

- 5.4 Policy H7 states that the Council will aim to secure a range of homes of different sizes. Policy H7 also states that a flexible approach to assessing the proposed dwelling mix will be taken by the Council when assessing proposals.
- 5.5 The proposal to provide 2 x 1 bedroom units , 9 x 2 bedroom units and 4 x 3 bedroom units is considered to be acceptable on this stand-alone site.

Living Standards for Future Occupants

- 5.6 Policy D1 of the Local Plan seeks to secure high quality design in development, including a high standard of living accommodation [clause (n)]. The supporting text to the policy notes that all residential developments should be designed and built to create high quality homes. The Council will seek to ensure that residential development is self-contained with its own secure private entrance; has good ceiling heights and room sizes; is dual aspect except in exceptional circumstances; has good natural light and ventilation; has good insulation from noise and vibration; has a permanent partition between eating and sleeping areas (studio flats are acceptable where they provide adequate space to separate activities); incorporates adequate storage space; incorporates outdoor amenity space including balconies or terraces; and is accessible and adaptable for a range of occupiers. The supporting text also notes that new dwellings and conversions to residential use will be expected to meet the Government's nationally described space standard.
- 5.7 All units would benefit from private external amenity space in the form of a balcony, roof terrace or garden, which is welcomed. The proposed units would all either meet or exceed the minimum space standards for both internal floorspace and external amenity space. The internal floor to ceiling height of 2.7m to all floors would also be acceptable.
- 5.8 All of the proposed residential units would be self-contained with their own secure private entrances. The units on the 1st to 3rd floors would be accessed via main entrance fronting Malden Road at ground floor level, with a communal staircase and lift to the upper floors. The three ground

floor units would have their own private entrances off of Malden Road and Wellesley Place which is welcomed.

- 5.9 Policy H6 requires 90% of new-build homes to comply with M4(2) (accessible and adaptable dwellings) and a requirement for 10% of new build homes to comply with M4(3) (wheelchair user dwellings). The scheme proposes three adaptable M4(3)(2)(a) units on the ground floor of the building which are capable of being made into wheelchair units without any structural changes. This exceeds the M4(3) target and is welcomed.
- 5.10 However, the kitchen and living room to each unit is combined, and in the case of a number of units (Units 1, 2, 6, 7, 10, 11, 12) it is not considered that this would provide sufficient floor area to allow for a range of activities to be undertaken at the same time, contrary to the guidance as set out in CPG Housing. The majority of kitchen areas would be internal with no designated windows to facilitate ventilation and adequate light. Furthermore, the internal layout of the bedrooms within Units 6, 7, 10 and 11 is awkward, with kinked walls which take away useable space for storage and furniture, and the rear gardens of Units 1-3 and the rear terrace of Unit 9 are only accessible through the bedrooms, which is not considered to constitute a high quality useable layout.
- 5.11 Six of the units (Units 5, 6, 7, 10, 11 and 14) would be single aspect only, contrary to policy D1. Whilst Unit 4 would be triple aspect, it is not considered acceptable for high level openable windows to be positioned within the western flank elevation of the building bordering the rear garden of No. 162 Malden Road. As such, the proposed single bedroom would not be considered to be a habitable room. Furthermore, the proposed window within the eastern flank window serving the master bedroom of Flat 4 would directly overlook the rear gardens of Units 1, 2 and 3 and offer views into the bedrooms of Flat 1. The proposed window would therefore be required to be obscure glazed and fixed shut to prevent a loss of privacy to the units below, and the bedroom would not have a suitable outlook as required by CPG Housing, and is thus unacceptable in terms of internal layout.
- 5.12 To prevent a loss of privacy through overlooking from the first floor roof terrace of Unit 4 to the neighbouring occupiers of Nos. 162 and 164 Malden Road, Wellesley Road Care Home, and the 3 proposed ground floor flats at the site, privacy screens with a height of 1.8m would need to be erected to enclose the roof terrace. This would lead to an unacceptable outlook for Unit 4 and further impact on the daylight to this unit.
- 5.13 Given the insufficient separation distance of 1.0m between the rear elevation of the building and the southern elevation of the Wellesley Road Care Home, the occupants of the ground floor Units 1 and 2 are also likely to suffer a loss of privacy through overlooking into the rear bedroom windows and rear gardens from the first floor windows of the activity/craft rooms within the care home, which directly front the proposed rear elevation of the building.
- 5.14 Appropriate measures have been outlined to mitigate against noise impacts from Malden Road, including double-glazing and trickle vents. However, as no details of the proposed ASHPs and MVHR have been submitted, it has not been demonstrated that the proposed plant would be acceptable in terms of noise impacts.
- 5.15 Given the issues with poor levels of light, outlook, internal layout, natural ventilation and lack of privacy from overlooking to a number of the proposed residential units, the proposals are considered to fail to provide adequate internal living conditions for future occupiers, resulting in substandard accommodation.

6.0 Impact on Neighbours

- 6.1 Policy A1 of the Local Plan seeks to protect the quality of life of occupiers and neighbours. The policy notes that the factors to consider include: visual privacy and outlook; sunlight, daylight and

overshadowing; artificial lighting levels; impacts of the construction phase; and noise and vibration. Policy A4 also seeks to ensure that noise and vibration is controlled and managed.

- 6.2 The main properties that are likely to be affected by the proposals are the neighbouring properties within the adjacent terrace on the northern side of Malden Road to the west of the site (Nos. 162 and 164), the Wellesley Road Care Home to the north of the site and the properties Nos. 131-141 (odd) Malden Road to the south of the site on the opposite side of Malden Road.
- 6.3 The Wellesley Road Care Home is a part-2/part-3 storey building which wraps around the L-shape of the host site to the north.
- 6.4 At ground floor level, there would be a minimum separation distance of 6.7m between the proposed rear building line and the southern elevation of the Wellesley Road Care Home, and a separation distance of between 2.5m and 4.0m between the high boundary fencing of the rear gardens at ground floor level and the southern elevation of the care home. At 1st, 2nd and 3rd floor levels, there would be a minimum separation distance of 10.0m between the proposed rear elevation and the southern elevation of the care home. There would also be a minimum separation distance of 6.7m between the rear boundary of the first floor shared roof terrace and private roof terrace to Unit 8, and a minimum separation distance of 6.4m between the rear of the private roof terrace to Unit 4 and the south-eastern elevation of the care home. There would be a minimum separation distance of 14.5m between the rear of the 2nd floor roof terrace to Unit 9 and the south-eastern elevation of the care home.
- 6.5 Nos. 162 and 164 Malden Road each comprise of a commercial unit at ground floor level with a residential maisonette above at first and second floor levels. The proposed building would adjoin the eastern flank façade of No. 162 and would extend forward of the existing front building line at first and second floor levels by 2.8m and beyond the existing rear building line by 17.8m at ground floor level, 10.7m at first floor level and 1.0m at second and third floor levels. The proposed rear roof terraces would extend to 14.0m beyond the existing rear building line at first floor level and 5.7m beyond the existing rear building line at second floor level.
- 6.6 Nos. 131-141 (odd) Malden Road is a terrace of 3-storey building, the majority of which also benefit from lower ground floors and roof storeys, on the south-western side of Malden Road. There is a minimum separation distance of 18.9m between the front building line of this terrace and the front elevation of the proposed building on the opposite side of the street.

Daylight / Sunlight

- 6.7 The application is supported by a Daylight and Sunlight Assessment which has been instigated in accordance with the Building Research Establishment's (BRE) publication "Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice" 2022.
- 6.8 In terms of impact on neighbouring occupiers, the report makes use of three standards in the assessment of existing versus proposed daylight and sunlight levels:
- Vertical Sky Component (VSC) - A measure of the amount of sky visible at the centre of a window. *The BRE considers that daylight may be adversely affected if, after development, the VSC is both less than 27% and less than 0.8 times (i.e. a reduction of more than 20%) its former value.*
 - No Sky Line (NSL), also known as Daylight Distribution (DD) - The area at desk level inside a room that will have a direct view of the sky. *The DD figure can be reduced by up to 20% before the daylight loss is noticeable (i.e. retain 0.8 times its existing value).*
 - Annual Probable Sunlight Hour (APSH) - A measure of the amount of sunlight that windows within 90 degrees of due south receive and a measure of the number of hours that direct sunlight reaches unobstructed ground across the whole year and also as a measure over the

winter period. *The BRE considers 25% to be acceptable APSH, including at least 5% during the winter months.*

- 6.9 The Assessment considered the daylight and sunlight impact of the proposed scheme on the Wellesley Road Care Home and 131-141 (odd) Malden Road.
- 6.10 In terms of VSC impact, the report has considered a VSC target of 20% to be a more appropriate application of the tests, with the justification provided being that the site has a dense urban context and the national, regional and local planning policy objective of making the most efficient use of land.
- 6.11 31 windows were analysed at the Wellesley Road Care Home and 3 fell short of the 20% VSC target – 2 windows serving the ground floor sitting room and 1 window to a ground floor corridor. The report concludes that the impact on the daylight to the ground floor sitting room is acceptable given the room is served by 2 other side windows which do meet VSC targets. The results show that the NSL test for the sitting room exceeds the requirements when assessing all 4 windows together; however, one of these side windows appears to serve a separate room and so the results are not accurate. Further analysis is therefore required to confirm that the proposals would not have a significant harmful impact to the ground floor sitting room in terms of daylight.
- 6.12 32 windows serving residential units within the northern front elevation of Nos. 131-141 (odd) Malden Road were analysed and all windows achieved the VSC target of 20%. A lower ground bedroom to No. 137 Malden Road fell significantly short of the NSL target (0.51 its existing value), but the report acknowledged that the internal layout of this property was not known and that the results were therefore likely to be misleading. It is accepted that the proposed development would not have a significant harmful impact on Nos. 131-141 (odd) Malden Road in terms of loss of daylight.
- 6.13 In terms of sunlight impact, 21 out of the 22 windows in the Wellesley Road Care Home that face within 90 degrees due south meet the APSH test; with the one failure being a window which serves a corridor.
- 6.14 The impact of the proposed building on the daylight and sunlight levels to the residential units at Nos. 162 and 164 Malden Road has not been considered within the Daylight and Sunlight Assessment. No consideration has also been given to the potential impact in terms of overshadowing from the proposed development to the rear gardens of these properties, which would likely be significant given the siting, height and orientation of the proposed building. The proposals have therefore not demonstrated that the scheme would not have a detrimental impact on the amenities of Nos. 162 and 164 in terms of loss of daylight and overshadowing, contrary to policy A1.

Outlook

- 6.15 It is recognised that the existing site is underdeveloped in comparison to the surrounding buildings, with the height of the existing MOT garage building only being 1 and a half storeys in comparison to the surrounding 2 to 3 storey buildings. However, the scale, massing and positioning on the site of the rear projection of the proposed building is considered to over-encroach on the neighbouring properties Nos. 162 and 164 Malden Road and the Wellesley Road Care Home, creating an overbearing impact and a material loss of outlook.
- 6.16 The proposed rear projection would result in a sheer wall up to four storeys in height on the boundary with No. 162, which would be dominant and cause an increased sense of enclosure for the residential occupiers of Nos. 162 and 164.
- 6.17 Furthermore, the 3.2m height of the boundary fences that are proposed to surround the rear gardens of the commercial and residential units is considered to be excessive and would have a

detrimental impact in terms of loss of outlook on the residents of the Wellesley Road Care Home located between 2.5m and 4.0m from the proposed boundary treatment.

Overlooking / loss of privacy

- 6.18 As set out in CPG Amenity, the Council expects a minimum separation distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed development to prevent a loss of privacy through overlooking.
- 6.19 Whilst the proposed rear windows at second and third floor levels would be obscure glazed and a privacy screen would be erected to the rear of the first floor shared roof terrace to prevent overlooking to the Wellesley Road Care Home, no such privacy screening is proposed to the rear private roof terraces to Unit 4 at first floor level and Unit 9 at second floor level. Privacy screens with a minimum height of 1.8m would be required to completely enclose both of these roof terraces, to prevent a loss of privacy through overlooking into the rear windows and rear gardens of the residential occupiers of Nos. 16 and 164 Malden Road, and into the first floor lounge, dining room and activity/craft room windows and second floor guest bedroom and roof terrace of the Wellesley Road Care Home. However, as previously discussed in the 'Design' and 'Living standards for future occupants' sections above, the inclusion of such privacy screens would be unacceptable in terms of additional height and bulk and loss of outlook for future residents of Units 4 and 9.
- 6.20 The proposals would not have a material impact on the residential occupiers of Nos. 131-141 (odd) Malden Road in terms of loss of privacy through overlooking given the adequate separation distance and location on the opposite side of the road.

Light pollution

- 6.21 As previously noted in the 'Design' and 'Living standards for future occupants' sections above, it is not appropriate for high-level windows to be located at ground and first floor levels within the flank elevation of the building, which would form the boundary wall with No. 162 Malden Road. Such windows would result in unacceptable light spill into the rear garden of No. 162 and 1.4m from the rear building line at first floor level.

Noise and disturbance

- 6.22 In the absence of details of the location, quantity and specification details of the proposed plant, the scheme has not demonstrated that the plant would not have a detrimental impact on neighbouring residents in terms of noise. The absence of these details forms a further reason for refusal.
- 6.23 Operations during construction would have the potential for noise nuisance and disturbance. The Council seeks to control operations during construction through Construction Management Plans. In the absence of a legal agreement to secure a Construction Management Plan to control noise nuisance and disturbance during construction, the proposal is contrary to policies A1 and A4.

7.0 Transport and Highway Implications

- 7.1 It is noted that the red boundary line of the site includes the adjacent footway on Malden Road and Wellesley Place, which is outside of the applicant's land ownership.
- 7.2 In line with Local Plan policy T1, the Council expects cycle parking at developments to be provided in accordance with the standards set out in the London Plan. For offices, the requirement is for 1 space per 75sqm for long stay use and 1 space per 500sqm for short stay use, which gives a requirement for 2 long stay spaces and no short stay uses. For residential uses, the requirement is for 1.5 spaces per 1 bedroom 2 person units and 2 spaces per unit for units with 2 or more

bedrooms, which gives a requirement for 29 long stay spaces and 2 short stay spaces. The submitted ground floor plan shows a cycle store capable of accommodating 24 spaces in two tier racks, 1 adaptable space and 4 semi-vertical spaces. Whilst this meets the required standard in terms of the number of spaces, the Council does not accept the use of semi-vertical spaces as they are not accessible to all. For the office unit, the plan states that 4 spaces could be accommodated although it is unclear what type of stand is being proposed. A stand for visitors is shown on the eastern side of the plan; however, as this is not overlooked it provides very little security and is not supported in this location given the high levels of cycle crime in this area. The proposals therefore do not provide sufficient cycle parking and are contrary to policy T1.

- 7.3 In accordance with Local Plan policy T2, the Council expects all development in the Borough to be car free. All 15 flats would need to be secured as on-street resident parking permit (car) free by means of the Section 106 Agreement, and the proposed office space should be secured as on-street business parking permit free. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. In the absence of a legal agreement including an undertaking to car free development by way of the prevention of future occupiers from obtaining on-street resident parking permits, the proposal is contrary to policies T1, T2, and CC1 of the Camden Local Plan.
- 7.4 Whilst the proposals will lead to an increase in pedestrian and cycling activity, these are not considered sufficient enough to warrant a contribution towards Pedestrian, Cycling and Environmental Improvements in the area surrounding the site. The site already has high levels of vehicle trips associated with the existing MOT centre and car wash and these will be reduced to a much lower level following redevelopment.
- 7.5 Deliveries and servicing of the site will take place from Malden Road or from Wellesley Place to the immediate east of the site. The proposed development is expected to generate a modest amount of deliveries but this is not considered sufficient to justify the imposition of a Servicing Management Plan.
- 7.6 Given the scale of the development, construction of the proposed development will need to be carefully managed. This would be best achieved by securing a Construction Management Plan and associated Implementation Support Contribution of £9,927.46 and Impact Bond of £15,000 by means of the Section 106 Agreement. This will help to alleviate the impact of construction activities on the operation of the local highway network and neighbouring amenity. In the absence of a legal agreement including an undertaking to a Construction Management Plan and associated Implementation Support Contribution and Impact Bond, the proposal is contrary to policies A1 and T4 of the Camden Local Plan.
- 7.7 The proposed development would lead to the existing vehicle crossover becoming redundant. The footway adjacent to the site is also likely to be damaged during construction works. As such, it is therefore necessary to secure a Section 106 Highways Contribution to repave the footway and undertake the crossover works. In the absence of a legal agreement including an undertaking to a Highways Contribution for these works, the proposal is contrary to policy T4 of the Camden Local Plan.

8.0 Trees and Landscaping

- 8.1 An Arboricultural Impact Assessment has been submitted. The scheme involves the removal of 9 trees which are of very low quality (Categories C1-C2/U), 7 of which are developing trees. The trees within the site are self-set and have generally established between fence lines and directly adjacent to the existing garage building, which has compromised their development and led to structural defects in their form. Due to the location of the existing trees, the Arboricultural Impact Assessment recommends their removal irrespective of the proposed development.

- 8.2 The Council's Tree and Landscape Officer has reviewed the Arboricultural Impact Assessment and has no objections to the proposed tree removal. The submitted tree protection details are considered sufficient to demonstrate that the off-site trees to the neighbouring sites can be adequately protected throughout development.
- 8.3 The submitted landscaping details show the proposed hard and soft landscaping, including integrated extensive green roofs to the rear of the first and second floor terraces and across the entire fourth floor main roof. The inclusion of green roofs is welcomed and the proposed landscaping is considered to be well-considered.
- 8.4 If the proposed development were otherwise considered acceptable, conditions would be required to ensure compliance with the submitted tree protection details; the submission and approval of full details of the green roofs including planting species and density and maintenance; and to ensure that the hard and soft landscaping works are undertaken in accordance with the landscape details already submitted.

9.0 Open Space

- 9.1 Policy A2 expects developments involving 11 or more additional dwellings to make a contribution towards open space and play facilities. No public open space is proposed as part of this development. To secure new and enhanced open space and ensure that development does not put unacceptable pressure on the Borough's network of open spaces, a financial contribution in lieu of provision on site is therefore required. Details on how to calculate the required contribution can be found in CPG Public Open Space. In the absence of a legal agreement securing a financial contribution to public open space, the proposals is contrary to policy A2 of the Camden Local Plan.

10.0 Land Contamination

- 10.1 A Desk Study and Preliminary Risk Assessment Report has been submitted and this indicates the site was mapped as a garage/petrol station by the early 1960s, including associated above and below ground tanks. Following a previous contamination report in 1995, some remedial works were undertaken including the removal of underground storage tanks and associated infrastructure, and impacted soils down to circa. 2.4m depth. However, some infrastructure (including one tank/interceptor chamber in the south-western part of the site) and the existing MOT garage building remain on site. The report highlighted a potential moderate to high risk on site from potential contaminants of concern. A potential gas risk has also been identified associated with potential hydrocarbons underlying the site, and a potential asbestos risk given the age of the existing buildings on site.
- 10.2 The Council's Land Contamination Officer has reviewed the submitted report. No objections are raised in principle and the Land Contamination Officer is in agreement with the report's recommendations for an intrusive investigation to confirm ground conditions and the presence of contamination including gas risks, and for an asbestos survey. If the scheme were otherwise considered acceptable, pre-commencement conditions would secure the submission and approval of these surveys and remediation schemes.

11.0 Energy and Sustainability

- 11.1 Policy CC1 of the Local Plan requires all development to minimise the effects of climate change and encourages all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. The policy promotes zero carbon development and requires all development to reduce carbon dioxide through following the steps in the energy hierarchy; and expects all developments to optimise resource efficiency.

- 11.2 Policy CC2 requires development to be resilient to climate change by adopting climate change adaptation measures, for example not increasing and wherever possible reducing surface water run-off through increasing permeable surfaces and use of Sustainable Drainage Systems; incorporating bio-diverse roofs, combination of green and blue roofs and green walls where appropriate; and measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy. The policy also notes that the Council will promote and measure sustainable design and construction.
- 11.3 An Energy & Sustainability Statement has been submitted. The proposals are projected to achieve an overall carbon reduction of 57% onsite using SAP10 carbon calculations, but further information is required to confirm the submitted figures. The overall reduction of 57% meets the minimum on site reduction requirement of 35%. At Be Lean stage, the proposed reduction of 16% (domestic) and 30% (non-domestic) in carbon emissions through energy efficiency measures meets the requirements of 10% for residential and 15% for commercial. At Be Green stage, the proposed reduction of 41% (domestic) and 12% (non-domestic) in carbon emissions meets the requirement of 20% from onsite renewable energy site-wide but not for the non-domestic element of the development.
- 11.4 The proposals do not meet the requirement for zero carbon and therefore a carbon offset payment of £95 per tonne for 30 years would have been required to be secured by way of a s106 legal agreement if the proposals were otherwise considered to be acceptable. The absence of a legal agreement for this payment therefore forms another reason for refusal.
- 11.5 The GLA's carbon emissions reporting spreadsheet has not been submitted. This spreadsheet is required to be completed with Carbon Emissions at each stage reported to at least 1 decimal place both for residential and non-residential elements of the development [GLA Energy Assessment Guidance 2022](#).
- 11.6 Energy Use Intensity (EUI) information has also not been provided. This is required to be within the benchmarks from Table 4 of the GLA energy assessment guidance.
- 11.7 The use of passive design measures such as balconies to promote solar shading and reduce the risk of overheating is welcomed. However, dual aspect ventilation to limit overheating has not been provided to every flat. Active cooling is not proposed and the cooling hierarchy has been considered; however, "dynamic overheating modelling in line with the guidance and data sets in CIBSE TM59 and TM49 for Residential and CIBSE TM52 and TM49 for non-residential areas respectively, taking into account the associated Approved Document O requirements" has not been undertaken in line with the GLA Energy Assessment Guidance to ensure that overheating risk is considered in line with London Plan Policy SI 4. This information would be secured by condition if the scheme were otherwise considered acceptable.
- 11.8 The inclusion of Solar PV array at the site integrated with the blue/green roof is welcomed. However, the Solar PV array does not maximise coverage over the available roof area, in accordance with London Plan Policy SI 2, which states that major development should '*maximise opportunities for renewable energy*'. The proposals do not demonstrate that opportunities for renewable energy have been maximised and that the development has been designed to get as close as possible to zero-carbon on site. This information would be secured by condition if the scheme were otherwise considered acceptable.
- 11.9 Demolition of the existing MOT repair garage and hand car wash is proposed. A Whole Life-Cycle Carbon Assessment is required in line with policy SI2 of the London Plan, to provide justification for substantial demolition. No details have been submitted to justify the demolition of the existing buildings and to demonstrate that the existing buildings and hard-standing cannot be wholly or partially retained. Furthermore, a circular economy statement has not been provided. This is required by policy SI7 of the London Plan, which expects 95% of construction and demolition waste to be diverted from landfill (reuse, recycle, recovery), and 95% of excavation waste to be put to beneficial use. As set out in CPG Energy Efficiency chapter 9, the development proposal

should include a pre-demolition audit identifying all materials within the building and documenting how they will be managed. The preference should be for re-use on site, then re-use off site, remanufacture or recycling.

11.10 The conclusions of the Whole Life-Cycle Carbon Assessment and circular economy statement help inform good design and as such the Council requires these to be provided at application stage (as opposed to being provided as a condition of approval). Without the submission of this information, it has not been demonstrated that the proposed substantial demolition is justified or that the proposal would promote circular economy outcomes contrary to policy CC1 of the Local Plan and policies SI2 and SI7 of the London Plan, and therefore forms a reason for refusal

12.0 Flood Risk and Drainage

12.1 Local Plan Policy CC3 is relevant with regards to flood risk and drainage and seeks to ensure development does not increase flood risk and reduces the risk of flooding where possible. The Council 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.

12.2 The site is located within the Maitland Park Local Flood Risk Zone and is in the vicinity of a previously flooded street (Haverstock Road).

12.3 The Local Lead Flood Authority has reviewed the submitted Flood Risk Assessment and SuDS report and notes that the application has not sufficiently demonstrated the use of the London Plan's drainage hierarchy.

12.4 The runoff rate cannot be assessed due to the absence of information on the greenfield and existing runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year storm events. There is inconsistencies in the existing runoff rate stated in the report and the rate provided to Thames Water.

12.5 Maintenance tasks and frequencies have not been provided for the proposed blue roof as required for the proposed method of flow control, which has also not been specified.

12.6 No information has been provided regarding how the development has been designed to resist flooding and cope with the risk of being flooded. Drawings have not been provided to show the proposed mitigation. A Flood Risk Emergency Plan has not been provided.

12.7 If the proposals were otherwise considered to be acceptable, full details of flood risk and drainage would be secured by condition.

13.0 Air Quality

13.1 Policy CC4 seeks to ensure the impact of development on air quality is mitigated and ensures that exposure to poor air quality is reduced in the Borough. Policy CC4 requires the submission of air quality assessments (AQAs) for developments that could cause harm to air quality. Mitigation measures are expected in developments located in area of poor air quality.

13.2 An AQA has been submitted which assesses the operational impact of the development on the local area, the operation impact on future occupants, and a construction impacts risk assessment.

- 13.3 In terms of the operational impact of the development on the local area, the proposed development would be air quality neutral as it would be served by ASHPs and would be car-free.
- 13.4 In terms of the operational impact on future occupants, the AQA has used predicted 2025 ground floor level annual mean NO₂ concentrations and concludes that based on these predictions, no operational mitigation measures are proposed to protect future occupants from poor air quality. MVHR is proposed to be installed at the development, but the location of the air inlets has not been provided. Air inlets should be located away from busy roads and as close to roof level as possible, to protect internal air quality. If the proposals were otherwise acceptable, such details would be secured by condition.
- 13.5 In terms of the construction impact of the development, mitigation measures are proposed to reduce the risk of dust impacts, and these measures would be secured by condition and within the CMP if the proposals were otherwise acceptable.

14.0 Employment and Training Opportunities

- 14.1 Policy E1 aims to secure a successful and inclusive economy in Camden by creating the conditions for economic growth and harnessing the benefits for local residents and businesses. This includes supporting employment and training schemes for Camden residents. Paragraph 5.12 of policy E1 states that to ensure that local residents benefit from employment opportunities, the Council will require suitable developments to provide training and employment opportunities on-site.
- 14.2 The proposed development is considered to be suitable to provide construction phase employment opportunities for local residents. If the scheme were otherwise considered acceptable, the following construction phase employment and training opportunities for residents would be secured through a Section 106 agreement:
- Apprenticeships - as the build cost for this scheme will likely exceed £3 million the applicant must recruit **1 construction apprentice paid at least London Living Wage per £3million of build costs and pay the council a support fee of £1,700 per apprentice as per section 63 of the Employment sites and business premises CPG**. Recruitment of construction apprentices should be conducted through the Council's King's Cross Construction Skills Centre. On the Employment and Training Plan the applicant have offered 1 apprentice of not less than 26 weeks. It should be not **less than 52 weeks**. Also if the build cost exceeds £6 million, they will need to recruit 2 apprentices, 9 million, 3 apprentices etc.
 - The applicant should advertise all construction vacancies and work placement opportunities **exclusively with the King's Cross Construction Skills Centre** for a period of 1 week before marketing more widely.
 - Local Recruitment – our standard local recruitment target is **20%**. The applicant should work with the Kings Cross Construction Skills Centre to recruit to vacancies, advertising with us for no less than a week before the roles are advertised more widely.
 - Local Procurement – The applicant must also sign up to the **Camden Local Procurement Code**, as per section 61 of the Employment sites and business premises CPG. Our local procurement code sets a target of **10%** of the total value of the construction contract.
- 14.3 In the absence of an acceptable scheme (and hence no Section 106 agreement securing the employment and training plan and contribution) this becomes a reason for refusal.

15.0 Fire Safety

- 15.1 In line with London Plan policy D12, development proposals must achieve the highest standards of fire safety and demonstrate how they would achieve this including details of construction

methods and materials, means of escape, fire safety features, and means of access for fire service personnel. Additionally, London Plan policy D5 seeks to ensure that all developments provide for a safe and dignified emergency evacuation for all users. To this end, in all developments where lifts are installed at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift to be used to evacuate people who require level access from buildings.

- 15.2 No fire statement has been submitted for this application. However, the submission and approval of a fire statement to confirm compliance with the above policies could be secured by way of condition if the proposal were otherwise considered acceptable.

16.0 Conclusion

- 16.1 The proposed development, due to the failure to provide adequate replacement employment space on site that is demonstrably suitable to meet the needs of local business owners; its combined height, mass, extent of site coverage, detailed design and absence of details of the proposed plant; the provision of substandard accommodation; and the absence of a whole life-cycle carbon assessment and circular economy statement, would be detrimental to economic growth; the character and appearance of the surrounding area; and the amenities of neighbouring residents and future occupiers of the proposed building.

17.0 Recommendation

- 17.1 Refuse planning permission.