

Delegated Report		Analysis sheet		Expiry Date:	08/05/2014
		N/A		Consultation Expiry Date:	18/05/2024
Officer			Application Number(s)		
Adam Greenhalgh			2024/1014/P		
Application Address			Drawing Numbers		
139-147 Camden Road London NW1 9HJ			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of 3 storey residential building comprising 5 flats, with ground floor bin and bicycle stores and frontage paving and planting.					
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	2	No. of objections	1
Summary of consultation responses:		Site notices: 24/04/2024 (expiry 18/05/2024) and 10/05/2024 (expiry 03/06/2024)			
Neighbouring occupiers		2 letters received from neighbouring occupiers (addresses not given). Objections raised relate to: <ul style="list-style-type: none"> <li>- Adverse effects on light received at sites on opposite side of Camden Road and neighbouring school</li> <li>- Loss of privacy at neighbouring sites</li> <li>- Loss of privacy for users of Cantelowes Gardens</li> <li>- Harm to visual amenity appearance of (Conservation) area</li> <li>- Harm to amenity of neighbouring occupiers (noise pollution)</li> <li>- Harm to amenity of neighbouring occupiers (noise pollution)</li> <li>- Increased risk to highway safety/road accidents</li> <li>- Potential subsidence</li> <li>- Site plan incorrect. Incorrect site shown (Note: A corrected site plan was displayed with the correct site shown on 10/05/2024 (expiry 03/06/2024))</li> </ul>			

**Network Rail**

No objections. However 4 conditions are requested (if planning permission should be granted). These relate to:

1. Foundation design and piling works to prevent additional loading and risk to operational railway structures. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works.
2. Drainage associated with the site should not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance.
3. Trespass Proof Fencing
4. Sound-proofing against railway noise.

**Site Description**

The site is wedge shaped in plan, measuring approximately 7.5m onto Camden Road and approximately 22m in depth. It has an area of approximately 140 sq m. It is located on the north-western side of Camden Road, to the north of the junction with Sandall Road. The site is used for car parking in association with the car maintenance building at 139 – 145 Camden Road. The site is bounded by Cantelowes Gardens (north west and north east), by Camden Road (south east) and by the car maintenance building and railway embankment/retaining wall (south west).

Cantelowes Gardens is designated open space and the site adjoins an area of grassland in the park which includes significant mature trees.

The site is not located in a conservation area or within the setting of any listed buildings. Camden Square Conservation Area extends across the other side of Camden Road. It is located in an area with a Public Transport Accessibility Rating of 4, within Flood Zone 1 of the Environment Agencies Flood Risk Map for Planning and in a Controlled Parking Zone.

**Relevant History**

2010/5596/P - Erection of new 6 storey building on vacant land, to provide 9 x self-contained residential units (4 x 2 bedroom flats and 5 x 4 bedroom flats) (Class C3) – permission refused 11/03/2011

*Reasons for refusal:*

1. *The proposed development, by reason of its height, bulk, mass, footprint and detailed design, would be detrimental to the streetscape along Camden Road and the character and appearance of the neighbouring Camden Square Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
2. *In the absence of sufficient mitigation measures to protect future residents from noise and vibration from the neighbouring railway line, the applicant has failed to demonstrate that the*

development would not harm the amenity of future occupants and the development is therefore considered to be contrary to policies CS1 (Distribution of Growth) and CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.

3. The proposed development, by virtue of failing to provide adequate on-site cycle storage facilities for the new residential units, would fail to support travel by means of sustainable transport, contrary to Policies CS11 (Promoting sustainable and efficient travel), of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.
4. The proposed development, by virtue of failing to provide adequate on-site lifetime homes standards for the new residential units, would fail to support lifetime home standards contrary to policy DP6 (Lifetime homes) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.
5. The proposed development, in the absence of a legal agreement requiring that the new residential accommodation meet Level 3 of the Code for Sustainable Homes would fail to be sustainable in its use of resources, contrary to Policies CS13 (Tackling climate change through promoting higher environmental standards) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies.

Six further reasons for refusal relating to absence of a legal agreement to secure Level 3 Code for Sustainable Homes accommodation, a financial contribution towards education provision, public open space contributions, car-free housing, highways contribution, and a Construction Management Plan/Construction Logistics Plan.

2011/5226/P - Erection of new 5 storey building on land to east of existing motor vehicle maintenance and repair centre (Class B2) to provide 9 (1x studio, 4x1 bed, 2x2 bed and 2x3 bed) self-contained residential units (Class C3) and retention of part of the ground floor parking (reduction from 9 to 3 spaces) associated with existing motor vehicle maintenance and repair centre – permission refused 22/12/2011

*Reasons for refusal:*

1. The proposed development, by reason of its detailed design and materials, would be detrimental to the streetscape along Camden Road and the character and appearance of the neighbouring Camden Square Conservation Area and fail to provide appropriate security and community safety measures, contrary to policies CS14 (Promoting high quality places and conserving our heritage) and CS17 (Making Camden a safer place) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
2. The proposed development, by virtue of failing to provide adequate on-site lifetime homes standards for the new residential units, would fail to provide accommodation suitable for people with mobility difficulties contrary to policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 (Lifetime homes and wheelchair housing) of the London Borough of Camden Local Development Framework Development Policies.

3. *The proposed development, by reason of the removal of a Whitebeam tree in Cantelowes Gardens, would be detrimental to the character of the streetscene and the visual amenity of the group of trees that the proposed to be removed tree forms a part of, contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.*
4. *The proposed development, in the absence of a shading impact assessment, is likely to have a detrimental impact on the public enjoyment and amenity of Cantelowes Gardens and its potential for biodiversity provision, contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Development Policies.*
5. *The proposed development, by reason of the reduction of on-site parking spaces from 9 to 3 for the existing motor vehicle maintenance and repair centre, would cause harm to existing on-street parking conditions through the displacement of vehicles from on-site and the operational business parking requirements and therefore contributing unacceptably to parking stress and congestion in the surrounding area, contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.*
6. *The proposed development, by reason of the proposed new crossover location and Page 2 of 5 2011/5226/P proposed refuse vehicle access arrangements, would contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users on a Transport for London Network (TLRN) road, contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.*

*Eight further reasons for refusal relating to absence of a legal agreement to secure Level 3 Code for Sustainable Homes accommodation, on-site renewable energy facilities and energy efficiency measures, a financial contribution towards educational infrastructure, a public open space financial contribution, car-free housing, highways works financial contributions, a Construction Management Plan/Construction Logistics Plan, and a servicing management agreement.*

2016/3132/P - Erection of new 5 storey building on land to east of existing motor vehicle maintenance and repair centre (Class B2) for office use (Class B1) on the first to fourth floors and retention of part of the ground floor parking (reduction from 9 to 4 spaces) associated with existing motor vehicle maintenance and repair centre – application withdrawn

2022/1367/PRE - Erection of a 4 storey block of 7 residential flats - Pre-application advice issued 29/11/2022

*Conclusion: In principle the residential development of the site could be acceptable, subject to a statement demonstrating that the change of use of the site would not mean that the adjoining car maintenance workshop would be affected. Also, it will be necessary to submit a Noise Assessment to demonstrate that a residential development could be undertaken which would comply with internal noise level requirements for residential rooms. The proposed plans and elevations indicate that development would not respect the character and context of the area in terms of scale, siting, architectural design or materials/treatment and it is considered that the proposal should be set back further, less 'top-heavy' and less bulky/sheer. The elevational design/treatment needs to be more appropriate to the stand-alone setting alongside the park, the role that the building will have in the townscape and the design*

parameters in place along Camden Road. The proposal would appear not to result in any loss of amenity for neighbouring occupiers. There is significant concern in relation to the proximity of the current proposal with the nearest tree in Cantelowes Gardens and further investigations of the root areas of the trees are needed for the current proposal. An Energy and Sustainability Statement will be needed to demonstrate that the proposal complies with the Council's policies and guidance for sustainability and climate change mitigation.

2022/4293/P - Erection of 4 storey block of flats with ground floor bin and bicycle stores and front paving and planting – refused 06/03/2023

1. *The proposed development, by reason of its combined height, mass and extent of site coverage, and its detailed design would fail to respect the context and character of the area, including the adjacent Camden Square Conservation Area and it would harm the setting, character, landscape value and openness of the adjacent open space and trees of Cantelowes Gardens contrary to policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017 and policies D3, GO1 and SSP7 of the Kentish Town Neighbourhood Plan 2016.*
2. *The proposed development, by reason of the size of the units, the configuration of the front units and the absence of a lift, would not comply with the nationally described housing standards and it would not provide a satisfactory standard of accommodation or level of access for future occupiers. It would therefore be contrary to policies D1, H6 and C6 of the London Borough of Camden Local Plan 2017 and policy D3 of the Kentish Town Neighbourhood Plan 2016. It would also be contrary to the London Plan 2021 and NPPF 2021.*
3. *The proposed development, in the absence of an air quality assessment, and appropriate mitigation therein, is likely to be harmful to the living conditions of future occupiers. It may also result in emissions which would impair the air quality in the area. It would therefore be contrary to policies A1, CC4 and H6 of the London Borough of Camden Local Plan 2017.*
4. *The proposed development, in the absence of a legal agreement binding the applicant to the provision of the requisite provision of affordable housing, would fail to meet the Council's requirements for the provision of affordable housing in new residential development and would therefore be contrary to policy H4 of the London Borough of Camden Local Plan 2017.*
5. *The proposed development, in the absence of a legal agreement including an undertaking to a car free development by way of the prevention of future occupiers from obtaining on-street resident parking permits, would fail to represent a sustainable form of development which would seek to reduce car use in the Borough. It would therefore be contrary to policies T1, T2, and CC1 of the London Borough of Camden Local Plan 2017.*
6. *The proposed development, in the absence of a legal agreement including an undertaking to a highways contribution for removing the crossover, reinstating the footway over and repaving the adjacent footway to repair any damage caused, would fail to maintain the efficiency of the transport infrastructure. It would therefore be contrary to policy T4 of the London Borough of Camden Local Plan 2017.*
7. *The proposed development, in the absence of a legal agreement including a Vehicle Maintenance Unit Operational Statement for the adjoining car repair workshop which currently uses the site for car parking, would potentially result in over-spill parking and vehicular activity on adjacent roads harmful to the safety of the highway network. It would therefore be contrary to policy T3 of the London Borough of Camden Local Plan 2017.*
8. *The proposed development, in the absence of a legal agreement including an undertaking to a Construction Management Plan and associated Implementation Support Contribution and Impact Bond, would fail to mitigate against adverse impacts on the safety of the highway and the amenity of neighbouring occupiers during construction. It would therefore be contrary to policies A1 and*

**NOTE:** Appeal (APP/X5210/W/23/3323840) dismissed: *‘Turning to the overall planning balance, the proposed development would cause significant harm to the character and appearance of the area including Canteloves Gardens and minor harm to the conservation area. It has also not been demonstrated that the proposed development would provide satisfactory living conditions for future occupiers with regard to access and the layout of units. Therefore, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. In conclusion, the proposed development would be contrary to the development plan with no material considerations to indicate that planning permission should be granted’*

## Relevant policies

### National Planning Policy Framework 2023

### Technical Housing Standards – Nationally Described Space Standards

### The London Plan March 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

### Kentish Town Neighbourhood Plan 2016

SW1 Supporting small business  
D3 Design Principles  
GO1 Local Green Spaces  
GO3 Biodiverse Habitats  
SSP7 Small sites and infill development

### Camden Planning Guidance

CPG Employment sites and premises (2021) (Proposals involving loss of business premises and sites)  
CPG Design (2021) (S.2 Design Excellence, S.3 Heritage, S.4 Landscape and Public

Realm)

CPG Amenity (2021) (S.5 Construction Management Plans, S.6 Noise & Vibration, S.8 Contaminated Land)

CPG Energy Efficiency and Adaptation (2021) (S.2 Energy Hierarchy, S.3 Making buildings more energy efficient, S.5 Renewable energy technologies, S.10 Sustainable design and construction principals)

CPG Transport (2021) (S.2 Assessing Transport Impact, S.5 Parking and car-free development, S.8 Cycling Facilities)

CPG Developer Contributions (2019) (S.5 Planning Obligations)

CPG Water and Flooding (2019) (S.2 Water efficiency, S.3 Flooding)

CPG Air Quality (2021) (S.3 Assessing Air Quality Impacts)

CPG Trees (2019) (S.2 How the Council will protect trees)

CPG Housing (2021) (S.4 Meeting the requirements for housing and affordable housing, S.6 Payments in lieu of housing and affordable housing)

## **Assessment**

### **1.0 PROPOSAL**

1.1 The proposal is for the erection of a three storey building comprising 3 x 1 bed 2 person flats and 2 x 1 bed 1 person studios. The building would also include a 7.3 sq m bin store and a 3.5 sq m bicycle store for 6 cycles, both situated on the ground floor at the front. The front of the site would be paved and planted and 2 visitor cycle spaces would be provided.

1.2 The building would be wedge shaped in plan, occupying the full width of the site and being set back 2m from the front of the site and the back edge of the pavement. The building itself would be 3 storeys in height with a 3.35m paved/landscaped undercroft on the ground floor . At the rear it would include small winter gardens for the rear flats on all levels. The first and second floor flats would have inset side terraces (onto Canteloves Gardens). The walls would be of grey brick with soldier courses and recessed darker brick bands on all four elevations. A variety of rectangular windows would be formed on all elevations, with full height glazed windows/doors on all elevations.

### **2.1 ASSESSMENT**

The material considerations for this application are summarised as follows:

- Land Use
- Design and effects on character and appearance of area
- Quality of proposed residential accommodation
- Amenity of neighbouring residential occupants
- Dwelling sizes/mix
- Affordable housing
- Transport and highway implications
- Canteloves Gardens: Open Space & Biodiversity
- Contamination
- Energy and sustainability
- Air Quality

### **IMPORTANT NOTE ON ASSESSMENT**

The application is made pursuant to application 2022/4393/P which was refused by the Council on 06-03-2023 and dismissed on appeal (ref: APP/X5210/W/23/3323840) on 05/01/2024.

The reasons for refusal of application 2022/4393/P are set out in 'Planning History' above.

In his appeal decision letter the Inspector confirms :

*'The main issues are the effect of the proposed development on: a) the character and appearance of the area, including Camden Square Conservation Area and Cantelowes Gardens; (b) the living conditions of future occupiers with regard to access and the size and layout of units; and (c) air quality'*

Further, the appeal Inspector concludes:

*'Turning to the overall planning balance, the proposed development would cause significant harm to the character and appearance of the area including Cantelowes Gardens and minor harm to the conservation area. It has also not been demonstrated that the proposed development would provide satisfactory living conditions for future occupiers with regard to access and the layout of units. Therefore, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. In conclusion, the proposed development would be contrary to the development plan with no material considerations to indicate that planning permission should be granted'.*

As the current application is for a different proposal to this previous proposal consideration will once again be given to all the relevant issues. Nevertheless, where the impacts are no different to under the previous proposal, or where the impacts would be reduced, then this will clearly be noted and focus will be concentrated on the matters upon which the previous proposal was dismissed at appeal, vis :

- a) the character and appearance of the area, including Camden Square Conservation Area and Cantelowes Gardens;
- b) the living conditions of future occupiers with regard to access and the size and layout of units

## **2.2 Land Use**

### Loss of existing parking use

2.2.1 The loss of the existing parking use has been considered and agreed in the determination of the previous application (and appeal).

2.2.2 A Vehicle Maintenance Unit Operational Statement has been submitted, in which it is confirmed that the site is used for car parking in association with the existing adjoining MOT/vehicle servicing garage which is owned by the applicant. The Vehicle Maintenance Unit Operational Statement then explains that the existing MOT/vehicle service operator (Autodeutsche) will cease operating at the site and that the applicant will then take over and operate the building as a satellite site to their existing site at 387 Camden Road (Holocene Motors). The intention is to dedicate the site to Electric Vehicle maintenance.

2.2.3 The Vehicle Maintenance Unit Operational Statement confirms that the business will be undertaken in the building only. The long established vehicular access to the building from Sandall Road will be used and the vehicular access, manoeuvring and parking which will be necessary for the business to operate will all be accommodated within the building.

2.2.4 As such, the application site will no longer be used or needed for car parking. It will therefore not have an employment or business use as such and there will be no presumption in favour of protecting its business or employment use under policy E2 of the Local Plan.

2.2.5 The proposal would also not be contrary to policy SW1 of the Kentish Town Neighbourhood Plan. This supports the retention and increase of floorspace for the use of small businesses. However, as the land is not required for the car repair workshop there would be no loss of business use or employment associated with the site and it would not contravene the policy.

2.2.6 Further comments on the transport and highway implications of the proposals and the need for the Vehicle Maintenance Unit Operational Statement to be secured under a S.106 agreement are



included in 'Transport and highway implications' below.

### Proposed residential use

2.2.7 The proposal for new self-contained dwellings has been considered and agreed in the determination of the previous application (and appeal). The provision of new housing complies with Policy G1 (Delivery and location of growth) of the Camden Local Plan which recognises self-contained housing as a priority land-use. Furthermore, Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings.

2.2.8 The support at local policy level for developing housing on underused land reflects a key objective of the NPPF 2023 which is to make effective use of land. The NPPF indicates that there should be a presumption in favour of development in the absence of clear reasons for refusing the development.

2.2.9 In summary, there should be a presumption in favour of the provision of the new dwellings in this case, subject to there being no significant harm which would outweigh the benefits of providing new houses. The individual planning impacts of the development are assessed in turn below.

## **2.3 Design and effects on character and appearance of area**

2.3.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 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.

2.3.2 The site is located on the north-western side of Camden Road, to the north-east of railway lines and to the south of Cantelowes Gardens. It is not located within a Conservation Area, but is visible from the Camden Square Conservation Area to the east and with limited visibility from the Kentish Town Conservation Area to the west.

2.3.3 As described in the applicant's Design and Access Statement, the 'surrounding area is characterised primarily by 2-4 storey residential properties with landscaped front gardens and low level brick boundary treatments.' This character, complemented by the neighbouring public open space of Cantelowes Gardens sets a strong identity to Camden Road of low-scale development and greenery, with set-back frontages that include generous planted space between the pavement and building line. Directly to the south-west of the site is the car repair workshop building, which is set closer to the carriageway than the dominant building line. However, the proximity to the carriageway is off-set by it being only single storey. Directly to the north, within Cantelowes Gardens, is a row of 5 trees, the closest of which is sited in very close proximity to the site boundary with a canopy that overhangs the boundary.

2.3.4 This setting requires an exceptional architectural response, ensuring that any proposed development respects and sits comfortably within the local context and character, in line with Local Plan policies D1a and D1j. Any development on the site should perpetuate the existing generous green buffer, typical on Camden Road. Any development should be suitably formed to acknowledge the typical building heights found locally, paying particular attention to the visible eaves levels. It also needs an architectural design which responds more appropriately to the character of Cantelowes Gardens and ensures the setting and landscape of the existing trees are not negatively affected by the development. The Council expectations for this are set out in Policy D1f and D1j.

2.3.5 With respect to 'character and appearance', the appeal Inspector for application 2022/4293/P found that 'its overall scale, location and site coverage would result in significant harm to the character and appearance of the area including Cantelowes Gardens' and further that 'it would conflict with Policies A2, A3, D1 and D2 of the Camden Local Plan 2017 (LP) which seek, amongst other things, development that respects local context and character, preserves heritage assets, protects trees, and avoids harm to the setting of designated open spaces or the character or appearance of conservation

areas from development outside of such locations’.

2.3.6. The revised application (2024/1014/P) is for a 3 storey block of flats (with ground floor bin and cycle stores). The layout and site coverage of the proposal is for full coverage to the sides and rear, with a 2m set-back from the pavement edge at the front. This layout is highly similar to the refused application, and is considered to result in significant harm to the local character due to the proximity to the back of the pavement and the occupation of the full width of the plot. These features affect the dominance of the proposal on the street scene and enclosure to the open space to the north, in conflict with Local Plan Policies D1f. And D1j.

2.3.7 The main variation from the previous application is the reduction in height, from 4 storeys to 3 storeys. The proposed development presents a sheer 9.2m high, 19.5m long elevation to Cantelows Gardens. Whilst the height reduction affects the overall scale, it does not adjust the location and site coverage, which were previously identified as contributing towards significant harm to the character and appearance of the area.

2.3.8 Another change is the inwards adjustment of the ground floor, however the frontage line of the building remains unchanged from the previous application, set back 2m from the pavement edge and including a 1m deep projecting canopy. This continues to create a harmful impact on the street scene and causes enclosure of the neighbouring open space. The enclosure provided by the columns at ground level combined with the bulk of the floors above mean that this change at ground floor has minimal impact on the bulk and site coverage. It does however increase the size and therefore prominence of the undercroft which is considered to present a risk of anti-social behaviour. The design of the layout and form of the building is considered to conflict with Policy D1.

2.3.9 In line with Policy D1e, the elevational design should show a respect for local context and character with details and materials of the highest quality. The local character is predominantly of a singular ‘London stock’ brickwork treatment, often with large areas of stucco render. Window openings are of a domestic scale and expressed simply as openings within the brickwork, or framed with render to present a subtle hierarchy to the elevation.

2.3.10 The design proposal includes two colours of brickwork; grey brickwork and buff brick, which is not labelled on elevation drawings but assumed from the example projects included. The selection of a grey brick and the contrast between materials across the facades shows a lack of respect to the locality and creates a façade expression that is out of keeping with existing character, acting to exaggerate the overall bulk. To the front elevation, grey brickwork surrounds the first and second floor window openings leaving a narrow grid of buff brick that does not complement the local character, where openings are smaller and simply framed. The decorative ‘feature brickwork’ details included may provide relief from the single planes of brickwork, but their ad-hoc locations are unsympathetic and contribute to the confused architectural language compared to the simple honesty of the buildings found locally.

2.3.11 The ground floor facing on to Camden Road does not contribute positively to the street frontage, as required under Local Plan Policy D1f. The detailed design of the entrances leave a significant proportion of inactive frontage through blank doors and an undercroft that has no surveillance from within the building. This fails to address Local Plan Policy D1i regarding security.

2.3.12 Local Plan Policy D1o. requires the careful integration of building services equipment. The design drawings show solar panels on the roof as the only building services equipment. It is suspected that further equipment would be required to service the proposals and that these have not been included within the submission. The design of the materials and details for the building is considered to conflict with Policy D1e., D1f., D1i. and D1o.

2.3.13 The Council expects excellence in architecture and design as outlined in Policy D1, and on such prominent sites a careful scrutiny of design is required. The applicant has not had any pre-application advice addressing design since the previously refused application. The applicant has previously been advised that proposals are assessed by Camden’s Design Review Panel (DRP), an

independent and impartial panel of built environment experts. Neither this application, or the previous application have received a DRP review.

## **2.4 Quality of proposed residential accommodation**

2.4.1 The previous application (2022/4293/P) was refused (partly) on the grounds that the size of the units, the configuration of the front units and the absence of a lift, would not comply with the nationally described housing standards and it would not provide a satisfactory standard of accommodation or level of access for future occupiers. The appeal Inspector ruled that the shortfall in the sizes of the units was marginal and would not imply that an unsatisfactory quality of accommodation would result. The Inspector agreed that the studio units should be dual aspect and also that, as a result of there being no lift, the proposal would be contrary to policy C6, D1 and H6 LP Policy D1 regarding inclusive design and accessibility (Policy H6 requires 90% of new-build self-contained homes in each development to be accessible and adaptable in accordance with Building Regulation M4(2) and 10% to be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3)).

2.4.2 The proposed dwellings would meet the minimum gross internal areas in the nationally described space standards. Additionally, all the units would be dual aspect with windows to all habitable rooms, including for the kitchen areas of the studio units; although without opening sections identified it cannot be established that this is contributing towards mitigation of risk of overheating.

2.4.3 The internal head heights of the flats would be acceptable.

2.4.4 No improvements to access to upper floor homes or investigation on the inclusion of a lift have been provided. Further, the stepped access would fail to achieve the Approved Document requirements based upon the submitted drawings, showing 16 steps to travel 2950mm between floors with a rise of 184mm and going of 220mm, against AD maximum rise of 170mm, and minimum going of 250mm. The design of the upper floors of housing is considered to conflict with Policies C6, D1 and H6.

2.4.5 The existing noise climate was considered in the previous application. It was noted that the site is adjoined by a number of noise generating uses (the vehicle repair workshop, a 24 hour Esso/Tesco fuel station and convenience store, a concrete bowl skate-park and tennis courts in Cantelowes Gardens and the adjoining railway lines in a deep cutting).

2.4.6 A Noise and Vibration Assessment has been submitted and the application has been reviewed by the Council's Environmental Health Team. The Environmental Health Officer has confirmed that good acoustic design has been shown by consideration of the sound insulation of the building envelope to ensure residents are adequately protected from noise.

2.4.7 Vibration levels on site are below the thresholds set in BS6472 for a low probability of adverse comment.

2.4.8 Facade design specification criteria has been discussed and assessed in the acoustic submission and the applicant should ensure future occupants are protected against excessive internal and external noise transfer.

2.4.9 Appropriate external and internal noise criteria have been considered to minimise adverse impacts on health and quality of life as a result of the new development. Appropriate mitigation measures have been outlined including proprietary thermal double-glazing and trickle vents.

2.4.10 Conditions to secure the submission, approval and implementation of sound insulation and ventilation measures, noise mitigation, vibration measures and the notification of works (and handling of complaints etc). are all recommended in the interests of the protection of the amenity of future and existing occupiers.

2.4.11 The Environmental Health Officer also requested a condition to secure a Construction Management Plan (CMP). A CMP is also required in the interests of the safety and free-flow of the highway (see 'Transport and Highway implications' below); and as it is required within a S.106 agreement, and no such S.106 agreement has been completed, it forms a reason for the refusal of the application.

## **2.5 Amenity of neighbouring residential occupants**

2.5.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG - Amenity provides specific guidance with regards to privacy, overlooking and outlook.

2.5.2 Policy A4 seeks to ensure that noise and vibration do not result in harm to the amenity of existing or future occupiers. The policy states that planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided.

2.5.3 There were no reasons for refusal on neighbour amenity grounds for the previous application (2022/4293/P) and the appeal Inspector did not mention neighbouring amenity as a relevant consideration and the appeal was not dismissed on any neighbouring amenity grounds. The current proposal represents a reduction of the previous proposal in terms of its physicality and neighbouring amenity impacts. In brief, the proposal would not give rise to any unacceptable impacts on the amenity of neighbouring occupiers in terms of light, privacy, outlook, noise and/or disturbance or security.

2.5.4 However, 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 of the LB Camden Local Plan.

## **2.6 Dwelling sizes/mix**

2.6.1 Policy H7 states that the Council will aim to secure a range of homes of different sizes. The Dwelling Size Priorities table indicates a low need for 1 bedroom 'market' flats and high need for 2 and 3 bedroom 'market' flats.

2.6.2 Previously (application 2022/4293/P) a 2 bedroom unit was included in the proposal and as such a slight range of unit sizes was proposed, with one 'high priority' unit. The current proposal is for 5 x 1 bed flats. 1 bed flats are 'low priority', there is no range of unit sizes and no 'high priority' units proposed. As such, the proposal is contrary to policy H7 of the Local Plan.

## **2.7 Affordable Housing**

2.7.1 Policy H4 requires a proportion of new dwellings to be affordable in accordance with a sliding scale. Where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing. Targets are based on an assessment of development capacity whereby 100sqm (GIA) of housing floorspace is generally considered to create capacity for one home. Targets are applied to additional housing floorspace proposed. 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.

2.7.2 The GIA of the building is measured at 265 sq m. This floorspace equates to capacity for three dwellings to be provided, and a contribution equating to 6% of the floorspace towards affordable housing should therefore be made. The payment-in-lieu in the Council's Housing CPG is £5,000 per sqm. 6%

of 265 sqm is sqm and a contribution of  $15.9 \text{ sqm} \times £5,000 = £79,500$  is therefore required.

2.7.3 The applicant has indicated a willingness to enter into a legal agreement to make the affordable housing financial contribution. However, in the absence of a signed legal agreement to this effect the proposal does not ensure that this requirement will be met and it therefore constitutes a reason for refusal, on grounds of non-compliance with policy H4.

## **2.8 Transport and highway implications**

2.8.1 There were no blanket reasons for refusal on transport or highways grounds for the previous application (2022/4293/P). S.106 obligations relating to future occupiers not obtaining car parking permits, a contribution to highways works, a Vehicle Maintenance Unit Operational Statement and a Construction Management Plan (and associated Implementation Support Contribution and Impact Bond) were included within reasons for refusal at the planning application stage in accordance with the Council's (and NPPF and London Plan) policies for sustainable transport and transport infrastructure.

2.8.2 A completed and executed S106 was submitted with the appeal. Nevertheless, as the appeal was dismissed the legal agreement is not effective. Consequently, where applicable, these matters should also be secured under a legal agreement this time around. In the absence of a completed legal agreement these matters (where applicable) once more form reasons for refusal. Consideration will now be given to all the relevant transport and highways issues.

2.8.3 The provision of the 6 long stay and 2 short stay cycle parking spaces accords with the adopted cycle parking standards and should be secured by condition.

2.8.4 The 5 flats would need to be secured as on-street resident parking permit (car) free by means of the Section 106 Agreement. 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.

2.8.5 A highways contribution of £11,653.71 should be secured by means of a Section 106 Agreement. This is for removing the vehicular crossover which serves the site, reinstating the footway and repaving the footway adjacent to the site. In the absence of a legal agreement including an undertaking to a Highways Contribution for removing the crossover, reinstating the footway over and repaving the adjacent footway to repair any damage caused, the proposal is contrary to policy T4 of the Camden Local Plan.

2.8.6 The Vehicle Maintenance Unit Operational Statement is considered sufficient to overcome concerns regarding the loss of the existing car park and the potential for vehicle parking to be displaced onto the adjacent roads, in particular Sandall Road. The Vehicle Maintenance Unit Operational Statement should be secured by means of the Section 106 Agreement as it covers matters outside the red line boundary, namely the prevention of overspill parking on adjacent roads.

2.8.7 A CMP and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000 should be secured by means of the Section 106 Agreement. In the absence of a legal agreement including an undertaking to a Construction Management Plan and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000, the proposal is contrary to policies A1 and T4 of the Camden Local Plan.

## **2.9 Canteloves Gardens: Open Space & Biodiversity**

2.9.1 It is necessary to consider the impacts on the adjacent public open space (Canteloves Gardens) on two levels; the effects on the wider context of the park and the effects on the immediate 'micro' conditions, e.g. trees/shading etc.

2.9.2. At the 'micro' level the current proposal, much like the previous proposal, would not result in significant harm to the immediately adjoining environmental/ecological conditions. The Council's Tree Officer, in reviewing the previous proposal, noted that the outline tree protection details should be sufficient to demonstrate that the nearby trees can be adequately protected throughout development. Conditions would be necessary to ensure the protection of the trees during construction and details of the new planting to be undertaken, which should be permanently retained thereafter. The current proposal, which represents a reduction on the previous proposal, would have a lesser impact on the neighbouring trees.

2.9.3 The current proposal – as per the previous proposal – would also not result in undue overshadowing or overlooking of the adjacent open space within Cantelowes Gardens.

2.9.4 The proposal, due to its siting and bulk, would continue to compromise the openness, green nature, character and amenity value of the park, contrary to the requirement within policy D1 and policy A2 (c) to respect the context and character of the Borough and the setting of open spaces.

2.9.5 Indeed, in dismissing the appeal, the Inspector noted '*While the development would not hugely overshadow Cantelowes Gardens and its plants and recreation spaces, it would significantly enclose the open setting along this boundary due to its height and extent of site coverage with no set back at the sides. The fact that buildings enclose other boundaries of the gardens does not justify the erosion of the more open setting on this side. The development would also be located right next to the 5 mature trees and although no arboricultural objection has been raised by the Council, works to the nearest tree would affect its shape and symmetry*'

2.9.6 The harm to the openness, green nature, character and amenity value of the park will be wrapped up in a first reason for refusal referring to adverse effects on the context and character of the townscape, including the Camden Square Conservation Area and the park and the non-compliance with the policies for design, heritage and open spaces.

## 2.10 Contamination

2.10.1 The Council's Land Contamination Team has noted that the Ground Conditions Desk Survey which was submitted for the previous application remains applicable. No objections were/are raised although it is noted that there are records of a fuel station on the site and that underground tanks remain and there is potential for contamination as a result. Accordingly, if planning permission is granted it will be necessary to undertake an intrusive investigation to ascertain the presence of contaminants. If contaminants are found a remediation method statement and verification report will be necessary. The intrusive investigations, remediation statement and verification report will be required prior to the commencement of development, all to be secured by way of planning conditions(s).

## 2.11 Energy and Sustainability

2.11.1 The Energy & Sustainability requirements remain the same as before, under planning application 2022/4293/P. The Energy Efficiency and Adaptation CPG (Table 2a) notes that new residential development comprising 5 – 9 units should achieve 19% below Part L of 2013 Building Regulations carbon emission reductions.

2.11.2 An Energy & Sustainability Statement has been submitted. The results show that there would be a 12.28% improvement over the Part L 2021 Standard. As the Part L 2021 standard is already an approximate 30% improvement over the 2013 Part L regulations, the Camden planning requirement of at least a 19% reduction in comparison to the 2013 Part L standard would be comfortably satisfied.

2.11.3 For residential developments between 5 and 9 units the Energy Efficiency and Adaptation CPG requires a 20% reduction in CO2 emissions as a result of the use of renewable energy technologies. Under application 2022/4293/P, 12 solar panels providing each flat with 2 no. 340 watts), were indicated on the roof.

2.11.4 There were no reasons for refusal on energy or sustainability grounds for planning application 2022/4293/P and the Inspector raised no subsequent energy or sustainability concerns when dismissing the subsequent appeal.

2.11.5 The now proposed roof plan shows 8 solar panels for the 5 flats. However, the Energy & Sustainability Statement has not been updated to confirm that this number of solar panels would achieve the required level of carbon reductions. A condition would therefore be required to secure the submission, approval and implementation of an updated solar panel array and associated Energy & Sustainability Statement to meet the aforementioned 20% carbon reduction target.

## **2.12 Air Quality**

2.12.1 The previous application (2022/4293/P) was (partly) refused for the reason that in the absence of an air quality assessment, and appropriate mitigation therein, the proposal would be likely to be harmful to the living conditions of future occupiers. The site was identified as being within an area of very poor air quality.

2.12.2 The appeal decision letter notes that 'An air quality assessment (AQA) was provided with the appellant's initial appeal documents. The Council provided comments on the AQA in an email dated 28 November 2023.

2.12.3 The appeal decision letter further notes that 'the recorded and predicted figures both indicate levels below the national objective for NO<sub>2</sub>'. Furthermore, 'Effects relating to the construction phase regarding dust can be addressed via a condition requiring mitigation measures to be implemented.' And 'based on the evidence before me, there would be an acceptable effect on air quality as a result of the proposed development.'

2.12.3 The same Air Quality Assessment has been submitted for the current application. The measured NO<sub>2</sub> levels within vicinity of the site all continue to underscore the 40 ug /m<sup>3</sup> target and the report reiterates that with appropriate mitigation the overall residual effect of construction and development traffic will be 'not significant'.

2.12.4 In air quality terms, the development would therefore pose no undue health risks for future occupiers or occupiers in the surrounding area.

## **3.0 CONCLUSION**

3.1 Subject to a legal agreement relating to the provision of a vehicle operation management plan to enable the use of the adjoining car repair workshop for continued business use, the change of use of the car parking area for a residential development would not result in the loss of any employment and it would accord with the policies for growth and new housing.

3.2 The proposed residential development is not in keeping with the context or character of the townscape or the Camden Square Conservation Area and it would be harmful to the character, openness, landscape and amenity value of the adjoining park. It is therefore contrary to the policies and guidance for conservation and design and open spaces.

3.3 The proposed development would not provide a range of unit sizes, with no units of the 'high priority' type identified by the Council. It would therefore be contrary to the Local Plan policy (H7) on small and large homes.

3.4 The proposed development does not include the provision of any affordable housing. It is therefore contrary to the Camden Local Plan policy (H4) for the provision of affordable housing for any new residential development involving the addition of one or more new dwelling and 100 sq m + of new residential floorspace.

3.5 In the absence of a legal agreement relating to a car free development, Construction Management Plan, highways maintenance contribution and stopping-up of the existing crossover, the proposed development would be contrary to the Camden, London Plan and NPPF policies for sustainable transport and ensuring efficient transport infrastructure.

#### **4.0 RECOMMENDATION**

4.1 Refuse planning permission.