

# 1-11A Swain's Lane and 109-110 Highgate West Hill

The Earl of Listowel

Planning Statement

Nathaniel Lichfield & Partners

October 2013





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& Partners

Planning. Design. Economics.

**1-11A Swain's Lane & 109-110  
Highgate West Hill**

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The Earl of Listowel

October 2013

13015/JF/DPa

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## 1.0 Introduction

### Purpose

- 1.1 This Planning Statement has been prepared to assist the London Borough of Camden (LBC) in its consideration of an application for planning permission in respect of land at 1 – 11A Swain’s Lane and 109 – 110 Highgate West Hill. The applicant is submitted on behalf of The Earl of Listowel (“Lord Listowel”).
- 1.2 The purpose of this Planning Statement is to assess the proposals against relevant local, London-wide and national planning policy and other material considerations. To do this, it draws from other documents and information accompanying the planning application to which the reader may wish to refer.

### Accompanying Documents

- 1.3 The Planning Statement deals with site specific and technical issues that need to be considered through the determination process. In so doing, it draws from the conclusions of the following technical documents which accompany this application:
- 1 Design and Access Statement (including Lifetime Homes and Wheelchair Housing Statement) prepared by Liam O’Connor Architects;
  - 2 Statement of Community Involvement prepared by M&N Place;
  - 3 Daylight Sunlight and Overshadowing Assessment prepared by Nathaniel Lichfield & Partners;
  - 4 Heritage Impact Assessment prepared by Nathaniel Lichfield & Partners;
  - 5 Transport Statement prepared by Vectos;
  - 6 Energy Statement and Sustainability Report (including Code for Sustainable Homes Assessment) prepared by Cundall;
  - 7 Environmental Noise Report prepared by Cundall;
  - 8 Arboricultural Impact Assessment prepared by D F Clark Bionomique;
  - 9 Drainage Strategy prepared by Cundall;
  - 10 Air Quality Assessment prepared by Air Quality Consultants; and
  - 11 Contaminated Land Statement prepared by Nathaniel Lichfield & Partners.
- 1.4 The Contaminated Land Statement can be found at Appendix 1. This is based on the findings of a desk study and intrusive ground investigation undertaken by Harrison Group Environmental Limited.



## 2.0 **Pre-application Consultation**

### **Introduction**

- 2.1 The proposals the subject of this planning application have been subject to extensive pre-application discussions and consultation. The purpose of the consultation process was to obtain the views of the local community and the Council and to feed these into the design development process. We are grateful for the time and effort spent by all parties who have worked with us during consultation and provided valuable feedback. The feedback we have received has directly informed the proposals now presented within the planning application.
- 2.2 Full details of the consultation process are set out in the Statement of Community Involvement and the Design and Access Statement and are not repeated here.

### **The Planning and Design Brief**

- 2.3 A key feature of the consultation process were the meetings and workshops held with representatives of the local community (Swain's Lane Steering Group) and Council Members and Officers. One of the outcomes of this aspect of the consultation process was the preparation of a Planning and Design Brief (the "brief"). This was discussed at the workshops and verbally agreed between all parties in June 2013. A copy of the brief is appended in full to the Statement of Community Involvement and we draw directly from it below and in other sections of this Statement.
- 2.4 The brief sets out the context against which the detailed design for the re-development of the site would be taken forward in conjunction with the Local Planning Authority (LPA), the local community and other key stakeholders. The brief was worked up in liaison with representatives from the local community and officers from the Council.
- 2.5 The aim of the brief was to seek to ensure the development:
- 1 meets the aims and aspirations of Lord Listowel;
  - 2 meets the aims and aspirations of the local community; and
  - 3 complies with the requirements of the statutory development plan.
- 2.6 The brief provides a framework to take forward development of the site in a collaborative manner. It was agreed that:
- 1 The scheme must be viable in order for it to be delivered.
  - 2 High quality design is important given the context of the site, its role in the neighbourhood centre and its location in a Conservation Area.

- 3 The scheme should enhance the neighbourhood centre as a community asset and protect the role of Swain's Lane as a local shopping destination responding to a 'shared retail vision'.
  - 4 Residential use above ground floor retail is appropriate for this site.
- 2.7 The Planning and Design Brief was an important juncture in the consultation process as it formed an agreed basis against which all parties involved provided more detailed comments on the emerging proposals prepared by the architect at that time.
- 2.8 We refer to key issues arising from the pre-application consultation process in Section 7 of this Statement in so far as they relate to a consideration of the planning policies against which the planning application must be determined.

## 3.0 **The Application Site and Surroundings**

### **Introduction**

- 3.1 This section of the Planning Statement briefly describes the site and surrounding area drawing directly from the Planning and Design Brief referred to in the last section. The description outlined below was agreed with those who attended the workshops and provides useful context for the assessment of the proposals against planning policy in Section 7 of this Statement.
- 3.2 Reference should also be made to the Design and Access Statement which provides additional commentary and also sets out the design principles which were agreed with the local community as part of the brief.

### **The site and Immediate Surrounding Area**

- 3.3 The site is situated on the northern side of the roundabout junction of Swain's Lane, Highgate West Hill and Highgate Road. Buildings on the site comprise two single-storey, flat-roofed blocks which form a short shopping parade of ten retail units. Historic OS Maps indicate the buildings on site were built between 1920 and 1936.
- 3.4 The buildings are situated at the rear of the pavement. The corner unit curves and addresses both Swain's Lane and Highgate West Hill.
- 3.5 A row of garages are located to the north of the shopping parade addressing Highgate West Hill. Vehicular access to the rear of the site is provided to the north of the garages off Highgate West Hill and between Nos. 3a and 5 Swain's Lane.
- 3.6 The buildings surrounding the site vary in height and architectural style. Immediately to the east is a three/part four-storey early twentieth century mock-Tudor parade with gables and dormer windows. This parade forms part of the Swain's Lane retail frontage with upper floors in residential use. Further east, Swain's Lane is in residential use. Built form is varied, including Arts and Crafts and contemporary styles.
- 3.7 To the north of the site are three two-storey buildings - 107/108 and 109 Highgate West Hill. To the north east are the three-storey buildings of St Anne's Close. St Anne's Church is located further north behind 107/108 Highgate West Hill. The topography of the land rises steadily as you move northwards towards Hampstead and Highgate and Parliament Hill.
- 3.8 To the west is a four storey late nineteenth century red brick terrace with shops and cafes at ground floor and two four-storey mansion blocks dating from the late nineteenth and early twentieth century; they are largely brick with mock-Tudor elements on the fourth storey.

- 3.9 Directly to the south, on Swain's Lane, is the three-storey Carob Tree building, which has planning permission for a fourth storey. To the east of the Carob Tree are one to two storey buildings accommodating retail and service uses. These buildings are flanked to the east by three storey residential buildings and to the south by two, three and four storey residential buildings on St Albans Road.

## Accessibility

- 3.10 Highgate Road/Highgate West Hill (B518), to the west of the site, is a busy thoroughfare running north-south between Highgate and Kentish Town. The Parliament Hill Fields bus stops are located outside the entrance to the heath on Highgate Road. These bus stops are serviced by the 214 (Highgate School/Hampstead Lane to Finsbury Square) and C2 (Parliament Hill Fields to Victoria) bus routes running north/south and the C11 (Archway Station to Brent Cross Shopping Centre) running east/west. Both the 214 and C2 provide links to Kentish Town tube station. The C11 provides a link to Archway tube station.

## Description of the wider area

- 3.11 The site is located within Sub Area 8: St Alban's Road of the Dartmouth Park Conservation Area Appraisal and Management Statement (DPCAA) (2009). This appraisal does not form part of the statutory development plan but will be an important material consideration in the determination of any planning application. It contains a helpful description of Swain's Lane and the surrounding area (St Anne's Close and Highgate West Hill) which is directly relevant to the formulation of development proposals on the site. Relevant extracts from the appraisal are set out below (and referred to in the Heritage Impact Assessment) for ease of reference.

***Swains Lane*** The north side of the western end of this road contains an unusual single storey curved shop parade, Nos.1-11A, which contributes substantially to the character of the area in design, scale and function., a recent redevelopment proposal arousing 369 individual objections. Rising above it is the spire of St. Anne's Church. The eastern, three-storey range of the shopping frontage is in the Holly Lodge Estate Conservation Area. The southern side has a number of 20 century houses of mixed style. Early Victorian buildings survive east of the short range of two-storey shops that are next to the Duke of St Albans pub. No.8 (Griffith Thomas, 1850) is the enlarged survivor of a semi-detached pair, No.10 having been replaced by a four-storey block of flats in the 1970s. Nos.12&14 are likewise 1850, a semi-detached pair of three-storey, slate-roofed, stuccoed villas with semi-basements with a canted bay that rises to the ground floor. No. 16 is an Art Deco , three-storey block of flats with metal windows and a rounded corner; No.18 , also three-storeyed flats, of the 1970s, Nos 20 and 28-44 (even) were built by Smerdon Bros in 1912-14, and form a group of two-storey detached and semi-detached houses of an Arts and Crafts character with tiled roofs. On the site of a large house on the corner with Brookfield Park a terrace of three-storey narrow town houses with garages largely occupying the ground floor was built in the 1970s.

The junction of Swains Lane, Highgate Road and Highgate West Hill is an important landmark in the area. The views along Highgate Road to the shopping frontage, the views along Swains Lane, the vista northwards towards St. Anne's Church and its attractive broach spire (visible over the single-storey shops in Swains Lane), meet at this point.

**St. Anne's Close** was built in the 1950s in the grounds of the St. Anne's Church. The private road has some lock-up garages on the south side and the 1950s Vicarage, but past those is a pleasing group of houses designed by Walter Segal, an important figure in the self build movement, as a co-operative scheme. It consists of two storey houses grouped around a communal green, with no boundaries between them. The brick buildings have distinct square large metal windows at ground floor level with multi lights. The pantiled roofs have deep eaves. Nos.1-5 Church Walk faces the common on the south side 39 and is a terrace that was added in the 1980s. Brick with stucco bands and mansard roof, it does not have the careful detail of St. Anne's Close.

**Highgate West Hill** The southern end on the east side is included in the Conservation Area, as the hill begins the long climb up to Highgate. St. Anne's Church (George Plucknett, 1852-3) and its former Vicarage form the frontage. Both are listed. The church, in revived Early English Gothic style, is set back from Highgate West Hill with a gently rising drive leading to the western end of the Church and its south-west tower crowned by a broach spire; built in coursed rubble with Bath stone dressings. It has interesting stained glass windows by a wide range of Victorian artists. The Vicarage, built c.1850 for the family of the church's foundress, of grey brick in an Italianate style, is set back behind a long brick wall topped by railings, with piers. The slate hipped roof and overhanging bracketed eaves can be seen from the street.

## 4.0 **Planning History**

### **Introduction**

- 4.1 We set out below details of some previous planning applications on the application site, and on sites adjacent to it, which we have had consideration of during the design of this scheme.

### **The Application Site**

- 4.2 The application site has been subject to two previous planning applications for mixed use residential and retail development.
- 4.3 Applications for planning permission (Ref: CEX0100720) and conservation area consent (Ref: CEX0100721) for “demolition of garages and ground floor units fronting both Highgate West Hill and Swain’s Lane and the redevelopment of the site to provide a part three/part four storey development comprising 5 commercial units at ground level and 18 residential units above” was submitted in September 2001. The application was recommended for refusal at planning committee on 6 December 2001 due to the buildings height, bulk, massing, footprint and modelling and detailed design and its failure to either preserve or enhance the character and appearance of the conservation area and nearby listed buildings. Officers also indicated the proposal did not accord with the density, housing mix and affordable housing policies. The application was subsequently withdrawn prior to a decision being made by the Council.
- 4.4 In July 2003 an application for conservation area consent (Ref: CEX0200638/C) to demolish the existing buildings and lock up garages and application for planning permission (Ref: PEX0200580/P) was submitted for “redevelopment of the site to provide 7 commercial units (5 x A1, 1 x A2 and 1 x A3) with 12 flats above in a 2-storey terrace on the corner of Highgate West Hill and Swain’s Lane and in a 3-storey terrace with front and rear dormer windows at roof level adjoining and fronting Swain’s Lane. Provision of 2 3-storey houses fronting Highgate West Hill and 13 parking spaces”. The applications were withdrawn in August 2003 prior to being determined by the Council.
- 4.5 The scheme now the subject of this planning application responds to issues raised during the consideration of these two previous applications. It is a much improved scheme which has been the subject of considerable pre-application consultation to address issues raised by the local community.

### **Other Sites Nearby**

- 4.6 The following applications are relevant to the design of the scheme but for different reasons. The Carob Tree decision is of general relevance as it deals with the effect of increases in height on the character and appearance of the Dartmouth Park Conservation Area and the adequate provision for open space

and education requirements, car-free housing and a sustainable form of development. The Brookfield House applications are directly relevant insofar as they relate to proposed development which has had a bearing on the design of our proposals in order to address potential overlooking and privacy issues.

### **The Carob Tree (2 Swain's Lane)**

- 4.7 The Duke of St Albans Public House (now known as the Carob Tree restaurant) is located at the junction of Highgate Road, Swain's Lane and Highgate West Hill. The 1950s building is predominately three-storey in height and is located directly opposite the planning application site.
- 4.8 Planning permission was granted on 30 May 2012 for the 'change of use of upper floors from ancillary restaurant accommodation (Class A3) to create three (2 x 2 and 1 x 3 bed) self-contained flats (Class C3) including rear (south) extensions at first and second floor level and roof extension to create new third floor level with external terrace areas and associated alterations including entrance on Highgate Road (west) elevation' (ref: 2011/3819/P). The officer's report to committee dated 3 April 2012 and appeal decision for a previous scheme (Ref: 2010/2274/P) identified a number of issues of relevance to Swain's Lane. The officer's delegated report recommending planning permission be granted subject to a legal agreements considered that the impact of an extra storey at the building on the wider area was acceptable and that this would not exceed the maximum height of many other buildings in the immediate area. The report also considered that the additional height would not alter the sight or setting of the spire to St Anne's Church when viewed from the south along Highgate Road.

### **Brookfield House (108 Highgate West Hill)**

- 4.9 Brookfield House abuts the planning application site on its northern boundary. It is the greater part of a former vicarage comprising a Grade II listed two storey dwelling house with a pitched roof. Applications have recently been considered at Development Control Committee as follows:
- 1 Planning permission and listed building consent for the "*installation of 3 x rooflights in association with the conversion of single dwellinghouse into 1 x 3 bedroom flat and 1 x 5 bedroom flat (Class C3)*" (Ref: 2013/2508/P & 2013/2532/L) approved 9 May 2013.
  - 2 Planning permission for the "*construction of a new single storey dwelling (Class C3) within the grounds of existing house*" (Ref: 2013/2797/13) with a resolution to approve subject to legal agreement.
- 4.10 Officers in pre-application suggested this permission may have overlooking and amenity implications to development on our site. This issue has been fully addressed during the design development further details of which are set out in Section 7 and the Design & Access Statement.

## 5.0 **Summary of Proposed Development**

### **Introduction**

5.1 This section provides a summary of the main components of the proposed development and provides some important context to assist in an assessment of the proposal against planning policy in Section 7.

5.2 Full details of the proposals are set out in the Design and Access Statement and on the submitted planning drawings.

### **Main components**

- 1 Demolition of the two existing buildings and garages.
- 2 Erection of two new buildings: the proposed East Building is three-storey in height, and; the west building is part two-storey and part three-storey in height plus a basement housing a lift overrun and Combined Heat and Power plant.
- 3 635sqm (GEA) (554 sqm GIA) of ground floor retail across the two buildings (see Table 5.1 on p10).
- 4 13 private market residential units (1,378 sqm GEA) across the two buildings (see Table 5.2 on p10).
- 5 Removal of vehicular egress and access from Swain's Lane.
- 6 Provision for 5 car parking spaces including one disabled car parking space and two electric car charging points
- 7 Cycle parking to accommodate 10 cycle stands (20 cycle spaces).
- 8 Two bin stores for residential and retail refuse located adjacent to the vehicular egress on Highgate West Hill and to the rear of the East Building.
- 9 54 sq m communal residential garden to rear of the East Building.
- 10 187 sq m roof terraces and 28 sq m of private balconies on the West Building for use by residential units (W1, W2, W3 and W6).
- 11 Improvements to public realm (including areas for external seating) and the planting of new trees.
- 12 Green roofs on both the East Building and West Building.



Table 5.1 Proposed ground floor retail (A1-A3) floorspace

Block	Gross Internal Area (sqm)	Gross External Area (sqm)
<b>West Building</b>	<b>384</b>	<b>431</b>
Unit 1	80	89
Unit 2	95	105
Unit 3	69	74
Unit 4	70	80
Unit 5	70	83
<b>East Building</b>	<b>170</b>	<b>204</b>
Unit 1	84	100
Unit 2	48	57
Unit 3	38	47
<b>Total Floorspace</b>	<b>554</b>	<b>635</b>

Table 5.2 Proposed residential mix and tenure

	West Building	East Building	Total
1 bed (2 person)	0	1	1
2 bed (3/4 person)	5	5	10
3 bed (4 person)	2	0	2
<b>Total</b>	<b>7</b>	<b>6</b>	<b>13</b>

## 6.0 **Relevant Planning Policies and Other Key Documents for Consideration**

### **Introduction**

- 6.1 This section identifies the planning policy and guidance at a national, regional and local level relevant to this proposal. It then identifies the key planning considerations against which the planning application will be determined. The proposed development is then assessed against these key planning considerations in Section 7.

### **Policy Context**

- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that:  
*“If regard is to be had to the development plan for the purpose of any determination to be made under the planning acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”*
- 6.3 The statutory development plan relevant to the site comprises the London Plan (2011), London Borough of Camden Core Strategy (November 2010) and Development Policies DPD (November 2010). The Council has also adopted a number of Supplementary Planning Documents of relevance to the scheme.

### **Site Designations**

- 6.4 The site is designated within a Neighbourhood Centre and within the Dartmouth Park Conservation Area in the Core Strategy.
- Other designations surrounding the site which are identified on the Core Strategy Proposals Map are:
- 1 1-25 and 2-6 Swain’s Lane and 1-4 and 109-110 Highgate Road to the east, south and west are within the Swain’s Lane Neighbourhood Centre
  - 2 Highgate Village Conservation Area is to the west of the site
  - 3 Holly Lodge Conservation Area is to the east of the site
  - 4 Hampstead Heath to the west is designated as Open Space and Metropolitan Open Land
- 6.5 There are no statutory or locally listed buildings within the site albeit there are a number of listed buildings within the vicinity, including:
- i La Sainte Union des Sacres Coeurs, including gate & walls (grade II)
  - ii 107-108 Highgate West Hill (grade II)
  - iii Church of St. Anne (grade II)

- iv 6-7 Highgate West Hill (grade II)
- v 8 Highgate West Hill (grade II)
- vi 10-11 Highgate West Hill (grade II)
- vii 12-13 Highgate West Hill (grade II)
- viii 14 Highgate West Hill (grade II)

## **The Statutory Development Plan**

6.6

The policies listed below are taken directly from the Planning and Design Brief. They represent an agreed list of policies against which the planning application should be assessed. It should be noted that policies and guidance relating to basements was not included in the original brief as at the time a basement was not proposed. The relevant policies are, however, referred to below reflecting this change.

### **London Plan (2011)**

- Policy 3.3 – Increasing Housing Supply
- Policy 3.4 – Optimising Housing Potential
- Policy 3.5 – Quality and Design of Housing Developments
- Policy 3.6 – Children and Young People’s Play and Informal Recreation Facilities
- Policy 3.8 – Housing Choice
- Policy 3.12 – Negotiating affordable housing on individual private residential and mixed use schemes
- Policy 3.13 – Affordable Housing Thresholds
- Policy 4.7 – Retail and Town Centre Development
- Policy 4.8 – Supporting a Successful and Diverse Retail Sector
- Policy 4.9 – Small Shops
- Policy 5.2 – Minimising Carbon Dioxide Emissions
- Policy 5.3 – Sustainable Design and Construction
- Policy 5.7 – Renewable Energy
- Policy 5.10 – Urban Greening
- Policy 5.11 – Green Roofs and Development Site Environs
- Policy 5.12 – Flood Risk Management
- Policy 5.13 – Sustainable Drainage
- Policy 5.15 – Water Use and Supplies
- Policy 5.21 – Contaminated Land
- Policy 6.3 – Assessing Effects of Development on Transport Capacity
- Policy 6.9 – Cycling

- Policy 6.10 – Walking
- Policy 6.13 – Parking
- Policy 7.1 – Building London’s Neighbourhoods and Communities
- Policy 7.3 – Designing Out Crime
- Policy 7.4 – Local Character
- Policy 7.5 – Public Realm
- Policy 7.6 – Architecture
- Policy 7.8 – Heritage Assets and Archaeology
- Policy 7.14 – Improving Air Quality

### **Camden Core Strategy**

- Policy CS1 – Distribution of growth
- Policy CS4 – Areas of more limited change
- Policy CS6 – Providing quality homes
- Policy CS7 – Promoting Camden’s centres and shops
- Policy CS11 – Promoting sustainable and efficient travel
- Policy CS13 – Tackling climate change through promoting higher environmental standards
- Policy CS14 – Promoting high quality places and conserving our heritage
- Policy CS15 – Protecting and improving our parks and open spaces & encouraging biodiversity
- Policy CS17 – Making Camden a safer place
- Policy CS18 – Dealing with our waste and encouraging recycling

### **Camden Development Policies 2010 – 2025 (2010):**

- Policy DP1 – Mixed Use Development
- Policy DP2 – Making full use of Camden’s capacity for housing
- Policy DP3 – Contribution to the supply of affordable housing
- Policy DP5 – Homes of different sizes
- Policy DP6 – Lifetime homes and wheelchair housing
- Policy DP10 – Helping and promoting small and independent shops
- Policy DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
- Policy DP16 – The transport implications of development
- Policy DP17 – Walking, cycling and public transport
- Policy DP18 – Parking standards and limiting the availability of car parking
- Policy DP19 – Managing the impact of parking

- Policy DP21 – Development connecting to the highway network
- Policy DP22 – Promoting sustainable design and construction
- Policy DP23 – Water
- Policy DP24 – Securing high quality design
- Policy DP25 – Conserving Camden’s heritage
- Policy DP26 – Managing the impact of development on occupiers and neighbours
- Policy DP27 – Basements and Lightwells
- Policy DP28 – Noise and Vibration
- Policy DP29 – Improving access
- Policy DP30 – Shopfronts
- Policy DP32 – Air Quality and Camden’s Clear Zone
- Appendix 2 – Parking Standards

### **Other Policy Considerations**

- 6.7 The following Mayor of London Supplementary Planning Guidance documents are relevant to the consideration of this planning application
- 1 Housing (November 2012)
  - 2 Shaping Neighbourhoods: Play and Informal Recreation (September 2012)
- 6.8 The London Borough of Camden has produced a number of adopted Camden Planning Guidance (CPG) documents to supplement guidance in the Core Strategy and Development Management Policies. These include:
- 1 CPG 1 Design
  - 2 CPG 2 Housing
  - 3 CPG 3 Sustainability
  - 4 CPG 4 Basements and Lightwells
  - 5 CPG 5 Town centres, retail and employment
  - 6 CPG 6 Amenity
  - 7 CPG 7 Transport
  - 8 CPG 8 Planning Obligations

### **National Planning Policy Framework**

- 6.9 The National Planning Policy Framework (NPPF) sets out national planning policy and how it is expected to be applied.
- 6.10 The NPPF sets out three dimensions to sustainable development: economic, social and environmental. The planning system should play an active role in guiding development to sustainable solutions, taking account of these three themes which should not be considered in isolation (paragraph 7 and 8).

- 6.11 The proposed development responds directly to these three themes of sustainable development. Economically, it will make a contribution to the local economy by providing jobs, provide modern purpose built retail units for small and independent businesses and improve the local environment which will increase the attractiveness for the area for existing and new businesses. Socially, it will provide for the shopping needs of the surrounding population and provide important public realm, which responds to the need for communities to have focal points and meeting spaces. Environmentally, the buildings and public realm will be of a very high quality and the applicant is targeting a Code for Sustainable Homes Level 4 and will incorporate a range of sustainable measures that will reduce carbon dioxide and use of natural resources.
- 6.12 The NPPF sets out the Government's presumption in favour of sustainable development (paragraph 14). For decision taking this means approving development proposals that accord with the development plan without delay and if the development plan is absent, silent or relevant policies out of date then to grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the NPPF suggest it should be restricted.
- 6.13 Camden has an up to date development plan in the form of the Core Strategy and Development Management Policies DPD, with policy DP1 promoting mixed use development including a contribution towards the supply of housing and policy DP7 encouraging the provision of small shop premises suitable for small and independent businesses. Where there are policy conflicts, these are clear material considerations weighing in favour the grant of planning permission.
- 6.14 Aside from the overall presumption in favour of sustainable development relevant policy in the NPPF provides support for the proposed development.
- 6.15 Twelve core principles are set out in paragraph 17 of the NPPF. The application embraces these principles. The proposed scheme proactively drives and supports sustainable economic development to deliver the homes, business units, infrastructure and thriving local places that the country needs.
- 6.16 Delivering a wide choice of high quality homes is key to the NPPF. Housing applications should be considered in the context of the presumption in favour of sustainable development with the aim of delivering a wide choice of high quality homes and opportunities for home ownership creating sustainable, inclusive and mixed communities (paragraphs 49 & 50).
- 6.17 The NPPF promotes competitive town centre environments recognising town centres as the heart of their communities. Camden's Core Strategy seeks to promote Camden's centres and shops. It establishes a hierarchy of centres within the borough – Central London Frontages, Town Centres and Neighbourhood Centres. Neighbourhood Centres, such as Swain's Lane, are considered to be equivalent to local centres in the NPPF. Local authorities are encouraged to promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. The

NPPF also recognises that residential development can play an important role in ensuring the vitality of centres and local authorities should set out policies to encourage residential development on appropriate sites (paragraph 23).

- 6.18 Good design is a key aspect of sustainable development and should contribute positively to making places better for people (Para 56). The NPPF considers that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness (paragraph 50).
- 6.19 Section 12 sets out the government's advice on protecting heritage. Paragraph 128 requires applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. When determining planning applications, local authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, the more important the asset the greater the weight should be given.
- 6.20 Paragraph 137 recognises that local authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. The application is accompanied by a Heritage Impact Assessment.
- 6.21 The NPPF also contains important guidance on promoting sustainable transport, meeting the challenge of climate change and conserving and enhancing the natural environment. This application has had consideration to this guidance and responds positively to it.
- 6.22 Later in the NPPF in the section on decision taking it states:  
*"Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development..."*  
*"Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure development that improve the economic, social and environmental conditions of the area"* (paragraph 186 and 187).
- 6.23 There is no doubt that the proposal will improve the economic, social and environmental conditions of the area.

## Key Planning Considerations

- 6.24 We consider the following planning considerations represent the key policy issues against which the planning application should be determined.
- a The principle of development in land use terms (Camden Core Strategy CS1 and CS4; Development Policies DP1 and the NPPF).

- b Retail policy issues (Camden Core Strategy CS7; Development Policies DP10 and DP12; CPG5; London Plan policies 4.7, and 4.8; and the NPPF).
- c Residential policy issues including mix, density, residential design standards (including amenity and overlooking) and affordable housing (Camden Core Strategy CS1, CS6 and CS15; Development Policies DP2, DP3, DP5, DP6, DP21 and DP26; CPG2; London Plan policies 3.4, 3.5, 3.6 3.8 and 3.12; and the NPPF).
- d Potential Impact on the built environment (Camden Core Strategy CS14 and CS17, Development Policies DP24, DP30; CPG1 and CPG4; London Plan policies 7.1, 7.2, 7.3, 7.4, 7.5, 7.6; and the NPPF).
- e Conservation and Heritage issues including the demolition of existing buildings and impact on the character and appearance of the Conservation Area (Camden Core Strategy CS14; Development Policies DP24 and DP25; London Plan policies 7.8; and the NPPF).
- f Transport policy issues including car and cycle parking provision and servicing (Camden Core Strategy CS11 and CS18; Development Policies DP16, DP17, DP18, DP19, DP26 and DP29; CPG7; London Plan policies 6.3, 6.9, 6.10, 6.13; and the NPPF).
- g Sustainability issues (Camden Core Strategy CS13; Development Policies DP22 and DP23; CPG3; London Plan policies 5.1 5.2, 5.3, 5.11, 5.15; and the NPPF).
- h Other environmental issues including daylight, sunlight and overshadowing, air quality and noise and basement (Camden Core Strategy CS5; Development Policies DP22, DP26, DP27, DP28 and 32; and London Plan policies 7.6, 7.14 and 7.15).
- i Legal obligations/Heads of Terms (CPG8; London Plan policy 8.2).

6.25 Our assessment of the planning application against these policies is set out in the Section 7 below.



## 7.0 **Assessment against the Statutory Development Plan**

### **Introduction**

7.1 This section sets out our assessment of the scheme against the key planning considerations outlined in Section 6 and the planning policies agreed in the Planning and Design brief. For ease of reference, we set out our assessment against each of the key planning considerations set out at in Section 6.0 above.

#### **(a) Principle of Development**

7.2 Housing is a priority land use for Camden and providing residential above retail in this location is acceptable to Camden Council. An agreed position on the principle of development is set out in the Planning and Design brief.

7.3 The site is in a sustainable location and proposes re-development of an existing brownfield site making the best use of Camden's limited land. The approach accords with the core principles of the NPPF which encourages the re-use of previously developed land and Camden Core Strategy policy CS1.

7.4 The scheme proposes ground floor retail with residential above which is consistent with Development Policies policy DP1 which promotes mixed use developments in all parts of the borough, particularly where a contribution towards the supply of housing is proposed.

7.5 Policy 3.3 of the London Plan seeks to increase housing supply across the capital with minimum housing targets set out in Table 3.1. For Camden the minimum ten year target is 6,650 units or 665 a year.

7.6 Policy CS1 and CS4 support development which makes the best use of land in areas of more limited change which are outside of the growth areas such as Swain's Lane. The key test set out in Policy CS4 is that development in these areas '*respects the character of its surroundings, conserves heritage and other important features and provides environmental improvements and other local benefits where appropriate*'. An assessment of these issues is outlined in further detail below.

7.7 The scheme therefore accords with Core Strategy policies CS1 and CS4 and Development Policies policy DP1.

#### **(b) Retail Policy Issues**

7.8 Policy 4.7 of the London Plan supports retail and town centre development provided that it is of an appropriate scale in relation to the size, role and function of the centre and its catchment. In particular, Policy 4.8 supports convenience retail particularly in Neighbourhood Centres to secure a

sustainable pattern of provision and strong, lifetime neighbourhoods. This means ensuring that people have a good quality environment in an active and supportive local community with the best possible access to services.

- 7.9 The site is located within the Swain's Lane Neighbourhood Centre. Core Strategy policy CS7 promotes successful and vibrant centres to serve the needs of residents, workers and visitors. The Council will do this by seeking to protect and enhance the role and unique character of each centre by ensuring that new development is of an appropriate scale and character for the centre in which it is located. Providing for, and maintaining, a range of shops, services and food, drink and entertainment and other suitable uses is important to provide variety, vibrancy and choice. Protecting and promoting small independent shops is an important consideration.
- 7.10 The scheme proposes a marginal increase in gross retail floorspace from 620sqm to 635sqm (GEA) (with GIA decreasing from 575 sqm to 554 sqm) within eight units ranging from 40sqm (GIA) to 95sqm (GIA) within Use Classes A1, A2 and A3. These are of an appropriate size for this neighbourhood centre location and will promote small and independent businesses.
- 7.11 Officer's pre-application advice confirms that the mix of retail units is acceptable. The removal of the previous larger retail unit in the west building and its replacement with smaller units was strongly supported by officers and was a direct response to feedback from the public consultation. The scale of retail floorspace is appropriate for the neighbourhood centre and its function. This is in accordance with London Plan policies 4.7 and 4.8 and Core Strategy Policy CS7, Development Policies DP10 and CPG5.
- 7.12 The scheme includes active retail frontages onto Highgate West Hill and Swain's Lane including outdoor space for tables and chairs for restaurant/café uses. This seeks to build on the success of some of the existing traders in this location and responds to issues raised during the public consultation.
- 7.13 A mix of units within Use Classes A1, A2 and A3 is proposed consistent with the existing use classes within the Swain's Lane neighbourhood centre. The proposals seek to promote Swain's Lane's café culture and its role as a focal point for local residents and visitors to the Heath. This mix of shopping, services, food and drink would enhance the vitality and viability of the centre in accordance with Development Management Policy DP12.
- 7.14 Core Strategy policy CS7 indicates that retail in neighbourhood centres should support the provision of small shops to meet local need. The units have been designed and sized to encourage small independent businesses including the possibility of some of the existing businesses returning to the site. This reflects discussions with existing tenants and the local community throughout the consultation process to promote units of a size that would appeal to small and independent businesses. The proposed size of units is consistent with Development Policies policy DP10.

7.15 The design principles set out in the Planning and Design brief sought the creation of a sense of place of the neighbourhood centre reinforced by the presence of independent retailers and the café culture being an important consideration. The floorspace proposed reflects the brief and is considered to be acceptable by the Council. The scheme accords with Core Strategy policy CS7 and Development Policies policies DP10 and DP12 and CPG5 and will deliver a number of recognised benefits including the provision of active frontages along both Swain's Lane and Highgate West Hill, provide units of a size attractive to independent retailers and enhance the area as a tourist destination serving the Heath.

### (c) Residential Policy Issues

7.16 London Plan Policy 3.5 promotes high quality design of housing development that takes into account its physical context, local character, density, tenure and land use mix and relationship with, and provision for public, communal and open spaces taking into account the needs of children and older people.

7.17 Minimum space standards are set out in Table 3.3 which new development should conform with. Policy 3.8 recognises that a genuine choice of homes should be provided in terms of both tenure and size and provision should also be made for affordable family housing, wheelchair accessible housing and ensuring all new housing is built to 'The Lifetime Homes' standards.

7.18 The residential units will be designed in accordance with the standards in the Mayor's Housing SPG (November 2012) and Camden Policy Guidance 1 (Design) and 2 (Housing).

### Residential Mix

The scheme proposes 13 residential units across one/two upper floors above retail units in two buildings. Seven units are proposed in the west building and six in the east building. The mix complies with London Plan Policy 3.8, Core Strategy policy CS6 and Development Policies policy DP5 which seek a range of unit sizes to meet demand across the borough. It is also in accordance with the Dwelling Size Priority Table which identifies a 'Very High Priority' for two bed market units. The Council's pre-application advice confirms that the proposed residential mix is acceptable.

Unit Size	Market	Total
1 bed	1	<b>1</b>
2 bed	10	<b>10</b>
3 bed	2	<b>2</b>
<b>Total</b>	<b>18</b>	<b>18</b>

<b>Lower Priority</b>	<b>Medium Priority</b>	<b>High Priority</b>	<b>Very High Priority</b>
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7.19 The scheme seeks to maximise the supply of additional homes capable of being provided on an under-utilised site in the context of the constraints to development, in accordance with Core Strategy Policy CS6 and Development Policies policy DP2. The proposals make a positive contribution to the Council's housing need, particularly two-bed market units which are high priority in the borough in accordance with Development Policies policy DP5.

7.20 Pre-application advice from the Council has indicated that the residential mix is acceptable.

### **Residential Density**

7.21 The site has a PTAL rating of 2 to 3 and is defined as being within a suburban area. The London Plan suggests that a density of 150-250 habitable rooms per hectare is appropriate. The site area is 0.18ha and the scheme proposes 41 habitable rooms. The density of the scheme is therefore 72 dwellings per hectare or 227 habitable rooms per hectare which accords with Table 3.2 and Policy 3.4 in London Plan and Core Strategy policy CS1.

### **Residential Design Standards**

7.22 All residential units meet Lifetime Homes Standard and one wheelchair accessible unit is proposed. This is compliant with London Plan Policy 3.8, Development Policies policy DP6 and CPG2 which require all residential units to meet Lifetime Homes Standard and 10% of homes to be designed, built and fitted out to meet wheelchair housing standards.

7.23 All units meet or exceed the minimum space standards set out in the Mayor of London Housing SPG (2012), London Plan Table 3.3 and Policy 3.5, Development Policies policy DP26 and CPG2.

7.24 CPG6 sets out the requirements for public open space provision for residential and non-residential development. The scheme generates a requirement for 232sqm of residential open space and 25sqm for commercial workers. The scheme includes provision for 54sqm of private amenity space in the form of a residents garden, plus balconies on the West Buildings for use of three residential units (W1, W2 and W3) and includes a new area of public amenity space between the West and East Buildings. In addition, a wider pavement is proposed on Highgate West Hill and upgrading of the street environment around the site through new paving and tree planting in accordance with Core Strategy Policy CS15 and Development Policies policy DP21. The widening of the pavement space and larger gap between the buildings provide the opportunity for external seating. This, together with enhanced public realm around a site in such a prominent location will be enjoyed by visitors to the area in addition to the local community. This significant benefit arising from the proposals is a direct response to issues raised by the local community through public consultation. Further details are set out in the Design and Access Statement.

7.25 The London Plan Policy 3.6 and Mayor of London's *Shaping Neighbourhoods: Play and Informal Recreation SPG* (2012) sets out requirements for children's

play-space from new development. The proposed residential mix would generate two children which is equivalent to 20sqm of children's play space (based on a standard of 10sqm per child). There is no specific provision for children's play-space due to the very low children yield, the constraints of the site and the emphasis that has been placed on other proposals to improve the public realm further to issues raised by the local community during the public consultation. The site is in very close proximity to Hampstead Health which includes a children's playground, padding pool and adventure playground and it is therefore not considered that the two children generated by the scheme would have a discernible impact on these facilities.

- 7.26 Notwithstanding the above, Camden Planning Guidance 8 (CPG8 – Planning Obligations) states that where developments cannot realistically provide significant open space to meet the needs of their occupants on or off site the Council will ask for a financial contribution (para. 11.3). This can be secured by way of a legal agreement if required.
- 7.27 In line with CPG8 a contribution towards education will be required in line with number of primary and secondary school places deemed to be generated by the development. This financial contribution will be secured by way of a legal agreement.
- 7.28 The scheme has been designed not to cause harm to the amenity of neighbours and potential occupiers as required by Development Management Policies policy DP26. In response to a recent planning application (Ref: 2013/2797/13) for a single dwelling house in the grounds of Brookfield House (108 Highgate West Hill) we have investigated the possible implications on amenity by way of overlooking and impacts on privacy. This has been addressed in the design of the proposals by living rooms not directly overlooking neighbours' amenity spaces and by positioning windows below the parapet on the rear elevation to reduce overlooking. This design response addresses concerns raised by officer's in pre-application advice about the possible impact of development on the amenity of those who might live in the new dwelling house should it be implemented.
- 7.29 The Brookfield House new dwelling proposal received a resolution to approve at Camden's Development Control Committee in July 2013, subject to a legal agreement which we understand has yet to be signed. The committee report recognises this relationship but concluded that:
- “To the south, a close boarded fence and further tree planting will provide privacy from any future development above the parade of shops on Swain's Lane.*
- 7.30 This committee report clearly anticipates development, higher than the existing one storey buildings, coming forward on the application site and acknowledges acceptable levels of privacy can be achieved.
- 7.31 The scheme complies with residential standards set out in the statutory development plan. This was recorded as a requirement in the planning and design brief.

## Affordable Housing

- 7.32 The provision of affordable housing falls to be considered against Core Strategy policy CS6, Development Policies policy DP3 and Camden Planning Guidance 8 (Planning Obligations).
- 7.33 Core Strategy policy CS6, Development Management Policies policy DP3 and CPG2 establish the need to contribute towards affordable housing in schemes providing 10 or more units. The Council will expect the affordable housing contribution to be made on site, but where it cannot practically be achieved on site, the Council may accept off-site affordable housing, or exceptionally a payment in-lieu.
- 7.34 CPG 2 sets out how much affordable housing is expected from each development. A sliding scale is applied for developments that have capacity for 10 to 49 additional homes. This is a simple straight-line scale, where every increase of 1 home in site capacity should provide an additional 1% in affordable housing floorspace. This is calculated as a percentage of the gross external floorspace of the development.
- 7.35 The scheme has a residential gross external area of 1,378sqm which would generate a requirement to provide 179 sqm of affordable floorspace. This would equate to provision of two units across the scheme. During the design development process our client has sought, where feasible, to provide affordable housing on-site and had originally intended to provide eight affordable units in the original July 2012 pre-application scheme; however, the reduction in the number of units within the scheme has had implications on the opportunity to deliver this on-site. Development Policies policy DP3 outlines the criteria by which the Council will assess whether affordable housing can practically be made on site and the scale and nature of the contribution that would be appropriate.
- 7.36 The proposed scheme has been presented to Registered Providers (RPs') (see Appendix 2) on Camden Council's recognised list to seek expressions of interest in taking two residential units within the East Building for affordable housing (one social rented and one intermediate) as these would equate to the 179 sqm required by policy. Feedback from RPs' has shown that there is no interest in this scheme as:
- 1 They are not interested in schemes of less than 15 to 20 units due to inefficiencies arising from the future management and maintenance of such a small number of isolated properties.
  - 2 There are often difficulties in agreeing service charges for shared communal spaces with the landlord and other private residents.
  - 3 The units are within a predominantly private block which creates issues over organising management responsibilities relating to cleaning and maintenance
- 7.37 London Plan Policy 3.12 sets out that the maximum reasonable amount of affordable housing should be sought when negotiating on individual private and

mixed use schemes. This should encourage rather than restrain residential development. Para 3.13 of the Development Policies DPD indicates that “*the Council accepts that off-site solutions will be necessary where it is not practical to include affordable housing within a market housing development, for example where the development is relatively small (up to 3,500sqm gross)*”. This is directly relevant to a consideration of this situation. Para 3.14 sets out the criteria for considering whether an off-site contribution is appropriate. If this is accepted, the Council will then seek provision of a specified amount of affordable housing on an identified site or sites or a financial contribution if either:

- i No suitable affordable housing sites are likely to come forward in the short of medium-term; or
- ii The appropriate affordable housing contribution is too small to form a stand-alone development and there are no opportunities to link it to an alternative development nearby.

7.38 The physical constraints of the site, including the site area, irregular shape and potential impact on the conservation area of increasing height have limited the amount of floorspace that can be provided. The resultant scheme design does therefore not lend itself to being able to provide a separate movement core for the two affordable units which tends to be a requirement of RP’s. This constraint is recognised in paragraph 3.26 of the Development Management Policies DPD which states:

*“The Council acknowledges that it is not usually possible for social rented housing and market housing to share the same stair/lift arrangement and communal inside spaces. This is due to the higher costs and maintenance requirements associated with the management, material and finishes that are favoured for market housing, and the legal provisions that prevent a different service charge between market housing and affordable housing that share common service arrangements. Introducing additional entrances and stair/lift areas for affordable housing will be difficult on constrained sites”.*

7.39 Given these recognised constraints on on-site provision, consideration has been had to potential off-site provision. However, our client does not have any other landholding within the area capable of providing two stand-alone affordable housing units so this is not deliverable.

7.40 In order to contribute to the provision of affordable housing in the borough our client therefore proposes to meet the full financial contribution towards affordable housing in accordance with CPG2 (Housing). This can be secured by way a planning agreement.

#### **(d) Built Environment**

7.41 The NPPF (paragraphs 56 and 57), London Plan (Policies 7.1 to 7.8) and Camden Core Strategy (Policies CS14, CS17), Development Policies (DP24, DP30) and CPG 1 place great emphasis on the importance of good design. Policy at all levels requires buildings, streets and spaces to respond in a

manner which promotes inclusive and sustainable development and contributes positively to the relationship between urban and natural environments and general character of the location.

- 7.42 Achieving the highest standards of accessibility and inclusive design are set out in Section 7 of the London Plan. Policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Architectural design criteria is set out at Policy 7.6
- 7.43 Development Management Policies DP24 requires all development to be of the highest standard of design and expects developments to have consideration to a number of criteria. These include consideration of the character, setting and context and the form and scale of neighbouring buildings; the quality of materials of used; the provision of visually interesting frontages at street level; and, the provision of appropriate hard and soft landscaping.
- 7.44 A number of design related principles were agreed in the Planning and Design Brief. These reflect the requirements of policy and have been used to guide the design of the scheme.
- 7.45 The design has been prepared in accordance with the design principles agreed in the Planning and Design brief as set out in the Design and Access Statement, and therefore complies with the planning policy at all levels.
- 7.46 Details of how the scheme responds to specific design considerations in set out below.

### **(e) Conservation and Heritage**

- 7.47 The site falls within the Dartmouth Park Conservation Area and specifically within Sub-Area 8: St Albans Road. It is adjacent to the Holly Lodge Estate Conservation Area and the Highgate Conservation Area. There are no statutorily or locally listed buildings on site albeit there are a number of listed buildings within the vicinity, as noted in paragraph 6.6 above
- 7.48 Specific design principles were included in the agreed Planning and Design Brief. These seek to ensure that the design will respect the character of the surrounding area including its setting with the Dartmouth Park Conservation Area and connection with Hampstead Heath. It is also important that the height and bulk of the built form on the site should have regard to the views to and from the site including the view north from Highgate Road to St Anne's Church.
- 7.49 The application is accompanied by a Heritage Impact Assessment which states that the Conservation Area Appraisal identifies the site as making a positive contribution. We consider, however, that this over-states the significance of these buildings, which are utilitarian in their architectural treatment, display no artistic merit, have no identified archaeological interest and have limited historic interest as inter-war commercial units. The existing buildings form only



a small element of the wider conservation area and are considered to be of low heritage value.

7.50 In accordance with the NPPF the loss of these existing buildings of low significance value, which make a limited contribution to the significance of the wider Conservation Area, should be weighed against the substantial public benefits of the redevelopment scheme. These benefits include creating active frontages to both Highgate West Hill and Swain's Lane, contributing to the vitality and character of the wider Dartmouth Park Conservation Area. Together these buildings will form a coherent group.

1.1 The proposed development will enhance the character and appearance of the Dartmouth Park Conservation Area, and preserve the setting of adjacent heritage assets, as required by the agreed brief. The scheme therefore complies with London Plan policy 7.8, Core Strategy Policy CS14 and Development Policy DP24 which seek development of the highest standard of design which respects local context and character. The scheme complies with Development Policy DP25 which permits demolition of an unlisted building which is a positive contributor, where the character or appearance of the Conservation Area is not harmed, or where exceptional circumstances are shown that outweigh the case for retention.

## **(f) Transport**

7.51 The application is accompanied by a Transport Statement which has assessed the likely impact of the development on the surrounding highway network. The Site has a PTAL of 2-3 and is within the Highgate CA-U Controlled Parking Zone.

7.52 Strategic transport objectives are set out in Section 6 of the London Plan promoting sustainable modes of travel in new development. Policy 6.13 sets out maximum car parking standards including ensuring that 1 in 5 spaces provide an electric charging point. Maximum car and cycle parking standards are set out in Table 6.2.

7.53 The Transport Statement has assessed the trip generation of the residential units and considers that the change in traffic generation at the site will be negligible. It concludes that the site is accessible via a range of non-car modes including bus services, and walking and cycling facilities in the area are of good quality.

7.54 In policy terms there are two key issues: the provision of car and cycle parking against standards set out in London Plan and Development Policies DPD; and, servicing and refuse provision. The agreed design principles follows policy by requiring car and cycle parking and refuse provision for both residential and retail uses to be provided in accordance with Camden's standards.

### **Car parking provision**

7.55 London Plan Table 6.2 and Development Management Policy's DP16 – DP19 and Appendix 2 set out the transport and servicing policies and standards for

car parking and cycle parking. The scheme proposes 5 car parking spaces including a disabled space for residents. No car parking is proposed for the retail units.

- 7.56 The Transport Statement confirms that car parking provision is below Camden's maximum parking standards and will generate negligible travel movements compared to the existing situation. Car movements may also decrease with the removal of the car wash.
- 7.57 The car parking will be provided off-site and will be screened by the building and new tree planting to preserve the setting and character of the surrounding area. Car parking is in accordance with Development Policies policies DP18, DP19 and DP29 and Appendix 2 and CPG7.
- 7.58 No car parking is proposed for the retail units which is consistent with the existing situation. The retail units primarily attract walk-in trade from the local residential areas and visitors to the Heath. Pay and display parking bays on Swain's Lane are capable of supporting the vehicle movements associated with the retail use as is currently the case.
- 7.59 The existing access from Swain's Lane will be closed. This provides an opportunity to create two additional on-street vehicle parking spaces along Swain's Lane which would be of wider benefit to the local community. The provision of these spaces will be discussed with Camden highways during the determination of this application. The scheme proposes car parking provision below Camden's maximum parking standards and will therefore not have an impact on the local highway. The scheme therefore complies with London Plan policy 6.13 Development Policies policies DP18, DP19 and DP21 and Appendix 2.

#### **Cycle parking provision**

- 7.60 Core Strategy policy CS11 seeks to promote sustainable and efficient travel including improved facilities for cyclists. LBC cycle parking standards state that 1 space should be provided per residential unit and 1 space should be provided per 250sqm of retail space (from a threshold of 500sqm). Cycle parking standards in the London Plan are similar, stating that 1 space should be provided per residential flat, and 1 space should be provided per 300sqm of non-food retail. Therefore, based on the LB Camden standards, the development should provide a total of 16 cycle parking spaces (13 for the residential units, and 3 for the retail space).
- 7.61 The proposed cycle parking provision is for 20 spaces in shelters provided to the rear of the site. This accords with both the London Plan and Camden's cycle parking standards and Development Policies policies DP17 and DP26.
- 7.62 The cycle parking proposals exceed the requirements set out in the London Plan Policies 6.9 and 6.13 and Development Policies policy DP18.

## **Servicing and Refuse**

- 7.63 The scheme proposes a slight decrease in gross internal area of retail (A1-A3) floorspace (21sqm GIA) compared to the existing situation. A marginal increase in gross external area is proposed (15 sq m).
- 7.64 No amendments are proposed to the existing servicing arrangements for the units on Swain's Lane.
- 7.65 The scheme proposes two bin stores. Eurobins for use by the retail units will be stored adjacent to the vehicular egress on Highgate West Hill. This is 6.5m from the highway which is considered to be an acceptable distance for collection from the highway. Smaller bins will be provided for residential use to the rear of the East Building. These will be 13m from the highway on Swain's Lane and will be moved to a suitable location on the day of collection. Servicing and refuse therefore complies with London Plan policy 5.17, Core Strategy policy CS18 and Development Policies policy DP26.

## **(g) Sustainability**

- 7.66 Section 5 outlines the Mayor's policies on climate change and sustainability. Policy 5.2 sets out the Mayor's approach to minimising carbon dioxide emissions through the energy hierarchy of "Be Lean", "Be Clean", "Be Green" and sets a target that all non-domestic buildings should improve on 2010 Building Regulations by 25% by 2013 and 40% by 2016. For residential buildings this is the equivalent of meeting Code for Sustainable Homes Level 4 by 2013. Policy 5.3 promotes sustainable design and construction in new development and Policy 5.13 encourages development utilising sustainable urban drainage system (SUDS) unless there are practical reasons for not doing so. Policy 5.15 seeks to minimise the use of main water with residential development meeting a target of 105 litres or less per head per day.
- 7.67 Core Strategy policy CS13, Development Policies policy DP22 and CPG3 set out further guidance on sustainability.
- 7.68 The application is accompanied by an Energy and Sustainability Report which demonstrates that the proposed development will incorporate a range of sustainable measures that will reduce carbon dioxide and use of natural resources. A summary of the measures is outlined below.

## **Energy Efficiency**

- 7.69 The Energy and Sustainability Report explains how the proposals follow the Mayor's energy hierarchy. This includes:
- i Passive design through glazing types and window locations to reduce passive solar design and well insulated and airtight buildings to minimise heat loss in accordance with the revised Building Regulations Part L 2010.

- ii A controlled Mechanical Ventilation and Heat Recovery system in each dwelling to reduce heat loading.
- iii Energy efficient systems and appliances such as Eco-Label Goods, low energy lighting, energy metering.
- iv A Combined Heat & Power (CHP) system which could potentially satisfy up to 69% of the residential developments heat load and potential reduction of 7.2% in the developments annual CO<sub>2</sub> emissions.
- v The retail units will be installed with local mechanical ventilation with heat recovery and variable refrigerant flow systems to provide local comfort cooling and heating.

7.70 The Energy Statement confirms that using the energy hierarchy the scheme will achieve a 25% reduction in CO<sub>2</sub> emissions over the current 2010 Building Regulations target.

7.71 The proposed energy and sustainability strategy for the scheme is in accordance with London Plan Policy 5.2, Core Strategy Policy CS13 and CPG 3.

### **Code for Sustainable Homes**

7.72 London Plan Policy 5.2 and Development Policies DP22 set a Code for Sustainable Homes (CfSH) target of Level 4 for all residential units. A preliminary Code for Sustainable Homes (Pre-Assessment) accompanying the application estimates that the scheme will achieve this.

### **Water**

7.73 London Plan Policy 5.15 and Development Policies policy DP23 require developments to reduce water consumption through the incorporation of water efficient features. This includes limiting water usage to less than 105l per person per day.

7.74 The scheme includes a number of water saving measures including dual flush cisterns on WC's, flow restrictors to taps, low flow showers and water meters to all dwellings and retail units. Rainwater run-off from the green roofs will be connected to individual water butts in the garden for the East Building and terrace for the West Building. These measures comply with London Plan Policies 5.11 and 5.15 and Development Policies policy DP23.

## **(h) Other Environmental Matters**

### **Daylight, Sunlight and Overshadowing**

1.2 The Daylight, Sunlight and Overshadowing Report provides an assessment of the levels of daylight and sunlight received by nearby residential properties and their gardens. This includes residential properties situated opposite and adjacent to the site on Highgate West Hill, Brookfield, St Anne's Close and

Swain's Lane. It also considers the levels of natural light that will be experienced within the proposed residential units and amenity space in the development. The assessment also considers the levels of sunlight and shadow that will be experienced within the neighbouring amenity spaces and proposed gardens/ public realm. The quantitative assessment has been undertaken in accordance with the guidelines set out in the revised Building Research Establishment (BRE) report "*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*" (October 2011). The Guide is intended to be advisory and does not contain mandatory standards.

7.75 The assessment demonstrates that the proposed development will not result in any materially unacceptable daylight, sunlight or overshadowing effects in relation to neighbouring residential properties, the proposed accommodation and existing/proposed areas of amenity space. The development is consistent with the objectives and requirements of the BRE guidance and relevant planning policy

7.76 The scheme is therefore compliant with the London Plan policy 7.6, Camden Core Strategy policy CS5, Development Policies policy DP26 and CPG 6.

### **Air Quality**

7.77 London Plan policy 7.14, Development Policies policy DP22 and DP32 and CPG6 seek to ensure that there is no worsening of air quality from new development. The Air Quality Assessment that accompanies the application concludes that:

- 1 The scale of development will not significantly increase traffic on local roads and the impact of local traffic on air quality for residents living in the proposed development is acceptable with concentrations being below air quality objectives. The operational air quality impact of the development is assessed as being insignificant.
- 2 The construction work has the potential to create dust; however mitigation measures to minimise dust emission will reduce the impact to be negligible. The overall impact during construction is judged to be insignificant.
- 3 The proposed CHP and gas condensing boiler are both relatively small in size, the CHP is gas-fired with 15.5kW thermal (5.5 kW electrical) output and the gas boiler is 80kW. The size of this plant is unlikely to have a significant impact upon surrounding receptors.

7.78 The scheme is therefore compliant with the London Plan and Camden Council policy.

### **Noise**

7.79 London Plan Policy 7.15, Development Policies policies DP26 and DP28 and CPG6 seek to ensure that there is no loss of amenity, including disturbance from noise, to present and future residents of the development. A Noise

Assessment has been carried out in accordance with Policy DP28 and uses the Noise Exposure Categories prescribed in PPG2.

- 7.80 In this instance the main source of noise is road traffic from Highgate West Hill and Swain's Lane. A noise survey was carried out on 26 and 27 June 2012 and it is considered that the measurement data is still applicable to the current conditions as no significant changes have taken place. The noise survey confirms that noise levels fall below the maximum threshold at which noise would result in planning permission for residential not being granted. The noise levels are above the levels at which attenuation measures are required and the noise report provides details of glazing and ventilation solutions to meet the attenuation requirements. The scheme is therefore compliant with the London Plan, Development Policies policies DP26 and DP28 and CPG6.

### **Basement**

- 7.81 The scheme includes provision for an 80sqm basement beneath the west building for the proposed Combined Heat and Power (CHP) system and basement lift overrun. Locating the lift overrun in the basement will remove the need for a rooftop overrun above the parapet in the west building. No basement is proposed under the east building. The lift overrun for this building will not exceed the proposed parapet. Development Management policy DP27 states that the Council will only permit basement development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. The size of the basement will not result in structural instability and will not affect drainage or damage the water environment. The basement therefore accords with Development Policies policy DP27 and guidance in CPG 4.
- 7.82 The recommendations set out in the Contaminated Land Statement (Appendix 1), Drainage Strategy and Design & Access Statement demonstrate that the proposals will maintain the structural stability of the building, will not adversely affect drainage and run-off or cause damage to the water environment and avoid cumulative impacts on stability or the water environment in the local area.

### **(i) Planning Obligations and CIL**

- 7.83 A draft Heads of Terms is included at Appendix 2 to address affordable housing and other financial contributions to make the development acceptable in planning terms. This has been prepared in accordance with London Plan policy 8.2 and CPG 8.
- 7.84 A financial contribution towards the Mayor of London Community Infrastructure Levy will be required at £50/sqm. A Community Infrastructure Levy – Additional Information Requirement Form accompanies this application. Camden CIL has not yet come into force.

## 8.0 **Overall Conclusions**

- 8.1 The proposals subject to this planning application have been subject to extensive pre-application discussions and consultation. The purpose of the consultation process was to obtain the views of the local community and the Council and to feed these into the design development process. The feedback we have received has directly informed the proposals now presented with the planning application.
- 8.2 A key outcome of the consultation was the preparation of a Planning and Design Brief. The brief set out the context against which the detailed design would be taken forward and was agreed with members of the Swain's Lane Steering Group, Councillors and planning officers. Key issues arising from this consultation have been considered in so far as they relate to an assessment of the planning policies against which the planning application must be determined.
- 8.3 The proposed development will provide a mix of uses comprising much needed new residential dwellings and new retail units which reflect the prevailing character of this neighbourhood centre. The development is of a very high quality and will enhance the character and appearance of the Dartmouth Park Conservation Area, and preserve the setting of adjacent heritage assets. It will provide retail units that will appeal to small and independent businesses, create active frontages along both Swain's Lane and Highgate West Hill and will provide significant public realm improvements to the benefit of the local residents and other visitors to the area. The constraints of the site prevent the provision of on-site affordable housing. However, The Earl of Listowel is committed to contributing to affordable housing in Camden and therefore proposes to make the full financial contribution in accordance with policy. It is considered the proposal directly complies with all policy at all levels.
- 8.4 There is a presumption in favour of sustainable development in the NPPF. The development will give rise to significant economic, social and environmental benefits. Economically, it will make a contribution to the local economy by providing jobs, provide modern purpose built retail units for small and independent businesses and improve the local environment which will increase the attractiveness for the area for existing and new businesses. Socially, it will provide for the shopping needs for the local community and provide important public realm enhancements. Environmentally, the buildings will be of high design quality and will incorporate a range of sustainable measures.
- 8.5 In accord with the requirements of the NPPF the development, which accords with the development plan, should be approved without delay.

## **Appendix 1 Contaminated Land Statement**



## **Introduction**

Camden Planning Guidance 3: Amenity provides guidance on how to approach the development of potentially contaminated land. Paragraph 137 states that in principle, the Council will support the redevelopment of contaminated sites where future uses can be carried out safely. Remediation is particularly important where people have access to ground for gardening, play or planting food for consumption within redeveloped sites.

Where contamination is known or suspected on a site of the proposed use would be vulnerable to contamination, the following information is required to determine whether the proposed development is acceptable.

- 1 The existence or otherwise of contamination;
- 2 The nature of the contamination and the risks it may pose, and
- 3 Whether these can be satisfactorily reduced to an acceptable level.

The Council require developers to undertake investigations and make recommendations for addressing contamination as a condition of planning approval.

A desk study and intrusive ground investigation was been undertaken by Harrison Group Environmental Limited in May 2012 to provide geotechnical and environmental information for the application site.

## **Previous site use**

Initially the site was part of an extensive garden to a parsonage (vicarage) located north of the site. By 1936 the site was occupied by the current structures consisting of the single storey shops fronting onto Swain's Lane and garages to the rear.

Although not shown on the historical maps, fuel tanks filler pipes and oil interceptors were installed in the north western corner of the site, which was used as a fuel station from at least the early 1990's. In approximately 2002, the north of the site behind the shops became the currently operating car wash.

## **Current use**

The site is currently used for retail and a hand car wash.

## **Proposed site use**

The existing retail and garages will be demolished. These will be replaced by the erection of two buildings: one comprising part two storeys and part three storeys with five retail units at ground floor and seven residential units above and basement; the second comprising three storeys with three retail units at ground level and six residential units above. Associated car parking and landscaping and works to the public realm are also proposed.

## **Investigation Scope**

The intrusive investigation comprised two cable percussive boreholes, one window sample borehole, three dynamic probe tests, four trial pits and one TRL probe.

## **Contamination Recommendations**

Based on the findings of the desk study and intrusive ground investigation, the site was not considered to have gross levels of contamination.

However there is evidence to suggest the presence of localised hydrocarbon contamination adjacent to and beneath the buried tanks and associated pipework present on site. Further investigation and the removal of the tanks and hydrocarbon impacted soils and perched groundwater is warranted.

## **Geotechnical Recommendations**

Shallow foundations may be appropriate, although the limited bearing capacity and need to deepen foundations due to localised areas of deeper made ground (in particular where tanks are removed) in addition to the need for heave precautions and the deepening of foundations with the influencing distance of stress due to high volume change potential of the clay sub-soils, indicates that a piled foundation solution is likely to be the most suitable. Suspended ground floor slabs are recommended with suitable heave precautions as necessary.

With respect to buried concrete, chemical analysis of the London Clay identifies a Design Sulphate Class of Ds-3 with an Aggressive Chemical Environment for Concrete (ACEC) class of AC-2s.

Perched groundwater demonstrates the poor drainage characteristics of the site and consideration will need to be given to drainage provision. A Drainage Strategy accompanies the application.

Pavements should be designed assuming a CBR value of 2%.

## **Conclusion**

A detailed investigation of ground conditions and groundwater should be undertaken prior to development commencing. This can be secured by way of planning condition. The Environment Agency and the Local Planning Authority should be consulted on the design of these investigations.

Based on the findings of the desk study and intrusive ground investigation, the site is considered to be generally suitable for the proposed use.

## **Appendix 2 Registered Providers who expressed no interest in scheme**

- 1 Dolphin Square Foundation
- 2 Newlon HA
- 3 Genesis HA
- 4 Zebra HA
- 5 Network HA
- 6 Octavia HA
- 7 Circle HA
- 8 Peabody HA
- 9 Hannover HA
- 10 Innisfree HA
- 11 Teachers HA
- 12 Penhouse HA
- 13 Odu-Dua HA
- 14 St Pancras and Humanist HA
- 15 Central and Cecil HA
- 16 Abeona Housing
- 17 Irish Centre Housing

## **Appendix 3 Draft Heads of Terms**

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## **Swain's Lane: Detailed Planning Application**

### **Draft Legal Agreement**

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#### **Signatories**

1. London Borough of Camden ("the Council")
2. The Earl of Listowel (the 'Owner')

#### **Title**

The Earl of Listowel owns the freehold interest in the application site which is registered at HM Land Registry under title number [ ]

#### **Application Site**

Shown edged red on the plan numbered [ ]

#### **Development**

As defined by any planning permission and pursuant to the planning application submitted by the Owner to the Council on [date]

#### **Description of Development**

Demolition of existing buildings. Erection of two buildings: one comprising part two storeys and part three storey with five shop units (Use Class A1-A3) at ground floor and seven residential units (Use Class C3) above and basement; one comprising three storeys with three shops (Use Class A1-A3) at ground floor and six residential units (Use Class C3) above. Associated car parking, landscaping and works to the public realm.

#### **Obligations**

##### **1. Affordable Housing Contribution**

- i Financial contribution in-lieu of the on-site provision of affordable housing to be paid by the Owner to the Council in line with CPG8 (Planning Obligations)

##### **2. Other Financial Contributions**

- i Contribution towards education facilities required for residential units in line with CPG8 (Planning Obligations)
- ii Contribution towards public realm improvements if required.<sup>1</sup>

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<sup>1</sup> Proposed Illustrative Amenity Plan submitted with application showing proposed public realm improvement and materials. Further discussions to be held with Camden highways to discuss most appropriate delivery mechanism.

