2013/5028/P – 158a Mill Lane



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Delegated Report	Analysis sheet	Expiry Date:	02/10/2013	
Members Briefing	N/A / attached	Consultation Expiry Date:	13/09/2013	
Officer	Application	on Number(s)		
Gavin Sexton	2013/5028	8/P		
Application Address	Drawing	Numbers		
158A Mill Lane London NW6 1TF	Refer to d	lecision notice		

Proposal(s)

Variation to conditions 8 (approved plans) and 12 (biodiversity measures) of planning permission granted 04/04/2012 (ref: 2011/4213/P) for the erection of a five storey plus basement building with front and rear roof terraces and balconies following the demolition of existing artists studio; changes relate to alterations to windows to front, side and rear elevations and to balconies and balustrades throughout, alterations to front boundary treatment, removal of rear solar panels, enlargement of roof level accommodation, location and size of rooflights and replacement of brown roof with sedum roof.

Recommendation(s):	Approve variation to conditions subject to s106 legal agreement
Application Type:	Variation or Removal of Condition(s)

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Consultations Adjoining Occupiers:	No. notified	19	No. of responses No. electronic	04 04	No. of objections	04	
Summary of consultation responses:	A site notice was displayed from 23/08/2013 to 13/09/2013. 4 letters of objection were received: Height/scale of development • The proposed development will block out light to the flats in Cholmley Gardens on the opposite side of the road. • Proposed development is far too ambitious in both layout and the number of storeys envisaged for the small area available for building development. • Raising the height of the building by 650mm would invade privacy of Cholmley Gardens flats opposite and will result in building being even more out of scale with neighbouring properties. • Proposals will increase the building's internal space, increasing the already-present likelihood of overdevelopment. • Our flat faces onto the site, and thus the new building will be in our main line of vision. • Existing building is not a good use of the site. However proposals are overdevelopment. • Four storeys would be more appropriate. What is the proposed ceiling height? Officer comment: refer to paras 1.17-20 and 1.22-23 Garage/parking • The proposed garage is not necessary and is adjacent to the new Emmanuel school which raises safety concerns for children. • The site abuts the Mill Lane Open Space which serves school children and other members of the community and the development would prove obtrusive and hazardous to them. • The over-development inevitably will lead to greater pressure on local parking. • The increasing pressure on parking will affect our visitors, both working and social. • Garage opening on to Mill Lane doesn't seem very safe. • Presume development will be car-capped						
	 Design The development is visually unsuitable for the neighbourhood because it is on the boundary of a conservation area and faces buildings in the conservation area. Will add to further destruction of the traditional red build of the neighbourhood. Raised elevation of the proposed building is not in line with the existing residences and would appear higher than the Emmanuel school which already dominates Mill Lane. Alterations will do away with safeguards to the appearance of the frontages and other external walls and to the front boundary. The building will stand out like a sore thumb, paying no regard to local design and appearance. 						

- It is not clear what colour the brick is this needs to be clear and considered.
- Object to the proposed balconies on the front which will be detrimental to the streetscape on Mill Lane. The first floor one is matches others along Mill Lane but upper floor balconies need to be carefully considered. Juliet balconies are more suitable. The flats have outdoor access on the back and immediate access to the Mill Lane open space so adequate access to outdoor space.

Officer comment: refer to paras 1.1-16 and 1.22-23.

Other concerns

- Alterations will do away with safeguards to the roof's appearance allowing it to be any colour and for rooflights to be larger and more numerous with no effort to blend into the appearance of the other local buildings.
- It is difficult to read the application as the drawings are not very clear, particularly in the context of the new Emmanuel School.
- Concerned that brown roof is being dropped. It is vital to have measures in place to reduce surface water flooding in West Hampstead.

Officer comment: refer to paras 1.15 and 1.22-23.

CAAC/Local groups*

comments: *Please Specify

Objection from Chair of Fortune Green & West Hampstead Neighbourhood Development Forum.

- Detail on the application is not clear. There appear to be no colour images of what is being proposed/amended.
- Unable to find the colour of the proposed brick a highly important consideration for a building on the edge of a Conservation Area.
- It seems the proposed building makes no effort to fit into the streetscape of Mill Lane and its surroundings, and in breach of the policies in the emerging Neighbourhood Plan.
- Object to the inappropriate garage in this development, which should be car free.
- Urge withdrawal of application and resubmission with a more considered design which is more appropriate to the character of the area.

Site Description

The site is located on the south side of Mill Lane and is occupied by a single storey building, originally built pre-war as a meeting hall and later extended, but used as an artist's studio since the 1970s. Although there are sleeping facilities on site the primary use of the site is as an artist's studio.

The site is not located in a Conservation Area but is on the boundary of the West End Green/Parsifal Road Conservation Area which is opposite and immediately to the east.

This part of Mill Lane is primarily residential in character. Directly to the east, there is an access road, giving pedestrian and vehicular access to the Mill Lane public Open Space to the rear of the site. Emmanuel Primary School also has a reception classroom and play area to the rear. On the northern side of Mill Lane, there are more substantial mansion blocks of flats 4/5 stories in height.

Relevant History

Application site

April 2012- (ref: 2011/4213/P) planning permission was approved subject to s106 legal agreement for "Erection of a five storey plus basement building comprising of 6 residential units (1 x 1 bedroom flats, 4 x 2 bedroom and 1 x 3 bedroom) (Class C3) with a single off street parking space, front and rear roof terraces and balconies and photovoltaic panels to the roof at fourth floor level following the demolition of existing artists studio (Sui Generis)."

August 2010: An application (2010/2827/P) was **refused** for "Erection of a five storey plus basement building comprising of 6 residential units (2 x 1 bedroom flats, 3 x 2 bedroom and 1 x 3 bedroom) (Class C3) with two internal parking spaces, front and rear roof terraces and balconies, and photovoltaic panels to the roof at fourth floor level following the demolition of existing artists studio (Sui Generis)." The reasons for refusal related to design, size of units, impact on daylight/sunlight and the absence of various required s106 obligations.

March 2010: planning permission renewed (**2009/5811/P**) for "Extension to the time limit for the implementation of application 2004/0145/P (granted 13/05/2005) for the demolition of the existing artist studio and redevelopment involving the erection of a 4 storey building for use as an artists studio on lower ground floor, 1×2 bed flat on upper ground floor and 1×3 bed maisonette on first and second floor, including the provision of one garage".

Adjacent site - 152-158 Mill Lane

August 2010: Permission granted, subj to S106, for "works to facilitate expansion of existing Primary school across two sites. Site 1 (152-160 Mill Lane): Erection of a 3-storey plus lower ground and basement level Primary school building (Class D1) with associated playgrounds to the rear following demolition of residential buildings at 152-158 Mill Lane, nursery at 160 Mill Lane and adjacent reception class building. Erection of a Multi Use Games Area (MUGA) on site of existing play area and works of hard and soft landscaping to include replacement play facilities, all within the Mill Lane Open Space."

The new school building is complete and occupied.

Relevant policies

LDF Core Strategy and Development Policies

- CS1 (Distribution of growth)
- CS3 (Other highly accessible areas)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change through promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity)
- CS16 (Improving Camden's health and well-being)
- CS17 Making Camden a safer place)
- CS19 Delivering and monitoring the Core Strategy)
- DP2 (Making full use of Camden's capacity for housing)
- DP3 (Contributions to the supply of affordable housing)
- DP5 (Housing size mix)
- DP6 (Lifetime homes and wheelchair homes)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and the availability of car parking)
- DP19 (Managing the impact of parking)
- DP21 (Development connecting to the highway network)
- DP22 (Promoting sustainable design and construction)
- DP23 (Water)
- DP24 (Securing high quality design)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP27 (Basements and lightwells)
- DP28 (Noise and vibration)
- DP29 (Improving access)
- DP32 (Air quality and Camden's Clear Zone)

CPG 2011

Assessment

- 1.1 The application seeks amendments to the approved planning permission. The submission has been amended during the course of the assessment as follows:
 - Additional 650mm roof height has been removed
 - Front boundary treatment reduced from 1800mm timber fence to 1200mm
 - Windows with juliet balconies to front elevation have been moved to the side elevation
 - Front dormer width reduced to approved size
 - Rear dormer narrowed and set further back
 - Removal of brown roof now replaced by proposed sedum roof
- 1.2 <u>The proposed amendments are now as follows</u> (officer assessment in italics):

Internal:

1.3 Minor amendments to internal layouts of flats.

These changes will not have a significant effect on the mix or size of units and are acceptable.

Front elevation:

- 1.4 Replacement of western pair of rooflights with a single rooflight to match in width and style the doors to the rooms on the floors below. Single roof light deleted. Balcony glass handrails have been replaced with steel. The front dormer would be retained at the approved size.

 The changes to the front elevation are minor and are acceptable. The use of metal balustrades is considered to be appropriate to the brick building.
- 1.5 The front door to the development has been moved to a more central location framed by a more generous courtyard entrance way. Initial proposals to have the first floor balcony extend partially above the door have been removed.

 The proposals are an improvement on the approved scheme.

Front boundary treatment

1.6 The existing studio has a tall (c.1.8m) wooden fence around the boundary. The development would add a fence to the top of the approved low brick walls/planters along the frontage. The total height of the boundary would become 1200mm with areas of hedge planting behind. The essential typical local boundary treatment characteristics are low wall with planting behind. It is considered that the amended proposal would retain these characteristics and is acceptable. The existing condition 4 securing details of hard and soft landscaping in the scheme would be amended to clarify that this relates to the front boundary area only.

Side elevation:

1.7 A third floor window and Juliet balcony would be removed and two new windows would be inserted towards the rear of the building to provide better daylighting to individual flats. The glazing to the staircase would be modified to include louvres for ventilation.

These changes would modify the location and size of consented openings on the side elevation and would add further small areas of louvres: the changes are acceptable.

Rear elevation:

1.8 Addition of brise-soleil above glazed doors to 2nd, 3rd and 4th floors to provide some solar shading.

These are acceptable, subject to approval of details and materials. Existing condition 2 securing detailed design and materials would be modified to reflect the changes.

1.9 Removal of angled solar panels from the 1st, 2nd 3rd and 4th balconies. Deletion of window at third floor and rooflight added at 4th floor. A high level clerestory window would be added at ground floor.

The removal of the solar panels will make for a more coherent and conventional rear elevation and is acceptable in design terms. The changes to windows are minor and acceptable. The applicant has confirmed that the 20% target for on-site renewable energy production can still be achieved in the absence of the panels. Existing condition 11 governing the renewable energy provision would be modified to reflect their removal.

Basement:

- 1.10 The basement would be extended towards the front by approx. 1m to reach the boundary of the site. This would not have a significantly different impact on the neighbouring structures than the approved scheme and it is considered that the approved basement impact assessment remains sufficient to address the proposals.
- 1.11 Addition of a small conservatory enclosure in the rear light well adjacent to the main living room area.

This is a minor change, largely invisible from outside of the site, and is acceptable

1.12 Soft landscaping replaced with paving to rear light wells.

The loss of a small area of potential green space is acceptable in this constrained location. This change may have some minor implications for the final details of the SUDs requirements which are required under condition 13 but it is considered that these can be dealt with as part of the SUDs condition.

3rd floor at rear:

1.13 Addition of a balcony to the main living space, aligning with the balconies below, to improve external amenity from the living room.

The new balcony would be identical to those on the lower floors and is acceptable. The new balcony would not introduce any significant additional privacy concerns.

Roof at rear:

1.14 Removal of the angled solar panels and rooflights on the 4th floor terrace and adding a new infill space to the artist's studio; enlargement of approved dormer. A single central dormer with 1m deep terrace would be provided, set back from the eaves within the roofscape and with an area of tiled roof apron below.

The submitted amendments to the dormer have been amended to an acceptable form. The dormer would still be relatively large in scale but would be set in from both sides by more than 2m and with a roof apron below .The dormer changes are acceptable.

Roof Plan:

1.15 New roof lights would be added to the rear of the roof plan to provide additional natural lighting to the Artist studio on the top floor. A 200mm raised central area within the crown of the roof would provide additional ceiling height for the studio occupants. The raised area would be set back from the front and rear ridge lines by c.600mm and from the side elevation by at least 1m. The area of brown roof would be increased slightly the 30sqm in the approved scheme and would be provided as a sedum roof.

The minor increase in height of a central portion of the crown roof would not be visible from the public realm and the overall appearance of the building would be to retain the approved height to match the parapet of the neighbouring school and the front roof pitch would also match the

school's. The changes would not be perceptible from the public realm and the roof level changes are acceptable. The existing condition 12 securing details of the brown roof would be amended to clarify the change to sedum.

Design conclusion:

1.16 The proposals would result in a number of alterations and improvements to the approved scheme. The changes would not detract from the character and appearance of the neighbouring conservation area nor from the amenity quality of the designated Mill Lane open space to the rear.

Neighbouring amenity

- 1.17 The addition of 200mm height in the centre of the crown roof would have no significant impact on daylight or sunlight to neighbouring properties.
- 1.18 The addition of windows to the side elevation facing the blank flank wall of Cavendish Mansions would not raise any privacy issues.
- 1.19 The changes to the rear balconies would increase the opportunity for occupants to overlook the windows towards the rear of Cavendish Mansions and therefore it is considered appropriate to secure further details of privacy screening to protect the amenity of Cavendish Mansion residents. Existing condition 3 which secures a privacy screen for the third floor rear terrace would be modified to include the lower level rear terraces.
- 1.20 Overall, subject to additional privacy screening as set out above, the amendments would have limited additional impact on neighbouring amenity when compared to the approved scheme.

Trees

1.21 The arboricultural assessment accompanying the original planning application advised that trees in the adjoining laneway would be removed due to their proximity to the new basement excavation within 158a. Following changes within the laneway as part of the completion of Emmanuel school it will now only be necessary to remove one tree and therefore the applicant has requested an amendment to the planning obligation which requires four replacement trees to be planted within the laneway following completion of development. It is considered appropriate for the obligation to be modified to reflect the need to replace one existing tree. This will be done as part of the deed of variation.

Other matters

- 1.22 Concerns have been raised about the provision of a parking garage on the site. The principle of a single on-site vehicle parking space was accepted as part of the approved scheme in 2012 and it would not be reasonable to require the removal of the single space as part of this application. The implications for safe vehicle movements in and out of the site were considered at the time and found to be acceptable. It was noted at the time that the pupil entry point to the school is from the rear, accessed via the laneway to the side of the application site. Therefore children are anticipated to congregate in the open space area to the rear of the school at busy periods and not on the street frontage. The submitted drawings are considered to provide clear comparison to the approved and proposed scheme and demonstrate sufficient detail about context to allow assessment.
- 1.23 The following issues, raised by objectors as concerns, were considered as part of the approved scheme and found to be acceptable in design and amenity terms:
 - Inclusion of balconies to the front of the building

- Scale, height, bulk and massing of development and number and mix of units
- The design of the building and its impact on the neighbouring conservation area
- The building will be finished in brick, however no decision has been made as to the choice of colour.
- The extant permission is car-capped at the single space.

Conclusion

- 1.24 The changes proposed are individually and cumulatively acceptable. Changes would be made to the following conditions to clarify the amendments: 2 (design details), 3 (privacy screen details), 4 (hard and soft landscaping), 8 (approved drawings), 11 (on-site renewable energy) and 12 (biodiversity measures).
- 1.25 A deed of variation is required to secure the changes to the approved drawings and the tree contribution.

Recommendation:

1.26 Approve amendments subject to conditions and s106 legal agreement.

DISCLAIMER

Decision route to be decided by nominated members on 7th October 2013. For further information please go to www.camden.gov.uk and search for 'members briefing'



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Application Ref: 2013/5028/P

02 October 2013

Dear Sir/Madam

Cousins & Cousins

39-51 Highgate Road

Linton House

London NW5 1RT

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION

Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address: 158A Mill Lane London **NW6 1TF**

Proposal:

Variation to conditions 8 (approved plans) and 12 (biodiversity measures) of planning permission granted 04/04/2012 (ref: 2011/4213/P) for the erection of a five storey plus basement building with front and rear roof terraces and balconies following the demolition of existing artists studio; changes relate to alterations to windows on front, side and rear elevations and to balconies and balustrades throughout, alterations to front boundary treatment, removal of rear solar panels, enlargement of roof level accommodation, location and size of rooflights and replacement of brown roof with sedum roof.

Drawing Nos: Prefix 13002: P 100 Basement Floor Plan RevC, P 101 Ground Floor Plan RevC, P_102 First Floor Plan RevC, P_103 Second Floor Plan RevC, P_104 Third Floor Plan RevC, P_105 Fourth Floor Plan RevC, P_106 Roof Plan RevC, P_200 Section AA RevC, P 300 Street Elevation RevC, P 301 Lane Elevation RevC, P 302 Rear Elevation RevC.

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below AND subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact Aidan Brookes in the Legal Department on 020 7 974 1947.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

1 Condition 2 of the planning permission granted on 4th April 2012 (Camden ref: 2011/4213/P) shall be replaced by the following condition:

REPLACEMENT CONDITION 2

Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a) Typical details of balconies with balustrades and brise-soleil at a scale of 1:20, including materials and finish.
- b) Plan, elevation and section drawings of typical external doors, windows and juliet balconies, at a scale of 1:20, including materials and finish
- c) A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided and retained on site for the duration of the works.
- d) A sample of the external roof surfaces (excluding living roof elements)

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

2 Condition 3 of the planning permission granted on 4th April 2012 (Camden ref: 2011/4213/P) shall be replaced by the following condition:

REPLACEMENT CONDITION 3

Prior to first occupation of the development, 1.8 metre high screens, details of which shall have been submitted to and approved in writing by the local planning authority, shall be erected on the east side of the rear terraces at 1st, 2nd and 3rd floor and roof levels and shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

Condition 4 of the planning permission granted on 4th April 2012 (Camden ref: 2011/4213/P) shall be replaced by the following condition:

REPLACEMENT CONDITION 4

No development shall take place until full details of hard and soft landscaping and means of enclosure of the front courtyard and driveway have been submitted to and approved by the Council. Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

4 Condition 8 of the planning permission granted on 4th April 2012 (Camden ref: 2011/4213/P) shall be replaced by the following condition:

REPLACEMENT CONDITION 8

The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning energy statement by Leema Technologies Ltd Rev A dated 14th December 2011; Code for Sustainable Homes Design stage Report by Leema technologies undated ref 004037-111025-1275; Groundwater Impact Assessment by Chord Environmental Ltd dated Nov 2011; Technical note by Elliottwood on SUDs feasibility dated 24 October 2011; Ground/slope stability screening assessment by RSK dated Nov 2011; Preliminary Structural Engineering report by Elliottwood revision P1 dated Nov 2011; Arboricultural report by Crown Consultants dated 21 Nov 2011; Lifetimes Homes Statement by SpaceAgent dated 06.09.2011; Flood risk and surface water assessment by Elliottwood revision P1; Site location plan; MIL_E02a, _E07b, _E08b, _E09b; Prefix 13002_: P_100 Basement Floor Plan RevC, P_101 Ground Floor Plan RevC, P_102 First Floor Plan RevC, P_103 Second Floor Plan RevC, P_104 Third Floor Plan RevC, P_105 Fourth Floor Plan RevC, P_106 Roof Plan RevC, P_200 Section AA RevC, P_300 Street Elevation RevC, P_301 Lane Elevation RevC, P_302 Rear Elevation RevC.

Reason: For the avoidance of doubt and in the interest of proper planning

5 Condition 11 of the planning permission granted on 4th April 2012 (Camden ref: 2011/4213/P) shall be replaced by the following condition:

REPLACEMENT CONDITION 11

Prior to occupation of any relevant part of the development, the applicant shall have constructed and implemented such on-site renewable energy measures identified in the approved Energy Statement (Rev A by Leema Technologies dated 14th December 2011) as are necessary to achieve at least 20% reduction in carbon emissions from the baseline scenario. Such measures shall be maintained in accordance with the manufacturers' recommendations and permanently retained thereafter. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems.

Reason: In order to secure the appropriate energy and resource efficiency measures and on-site renewable energy generation in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

6 Condition 12 of the planning permission granted on 4th April 2012 (Camden ref: 2011/4213/P) shall be replaced by the following condition:

REPLACEMENT CONDITION 12

Prior to first occupation of the development a plan showing the measures incorporated to improve the biodiversity of the site shall be submitted to and approved in writing by the Council. Such details to include-

- i) bird and bat box locations and types and indication of species to be accommodated; ii) drawings and manufacturers details of the sedum roof including species, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the roof whilst demonstrating how it would be incorporated into the approved roof height;
- iii) a programme for an initial scheme of maintenance of the living roof

The measures thus identified shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

Informative(s):

1 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning

permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.

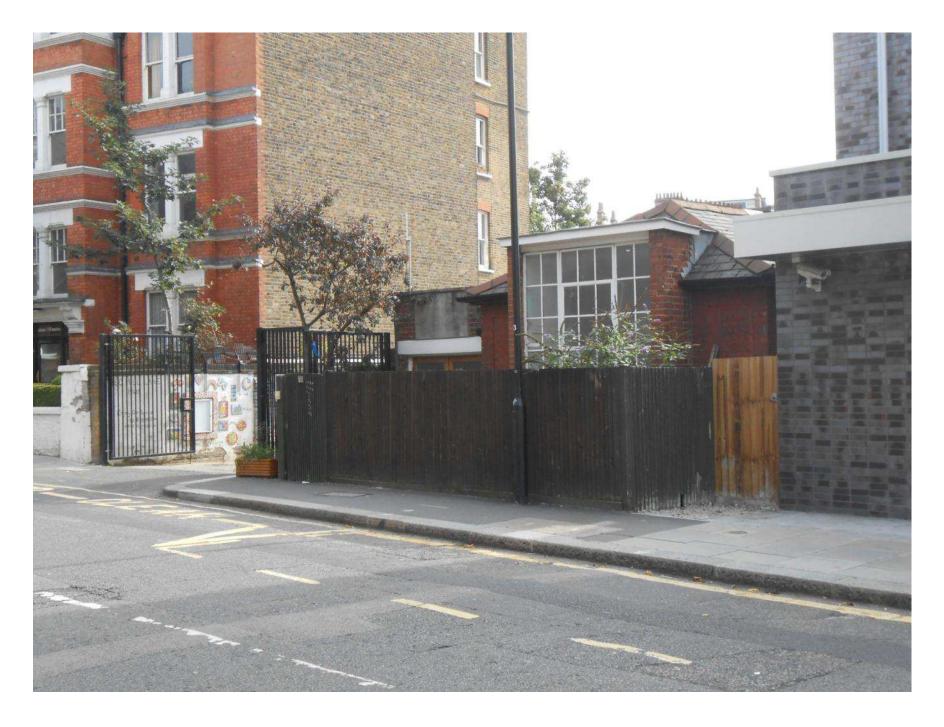
In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

DRAFT

Culture and Environment Directorate

DEGISION



View of site looking with Emmanuel school to right and Cavendish Mansions to left



View of rear of site looking North from Mill Lane open space. School playground to left. Cavendish Mansions to right.



View of site looking West along Mill Lane with Emmanuel school behind