

<b>Address:</b>	368-372 Finchley Road London NW3 7AJ	
<b>Application Number:</b>	2012/1822/P	<b>Officer: Nicola Tulley</b>
<b>Ward:</b>	Frognaal & Fitzjohns	
<b>Date Received:</b>	13/03/2012	
<b>Proposal: Erection of 2x four storey plus basement buildings, with a glazed infill extension for the provision of 22 residential units (4x affordable &amp; 18 market) (following demolition of existing residential care homes).</b>		
<b>Drawing Numbers:</b>		
<p>Site Location Plan 104_S01 P1; 104_S02 P2; 104__parking P1; 104_SK01 P1; 104_SK02 P2; 104_SK03 P1; 104_SK04 P1; 104_GE_01 P3; 104_GS_01 P3; 104_GS_02 P3; 104_GA_00 P4; 104_GA_-01 P4; 104_GA_01 P2; 104_GA_02 P2; 104_GA_03 P2; 100 E; 104_LTH_GA_00_DDA_A REV; 104_LTH_GA_00_DDA_B REV P5; 104_LTH_GA_00_HAB_A REV P1; 104_LTH_GA_00_HAB_B REV P1; 104_LTH_GA_00 REV P4; 104_LTH_GA_01_REV_P3 P4; 104_LTH_GA_02_REV_P3 P4; 104_LTH_GA_03_REV_P3 P5; 104_LTH_10_REV_P3 P4; Daylight &amp; Sunlight Addendum Report by BVP 21/01/2012; Environmental Noise Survey and PPG24 Assessment by Hann Tucker Associates 10 Nov 2011; Energy Strategy by Metropolis Green March 2012; Transport Statement by WSP March 2012; Ecology Walkover Survey by Land Use Consultants 31 August 2011; Lifetime Homes Criteria statement; Bat Survey by Ecology Network Sept 2011; Air Quality Assessment by Air Quality Consultants Nov 2011; Air Quality Assessment: Camden, Kay Court CHP September 2012 by Air Quality Consultants; Sustainable Design &amp; Construction Statement by Metropolis green March 2012; Basement Impact, Geotechnical and Land Contamination Assessment (February 2012); Crime Impact Statement April 2012; Schedule of Dialogue with Camden March 2012; Design &amp; Access Statement March 2012; Response to London Borough of Camden Comments (dated July 2012); Supplementary Information on Application 2012/1822/P August 2012.</p>		
<b>RECOMMENDATION SUMMARY: Approve</b>		
<b>Applicant:</b>	<b>Agent:</b>	
Jewish Care FAO. Mr Jeff Andrews Amelie House Maurice and Vivienne Wohl Campus 221 Golders Green Road London NW11 9DQ	21st Architecture 21st Architecture Ltd 314 Goswell Road London EC1V 7AF	

## ANALYSIS INFORMATION

### Land Use Details:

	Use Class	Use Description	Floorspace (GIA)
Existing	<i>C2 Residential Institutions</i>		<i>main building 1,350m<sup>2</sup> annexe 673m<sup>2</sup> bungalow 81m<sup>2</sup> Total 2,104m<sup>2</sup></i>
Proposed	<i>C3 Residential units</i>		<i>2720m<sup>2</sup></i>

### Residential Use Details:

	Residential Type	No. of bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>	57 bed care home								
Proposed market	<i>Flat/Maisonette</i>	1	12	5						
Proposed affordable	<i>Flat/Maisonette</i>		1	3						

### Parking Details:

	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	8	0
Proposed	0	1

## **OFFICERS' REPORT**

**Reason for Referral to Committee:** The application is considered a major development involving the construction of more than 10 dwellings and involves the making of a S106 planning obligation alongside the scheme of delegation: clause 3 (i) + (vi)

### **1. SITE**

- 1.1 The application site is located on the eastern side of Finchley Road, directly opposite the junction with Lyndale Avenue. The site is currently occupied by two buildings, known as Kay Court (residential care home). The northernmost building is an early twentieth century three storey building and was originally two semi-detached dwelling-houses. The southernmost building is a larger late nineteenth century three/four storey detached building. At present, both buildings are connected by a ground floor passage and external fire escape stair.
- 1.2 Both sites 368-372 have been extended and altered and Number 368 has an existing single storey outbuilding. Dropped kerbs/crossovers have been created at both sites which officers' note can accommodate 8 parked vehicles.
- 1.3 The site is predominantly surrounded by two storey semi-detached/terraced dwellings to the north on Finchley Road and two storey dwellings at its rear boundary fronting Clorane and Briardale Gardens. The subject site is not within a designated conservation area but does back onto the boundary of Redington and Frognal Conservation Area. There are no listed buildings in close proximity of the site.
- 1.4 The last use of the subject site was an elderly care home (use class C2) operated by Jewish Care from 1990 to August 2010. The prior use was a YMCA and Hostel 'Lyndale Hall YMCA Hostel'.

### **2. THE PROPOSAL**

#### **Original**

- 2.1 The application proposes to demolish the existing two buildings which occupy numbers 368 – 372 and redevelop to provide 22 self contained units (use class C3) in two connected blocks. The smaller block, to the north of the site frontage, would contain 4 affordable units 1x 2 bedroom and 3x 3 bedroom. The larger block would contain 18 units for market sale 1x 1 bedroom, 12x 2 bedroom and 5x 3 bedroom. Both buildings would be of four storeys with excavated single storey basement to accommodate: 10 parking spaces; plant room; cycle storage; refuse & recycling; and residents store area.

#### **Revisions**

- 2.2 The following revisions below have been subject to re-consultation:
  - Reduction of the basement floor and removal of all basement level parking;
  - Alterations to the detailed design at roof level;
  - Landscape plan;
  - Balcony and terrace screening;

- Internal reconfiguration of wheelchair units; and
- Revised submission of Lifetime Homes.

### 3. RELEVANT HISTORY

3.1 A similar application was submitted in the later part of 2011, reference 2011/5131/P, this application was withdrawn following advice from officers that insufficient information had been submitted for a full assessment of the application to be made.

#### Number 368

3.2 Full planning permission, reference 9501639R2 (1996), was granted for: Conversion of existing staff rooms in the roof space to accommodation for residents. Construction of two recessed dormer windows on the north elevation, and addition of polycarbonate cladding to the existing fire escape. Construction of a semi-recessed dormer window, and repositioning of one existing window at first floor level and one existing window at second floor level on the south elevation, and housing for a lift motor room on the roof.

3.3 Full planning permission, reference 11419 (1971), was granted for: The extension of the single storey building at the rear of 368 Finchley Road NW3 for use as a day centre for mentally handicapped adults.

3.4 Certificate of Lawfulness, reference 2357 (1966), was deemed lawful for: The use of 368 Finchley Road, Camden as an Institution for Rehabilitation. Application was submitted by the Central British Fund for Jewish Relief and Rehabilitation. The certificate granted that the change of use from a residential hostel of the German YMCA into an institute for rehabilitation – Lawful.

#### Number 372

3.5 Full planning permission, reference 8700688 (1987), was granted for: Change of use and works of conversion to form a residential care home for the handicapped to be used as an annexe to the existing home at no.368 including the erection of a part single-storey and part two-storey rear extension and the construction of an additional means of access to the highway and hardstanding for three additional vehicles in the front garden..

#### Number 370

3.6 Full planning permission, reference 8502185 (1985), was granted for: Change of use and works of conversion to form a hostel for the handicapped including a part two and part single storey rear extension.

### 4. CONSULTATIONS

4.1 The London Borough of Barnet were missed off the original consultation in error. They were consulted on the 19<sup>th</sup> October 2012; to date a response has not been received. The 21 day does not expire until 9<sup>th</sup> November 2012, the application will not be determined until after this date and in the event that new issues are raised, the application would be subject to further consideration by officers and members before a decision is made.

## **Statutory Consultees**

### Environment Agency

- 4.2 Recommend that the surface water management good practice advice cell F5 is used to ensure sustainable surface water management is achieved as part of this development.

### Thames Water

- 4.3 No objection, but request the following informatives. Thames Water requests that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 4.4 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation.
- 4.5 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

### London Underground

- 4.6 No comment.

### London Borough of Brent

- 4.7 No objection.

### London Borough of Barnet

- 4.8 No reply to date.

### Crime prevention

- 4.9 The following will be required for the development to achieve a secure by design award: All communal and residential entry doors will be to BS PAS 23/24. This will include doors allowing access to the stairs in the garage. The lift should be controlled by fob; All accessible opening windows will be to BS 7950 with 6.4mm laminated glass minimum; Garage. This will have a full height and width gate controlled by fob or similar. The garage should be painted in a light colour, with a uniform level of lighting to maximise surveillance.
- 4.10 Consideration should be given to monitored CCTV and a help point. Should an incident occur, then there is the opportunity to call for assistance; Access control will be audio and video; an alarm and cctv should be considered. A fused spur

should be provided near the entrance door of each residence; Cycle and refuse stores should be self closing and locking; Utility meters should be located in a central location. At present it will be located in the basement; Fencing between gardens should be 1.8m in height. A fence should be provided to the sides of the buildings to a height of 2.4m; Lighting of the site should be to a uniform level.

**Conservation Area Advisory Committee**

- 4.11 Redington and Frognal CAAC have provided the following comments:
- 4.12 The application site is outside the conservation area boundary, but abuts it. The policy implications are noted where there has been much dialogue between Camden and the developer. The CAAC agrees to the concern about the change of use, also the correct amount and management of affordable housing.
- 4.13 There is concern about the considerable shading of the properties in the CA. From the transport study the CAAC notes that 11 spaces would be provided in compliance with policy.
- 4.14 The CAAC would welcome an attempt to mollify the skyline to the blocks to reflect the character of the adjacent houses and blocks of flats opposite.
- 4.15 It is noted that although the height of the buildings will be up to the existing ridge line of the higher and existing buildings, they advance that height towards the road especially relative to the lower building.

**Adjoining Occupiers**

	<b>Original</b>	<b>R1</b>
<i>Number of letters sent</i>	53	53
<i>Total number of responses received</i>	7	3
<i>Number of electronic responses</i>	0	0
<i>Number in support</i>	0	0
<i>Number of objections</i>	7	3

- 4.16 Through public consultation 7 letters of objection, to the original drawings, were received from: Numbers 8, 10, 12 & 14 Briardale Gardens; 374 Finchley Road; 14 & 18 Clorane Gardens. Consultation was required for the revisions and 3 letters of objection were received from: 12 & 14 Briardale Gardens; and 16 Clorane Gardens. The following outline the issues raised from the original drawings and revised drawings:

Original consult responses:

- 4.17 *Change of use*
  - Camden’s policy recognises the importance that provision is made to meet the housing needs of its residents who require an element of care and support. Other Jewish care homes will not come under the jurisdiction of Camden council.
- 4.18 *Bulk and scale*
  - The development exceeds the existing floorspace of Kay Court;

- It exceeds the height of the existing building;
- Massing – there is an entire flat at existing roof level which brings the concrete block much closer.
- The drawings of the planned building show that the building will be considerably extended in the rear garden from the 1<sup>st</sup> floor to the 3<sup>rd</sup> floor. The part of the building which is next to Briardale Gardens will be significantly more prominent than the case is today.

#### 4.19 *Design and appearance*

- The proposed does not conform to the Edwardian character of the existing conservation area;
- The site is adjacent to Redington and Frognaal conservation area, yet the new building is substantially different in character, the concrete block style would not be in keeping with other buildings.
- It would be more in keeping with the area if the building were constructed in an Edwardian red brick, replicating the architecture of existing buildings.
- The proposal is at odds with the surrounding environment; it does not enhance the quality of the locality; it should replicate the Edwardian style;
- The applicant has proposed a modern unimaginative structure that will stick out of place with the locality.
- It would be more in keeping with the character of the area if the new development were constructed in an Edwardian red brick style replicating the architecture of the existing buildings on Finchley Road and in Clorane and Briardale Gardens. The appearance of the new development should take in to account the character of the adjoining conservation area.

#### 4.20 *Amenity*

- The balconies will overlook bedrooms, living rooms and gardens of the residents of Briardale and Clorane Gardens.
- Any development should not extend further back than the existing development, it would infringe upon residents right to privacy and block existing sunlight;
- The proposal fails to respond to the council's previous concerns – impact on neighbouring buildings.
- The balconies would result in additional opportunities for overlooking and thus loss of privacy. If such a large communal garden is planned why is there a need for balconies?
- Removal of trees- The trees at the rear of the site are vital to both the privacy and the noise in this area. The planned removal of trees and construction of basement will impact on privacy and outlook. Would it be appropriate to issue a TPO to ensure that trees will remain?
- Fencing – clarification as to whether the existing fence will remain along the eastern border;
- Demolition of the rear bungalow/outbuilding will expose numbers 14; 16 and 18 impacting severely on privacy and increase noise levels. The existing structure serves as both visual barrier and reduces noise. The developers should build a high brick wall and a screen of trees to mitigate against these impacts.
- At present no one has a view into our private gardens. The plan clearly shows that the flats facing the rear garden will have balconies that will have a straight line view into our garden, living rooms and bed rooms. Our property is not shield

with trees towards Key Court. In general trees can shield for no more than 6-7 months of the year.

- In the application it is pointed out that there has been a survey of the impacts of the redevelopment to Finchley Road 374. There has not been any such survey on site for the properties of Briardale Gardens and Clorane Gardens which are located in a conservation area. We are not allowed balconies in our properties, because this can affect the privacy in the conservation area. I propose a survey of the implications to the properties of Briardale Gardens and Clorane Gardens.

#### 4.21 *Transport impact*

- The proposed basement area is over-sized for its intended use; with large areas for resident storage and has room for additional spaces for residents to park beyond the ten spaces indicated on plan.
- The development will attract a significant number of visitors to the area.
- Traffic movements and impact on flow – parking increase.
- The plan is now to have underground parking for 10 vehicles. The plan is to build 22 luxury flats. Owner of such flats will most likely have 1 to 2 cars or even more. This means that there will be no parking spaces for 20 to 40 cars. The parking in Briardale Gardens and Clorane Gardens is already difficult. I propose that the residents of the re-development will be unable to obtain park permits from Camden Council. The parking restrictions in Briardale Gardens and Clorane Gardens should also be re-evaluated.
- The plan shows that the underground parking will have entry/exit next to bus stop (Lyndale Avenue). The bus stop is close to the busy junction between Finchley Road and Hendon Way. In my view the underground parking will further disturb the flow in the junction and be a safety hazard for both cars and pedestrians. There has been one fatal accident outside the building during the last 5 years.

#### 4.22 *Noise and disturbance*

- The communal garden will destroy the peace and privacy of private gardens in Briardale;
- Increase in residents from 57 – 111: increases in traffic and noise, exacerbates neighbourhood parking problems, and compromises security.
- The change of use from C2 to C3 increases the noise from people in their apartments, in the communal garden. Jewish Care catchment – question whether this is sufficient for Camden to approve the change of use.
- Concerned that the communal garden will cause a de-facto public park along two borders with our property. How will the garden be secured to ensure that it will only be used for residents?
- The large plant in the basement area – what noise is expected and what soundproofing is proposed to ensure the plant is not a nuisance. Also verify that there are controls/standards so that exhaust from the plant does not cause smell or harm to local vegetation?
- Will this have air conditioning units – if so where are these to be located.
- The communal garden proposed is wholly inappropriate for 22 dwellings which are likely to accommodate in excess of 100 people including visitors. – no objection however to the allocation of private gardens.



- The communal gardens are impractical and the area designated for these purposes insufficient.
- The developers should in my view be compelled to build a high brick wall (to the height of the apex of the existing bungalow) running across the rear of our properties from number 14 through to number 12.

#### 4.23 *Basement impacts*

- Concerned that the basement will have hydrological impact;
- Hydrological implications – please confirm liaison with Thames Water;
- The new assessment does not adequately address the impact of the new basement upon surrounding properties. There is a clear risk of flooding in the event of high intensity rainfall and insufficient additional surface water over existing will be discharged from the new development. The remedial measures referred to in the report mainly focus on the site and generally passes over the obvious impact flooding will have on adjoining and neighbouring properties.
- I am concerned by the hydrological impacts of the development given the proposal to excavate below the property to construct a car park. There is an underground river beneath Briardale Gardens. There have been numerous problems in recent years with hydrological issues in the area.

#### 4.24 *Re-consultation responses*

- It is incorrect for the developers to contend that the rear gardens abutting the development would be screened by existing mature trees. A screen of trees should be planted in front of a proposed wall to ensure privacy is maintained.
- The artists impression of the balconies clearly show that they would be well used. Existing properties in the conservation area would not be permitted to construct such balconies.
- While the changes have addressed a particularly egregious part of the initial proposal (basement car parking) most of the residents' initial objections remain unaddressed. Continue to strongly object since it would cause a material loss of residential amenity (as stated above).
- Residents request that a tree protection order be placed on the 4x fruit trees that form a natural border between Briardale Gardens and the site.
- The plan is now to have off street parking for 11 vehicles, the plan is to build 22 units and the owners are likely to have 1/2 cars. Residents recommend that the residents are unable to obtain parking permits and that the parking restrictions in Briardale and Clorane Gardens be re-evaluated.
- The revised application shows visual screening of balconies due to privacy concerns in the same building. There is no such screening planned for the part next to Briardale Gardens.

## 5. **POLICIES**

### **National Policy Planning Framework (2012)**

- 5.1 On 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications. The NPPF replaces a number of National planning policy documents (listed at Annex 3 of the NPPF).

## 5.2 **London plan July 2011**

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
- 3.13 Affordable housing thresholds
- 7.1 Building London's neighbourhoods and communities
- 7.3 Designing out crime
- 7.4 Local character
- 8.2 Planning obligations

Mayor of London. The London Plan: Interim Housing Supplementary Planning Guidance. GLA, 2010 Section 4.4: Affordable housing on individual schemes  
London Plan Interim housing SPG (2011 Draft Supplementary planning guidance Dec 2011 published for public consultation)

## 5.3 **LDF Core Strategy and Development Policies (2010)**

- CS1 (Distribution of growth)
- CS4 (Areas of more limited change)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS8 (Promoting a successful and inclusive Camden economy)
- CS10 (Supporting community facilities and services)
- 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 and encouraging biodiversity)
- CS16 (Improving Camden's health and well-being)
- CS17 (Making Camden a safer place)
- CS18 (Dealing with our waste and encouraging recycling)
- 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 (Homes of different sizes)
- DP6 (Lifetime homes and wheelchair homes)
- DP7 (Sheltered housing and care homes for older people)
- DP15 (Community and leisure uses)
- DP16 (The transport implications of development)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and limiting the availability of car parking)
- DP19 (Managing the impact of parking)
- DP20 (Movement of goods and materials)
- DP21 (Development connecting to the highway network)
- DP22 (Promoting sustainable design and construction)
- DP23 (Water)

DP24 (Securing high quality design)  
DP25 (Conserving Camden's heritage)  
DP26 (Managing the impact of development on occupiers and neighbours)  
DP27 (Basements and lightwells)  
DP28 (Noise and vibration)  
DP29 (Improving access)  
DP31 (Provision of, and improvements to, open space, sport and recreation)  
DP32 (Air quality and Camden's Clear Zone)

#### 5.4 **Supplementary Planning Policies: Camden Planning Guidance (2011)**

CPG1: Design (2011)  
CPG2: Housing (2011)  
CPG3: Sustainability (2011)  
CPG4: Basements (2011)  
CPG7: Transport (Chapter 5)  
CPG 8: S106 Obligations

### 6. **ASSESSMENT**

6.1 The principal consideration material to the determination of this application are summarised as follows:

- Principle of land use;
- Principle of demolition;
- Housing;
- Design;
- Basement impact;
- Local amenity;
- Transport impact;
- Landscaping and trees;
- Sustainability; and
- Other matters.

#### **Principle of land use**

6.2 The site had been occupied by a residential care home providing 57 beds managed by Jewish Care. The care home has been vacant since August 2010. The applicant is requesting permission to change the current use of the site from residential care to permanent self contained housing.

6.3 Development Policy DP7 sets out Camden's policy for sheltered housing and housing for older people in accordance with the Council's Core Policy CS6 & CS7 which seek a variety of housing types for older people. The Council's approach to supporting its older population is informed by the following: the scale and nature of the borough's designated homes for older people; the existing and projected proportion of our population who are in a pensionable age group; the Council's strategy of providing support for older people to remain in their homes; the strategy of replacing some of Camden's homes for older people with provision that combines independent living with elements of residential and nursing care.

6.4 Generally the council will resist developments that involves the net loss of floorspace in sheltered housing and care homes for older people unless either:

adequate replacement accommodation will be provided; it can be demonstrated that there is a surplus of homes for older people in the area; or it can be demonstrated that existing homes are incapable of meeting modern standards.

- 6.5 The existing residential care home does not meet National Minimum Standards (NMS) for care homes for adults. If the care home was refurbished to NMS the total bed numbers would be reduced from 57 to 30 beds and it would require alterations to: access; bathrooms; and communal areas. Officers agree that the care home, in its current state, would not meet modern standards for homes of older people and that given the extent of work required and likely reduction in capacity it is unlikely that another provider would take up the existing building. Officers therefore conclude that the buildings in their current form are no longer appropriate for housing older people.
- 6.6 Generally, care home operators have a catchment area, in a suburban environment of a two mile radius, for Jewish Care this is reduced to a one/one and a half mile radius, determined by walking distances for visitors on the Sabbath and high holy days. In consideration of the need for homes for older people the agent has provided documentation which suggests that the need for Jewish Care is accommodated elsewhere: within newly refurbished facilities on Fortune Green Lane; and with planning permission granted for a 48 bed care home in the London Borough of Barnet. The Council's Section for Joint Strategy and Commissioning For Community Services has noted that the home provided a pan London culturally specific home where Camden residents only really occupied 5/6 bed spaces. Officers are therefore satisfied that the needs of the former occupants have been adequately met.
- 6.7 The site had been marketed for a period of one year with national and local agents with adverts in the Caring Times. There is no evidence of unmet need in the local area for housing vulnerable groups and as such the principle of change of use to permanent housing including an appropriate amount of affordable housing is deemed acceptable in respect of policies DP3 and DP7. The provision of new housing is welcomed and accords with policies CS6 and DP2.

#### **Principle of demolition**

- 6.8 The development proposed would demolish the two existing buildings that occupy numbers 368-372 Finchley Road and whilst the site is not located in a conservation area, the rear boundary of the site faces residential properties within Redington and Froggnal conservation area. Development Policy DP25 notes that the Council will prevent the demolition of a building which would harm the character and appearance of a conservation area.
- 6.9 Design and conservation officers note that the existing buildings are consistent with the prevailing character of the area which comprises of: broadly uniform plot widths; front and rear boundary lines; as well as consistent roof and ridge heights. The existing buildings represent the typical substantial Edwardian/turn of the century buildings that characterise this part of North London. Other than this they are not considered to have particular architectural or historic significance to identify them as candidates for non-designated heritage asset status or inclusion in Camden's forthcoming 'local list'.

- 6.10 The demolition of the existing pair of buildings is therefore deemed acceptable providing that the replacement buildings are of high quality, detailed design which would respect the local character and appearance of the area in accordance with policies: CS14; DP24 & DP25 of Camden's Local Development Framework.

### **Design & Appearance**

- 6.11 There is an established pattern of development in the area, as outlined above, which should be respected in order to preserve and enhance the positive elements of local character within the borough. Supporting text of policy DP24 states, "Where townscape is particularly uniform attention should be paid to responding closely to the prevailing scale, form and proportions and materials. In areas of low quality or where no pattern prevails, development should improve the quality of an area and give a stronger identity".
- 6.12 Design Officers consider that the design and form of the proposal has responded to the character and appearance of the area. It is considered to preserve these elements that make up this local vernacular in the area and to respond to others in a more contemporary style. In particular, consideration has been given to;
- 6.13 *Footprint:* The development's footprint is almost identical to the existing building on the site. This preserves the front building line, built form and plot ratio. To note, this comment only relates to ground built footprint.
- 6.14 *Height:* The height is almost identical to the existing properties, the top floor is slightly lower than existing ridge line, by 190mm. The proposed height relates to the existing scale of development in the area. The height of each floor relates to adjoining properties and picks up the eaves line of neighbouring buildings which is a key characteristic of the buildings in the area. The eaves line is emphasised further by a change in material at this level.
- 6.15 *Form & Bulk:* The additional floorspace provided by the proposal is created by replacing the existing hipped and pitched roofs with a square shaped upper floor and adding additional bulk at the rear (above the location of the existing rear extension). In terms of the rear, the bulk is not considered perceptible from the public realm or streets at the rear of the site. As such the additional bulk at the rear is considered proportionate to the proposed buildings and is acceptable.
- 6.16 Officers consider that the appearance of bulk on the top floor, front elevation, has been successfully reduced through the inclusion a solid parapet which assists in giving the roof storey a more recessive appearance.
- 6.17 The raised ground floor and upper floor levels, pick up on the levels of adjoining buildings, integrating the building into the surrounding streetscape. With regard to the top storey the design has sought to allow the sheer upper floors to relate to the adjoining and existing pitched roofs. This is done by setting the top floors in from the flank elevation and back from the street.
- 6.18 *Materials:* The materials of the top two floors relate to the roof coverings of adjoining buildings. Terracotta clad top floors distinguishes the 'roof' level from the

main brick facades. This relates to the roofs in the area and breaks down the bulk by avoiding a constant material throughout. The use of red brick responds to the prevailing colour and materials used in the area.

- 6.19 Projecting bays are reinterpreted. They are finished in white render to relate to the use of render in the area. The glazed link allows separation of the buildings allowing them to be read as two distinct blocks.
- 6.20 In summary, it is acknowledged that for all the details outlined above, the proposal is not a replica Edwardian style with a pitched roof. However the site is located on Finchley Road which has a variety of different housing types and styles. The quality of stock along this part of Finchley Road is mixed and not of the same quality found elsewhere, particularly within the Redington/Frognaal Conservation Area in close proximity of the site. In consideration of the characteristics of the application site, the design and appearance of the proposed building is deemed suitable in relation to policies DP24 & DP25.
- 6.21 If the proposal were approved the following details would be secured by condition: samples of external facing materials; details of balconies & windows.

#### **Setting of a conservation area**

- 6.22 Redington/Frognaal Conservation Area runs along the rear boundary of the site which backs onto the rear gardens of properties on Briardale Gardens and Clorane Gardens. Whilst the site is not within the CA it is important to assess the impact of the proposal upon its setting which is a material consideration.
- 6.23 The rear of the new development is likely to be seen between 6 Briardale Gardens and 18 Clorane Gardens. However, the distance of the new development varies from 21.6m and 40m through mature trees which would block the view. Moreover development at the rear steps inward and away from this view and the rear of the block would be finished in red brick with hanging tile cladding to the upper floor. The development is not considered to disrupt the character and appearance of the CA or harm its setting from the public realm. The scheme would be seen from the rear gardens of immediate occupiers in the CA but the limited impact this would have on the CA is not considered to result in harm to the CA.

#### **Affordable housing**

- 6.24 The proposed development includes 4 affordable units providing 603sqm of floorspace: 3x 3 bedroom and 1x 2 bedroom. The proposed GEA habitable floorspace would be 2928m<sup>2</sup> (2325 + 603) [Source: Design and Access Statement 8.0 Area Schedule]. Based on this figure the target affordable housing floorspace would be 849m<sup>2</sup>. The proposals fall short of this by 246m<sup>2</sup>. A viability statement has been submitted by the applicant that states that this is the maximum amount that can be provided on-site. This report has been independently assessed by BPS consultants.
- 6.25 BPS, following the submission of additional information by the developer and a revision to the tenure of the affordable units from 3x social rent and 1x affordable rent to 4x social rent units, that the proposal includes the maximum level of

affordable that can be provided. In view of this the proposal is considered acceptable and the affordable should be secured by S106.

- 6.26 In view that residual valuations are by their nature and complexity sensitive to small changes to value and cost inputs, it has also been recommended that it would be appropriate for the Council to seek agreement for a deferred contributions mechanism. The deferred contributions would be based on scheme value or profitability, subject to a cap that would equate to a policy compliant scheme.
- 6.27 In summary, it has been demonstrated through viability that the development would provide the maximum reasonable amount of affordable housing on site in accordance with policy DP3. If the scheme is approved the S106 would secure: 4x social rent units; and deferred contributions based upon scheme value or profitability, subject to a cap that would equate to a policy compliant scheme.

**Housing mix**

- 6.28 Development Policy DP5 seeks to ensure provision of a range of unit sizes in line with the housing priorities in the Borough. The table below clearly demonstrates that the proposal would provide a reasonable mix of units that meet housing priorities.

	1 Bedroom	2 bedrooms	3 bedrooms
Social rented		1 (medium priority)	3 (high priority)
Market	1 (lower priority)	12 (very high priority)	5 (medium priority)

- 6.29 The development would exceed the Council's aim of 40% provision of 2 bedrooms and would provide 4x social rent units (1x 2 bedroom and 3x 3 bedroom). Although a 60/40% split is normally requested by policy DP5 between social rent and intermediate housing, In this case the provision of a higher proportion of social rented housing is welcomed.

**Impact on neighbouring residential amenity**

- 6.30 Development Policy DP26 seeks to ensure that the amenities of neighbouring occupiers/owners are not unduly affected by development, the following factors have been given due consideration in the assessment of this application: visual privacy and overlooking; overshadowing and outlook; sunlight, daylight, and artificial light levels; noise and vibration levels; odour, fumes, and dust; microclimate; and the inclusion of appropriate attenuation measures.
- 6.31 *Sunlight & Daylight:* A sunlight and daylight report has been submitted within the application in response to the council's previous concerns that the development could have the potential to reduce the levels of sunlight and daylight near to and within the proposal site. There are a number of different tests for assessing this and they are outlined below:

- 1) The general rule used to assess daylight from existing buildings in relation to proposed development is to illustrate a 25 degree line from the centre of the lowest

window on the existing building and if the development is lower than this line it is unlikely that daylight would be substantially affected.

2) The VSC (vertical sky component) is the amount of natural light that is hitting a window. If the measurement is greater than 27% then there should be enough light hitting the existing window – if this is reduced, this should be kept to a minimum. CPG6 notes that some window may already experience lower levels and only an 80% reduction of its former value would be acceptable.

3) The ADF (average daylight factor) measures the level of daylight in a room. This takes into account: net area windows; the total area of room surfaces; the average reflectance; and the angle of visible sky. The minimum figures for dwellings are: 2% for kitchens; 1.5% living rooms; and 1% for bedrooms. However, for existing dwellings officers will assess the overall loss of daylight rather than the minimum acceptable levels of daylight.

6.32 366 Finchley Road (south)- the daylight to all windows would not be reduced by more than 0.8 of its former use value and as such, is considered acceptable.

6.33 374 Finchley Road (north)- the report notes that the building proposed has been reduced to ensure that there would be no negative impact to the daylight and sunlight received by these windows. To the rear, the ground floor rear window is distant and protected by a rear projection. At first floor level the windows retain an almost open view of the sky dome, with the proposed development cut back to accommodate this. VSC of these windows would be no less than 0.8 its former value.

6.34 Other neighbouring properties- with respect to daylight, the report notes that other neighbouring residential properties are too distant to be a cause for concern. i.e. the 25 degree line is not cut by the development.

#### *Outlook*

6.35 It is necessary to ensure that the proximity, size and/or cumulative effect of structures do not have an overbearing effect that is detrimental to the enjoyment of nearby owners/occupants in terms of outlook. In terms of building mass, there would be a noticeable increase to the rear of the application site. The following provides the approximate increase in depth:

- Ground floor level: the existing built footprint would be retained;
- First floor level: north block, increase 4m including a reduction adjacent to Number 374; south block, increase 6.5m & 5m;
- Second floor level: north block, increase 3.5m & reduction towards Number 374; south block increase 10.5m & 7.5m and increase towards Number 366.
- Third floor level: north block, reduction towards Number 374; south block, increase 8m & 4m.

6.36 Residents have raised concern regarding the size of the proposed building in comparison with the existing building. The plans illustrate that the majority of new



building mass would be sited between the centre of the two blocks, towards the southern block. The following properties would have views into the application site: Numbers 8 – 14 Briardale Gardens; Numbers 14 – 18 Clorane Gardens; 366 & 374 Finchley Road. While the proposed building would be sited closer to the rear gardens of Briardale and Clorane these gardens are relatively large (13, 18 & 26m deep) and it is not considered that the proposal would be overbearing to the detriment of neighbouring amenity. The proposed building would be sited in from the affected property at 374 Finchley Road and while the building would be closer to Number 366 the daylight and sunlight study notes that it would not be negatively impacted.

6.37 *Overlooking & privacy:* CPG6 notes that the degree of overlooking depends on distance, and the horizontal and vertical angles of view. To ensure privacy there should normally be a distance of 18m between the windows of habitable rooms of different units that directly face each other. The applicant has provided a site plan which illustrates that the proposed built footprint (at its largest form) would clearly meet the minimum distance for overlooking and privacy.

6.38 Residents remain concerned that the rear balconies proposed would cause overlooking issues. Balconies are proposed at first, second and third floor levels with the inclusion of terraces to the southern block at second and third floor levels.

- The terrace closest to the neighbouring property 366 Finchley Road at second floor level would cause a degree of overlooking to the area of garden closest to the building. In order to address this, a timber louvred screen is proposed which would need to be permanently retained, this would be secured by condition. There are no balconies at first floor level adjacent to the property and at third floor level they are reduced.
- The balcony closest to number 374 Finchley Road would be at third floor level and sit approximately 8m from the site boundary. It is not considered that this balcony would cause negative impacts in light of the separation distance.

#### Air Quality

6.39 CPG 6 requires developments to include mitigation and offsetting measures to deal with any negative air quality impacts associated with the development and should be designed to minimise exposure of occupants to existing poor air quality. A report produced by 'Air Quality Consultants' dated November 2011 and September 2012 has been submitted. The following mitigation measures to minimise impacts of construction are proposed in accordance with the GLA Best Practice Guidance (2006):

- Measures to mitigate dust emissions during construction;
- Erect solid barriers to the site boundary; No bonfires; identify responsible person in charge; hard surface site haul routes;
- All vehicles to switch off engines; effective vehicle cleaning on-site; all loads entering and leaving to be covered; no site run-off of water or mud; comply with requirements of Low Emission Zone; hard surfacing and effective cleaning;

- Use of water as dust suppressant; securely cover skips and minimise drop heights; wrap buildings to be demolished;
  - Minimise dust generating activities; enclose stickpiles; ensure concrete crusher has a permit to operate.
- 6.40 The Council's sustainability officers have been in direct contact with the air quality consultants on this development. Officer's are also satisfied with the dust mitigation measures proposed in the draft Construction Management Plan (Officer's are also satisfied that the impact of the CHP engine on local air quality (located in the basement plant room) would be negligible). The development should comply with the GLA best practice (2006) in addition to ensuring that where mitigation of dust relies on water there should not be excess to contaminate local watercourses, an informative will be attached.

#### **Quality of residential accommodation**

- 6.41 Development Policy DP26 requires development to provide: an acceptable standard of accommodation, in terms of internal arrangements, dwelling and room sizes and amenity space; facilities for the storage, recycling and disposal of waste; bicycle storage; and outdoor space. Camden Planning Guidance CPG2 'Housing' and CPG4 'Amenity' provides the Council's standards for new residential development.
- 6.42 In terms of internal floorspace all units proposed would meet and in most cases exceed the required floorspace standards set out in CPG2.
- 6.43 Noise: An Environmental Noise Survey and PPG24 report produced by Hann Tucker Associates was submitted with the application to assess the impact of noise for future occupants of the site. In assessment of typical high performance double glazing, the predicted worst case internal noise levels meet the proposed criteria. The report recommends that:
- The external envelope of the new residences should incorporate suitably specified glazing and ventilation to achieve the criteria specified in the report;
  - Planning condition "construction work shall not begin until a scheme for protecting dwellings against noise from road traffic has been submitted to and approved ..."
- 6.44 The above recommendation would be secured by condition.
- 6.45 Ventilation: As part of their Energy Strategy produced by Metropolis Green no mechanical heating/cooling systems are proposed. The assessment stated that the units would not be subject to overheating if windows were shaded with light blinds. In consultation with Environmental Health officers some units would have large glazed French doors instead of windows which would provide ventilation but also excess ventilation. Officers recommend the developer refer to: Building Regulation Approved Document L1: Conservation of fuel and power in dwellings, and Approved Document F: Ventilation of buildings. The detailed design of windows shall be conditioned to ensure that all window and door openings provide satisfactory ventilation.

- 6.46 Lifetime Homes and wheelchair homes: DP6 requires all housing developments to meet Lifetime Homes Standards and 10% of units to meet wheelchair housing standards. The proposals have been revised to meet new Lifetime Homes criteria.
- 6.47 Camden Planning Guidance CPG2 notes that the Council will expect wheelchair units to exceed the minimum floorspace standards and be designed in accordance with the standards set out in the nationally recognised Habinteg Wheelchair Housing Design Guide. Three wheelchair units are proposed, 1x 3 bedroom unit in the affordable block and 1x 2 bedroom & 1x 3 bedroom units in the market block. The wheelchair units would need to comply with: corridor widths; turning circles; bedroom circulation space; and bathroom locations. It has been demonstrated that the units would be able to accommodate these standards and if approved they would be secured by condition.
- 6.48 Adequate sunlight/daylight/outlook: The ADF results of the daylight and sunlight study confirm that the daylight amenity value for every room in the development would meet BRE criteria.
- 6.49 Privacy & security: A number of privacy and security measures have been recommended for the development to achieve a secure by design award. The Council will secure the submission of details by condition.
- 6.50 Outdoor amenity space: Policies CS15, DP26 and DP31 seek to ensure that developments provide outdoor amenity space and where a development is likely to lead to increased use of public open space an appropriate contribution is made. Camden Planning Guidance 6 provides further detailed information in what the Council expects developments to provide in terms of outdoor amenity and public open space.
- 6.51 The proposal includes the provision of private balconies or terraces, private gardens for ground floor units and communal garden areas, which is welcomed. The proposal is likely to lead to increased use of public open space and therefore a contribution of £36,305 secured by a S106 agreement in accordance with CPG6 formula would be sought if the scheme is approved.

### ***Refuse/recycling***

- 6.52 There are two bin storage areas at ground level for the affordable block, one storage area would open onto the hatched marked area (clear access area) for the blue badge bay. The refuse storage area for the market block would be located in the basement, accessible by lift/stair. In consideration to collection, a private managed solution is proposed whereby; a powered dolly is used to take the bins up the ramp the morning of collection and would be temporarily stored against the wall at the south side of the ramp awaiting collection. The refuse management plan will be secured by condition.

### **Basement**

- 6.53 The proposed development will comprise of the construction of a four storey building with basement level. The basement would, in the main, be sited underneath the footprint of the proposed building: dimensions; 20.5m long by 28.5m wide to create a rectangular structure beneath the building. In view that the

site is located on a slope, the floor level of the basement would lie 2m below road level at the site frontage, increasing to a depth of 4m at the rear of the building. The basement would be approximately 7m from the boundary of 366 Finchley Road and 6.5m from the boundary of 374 Finchley Road. The basement proposed would comprise of a 'rigid box-type' basement structure with suspended floor, supported on piled foundations within an excavation that is to be retained on at least three sides by a contiguous bored pile retaining wall, a kingpost support system or hydraulically installed sheet piling.

- 6.54 Basements are deemed acceptable where it can be demonstrated that it would not cause harm to the built and natural environment and local amenity including: local water environment, ground conditions and biodiversity. A Basement Impact Assessment (BIA) produced by LBH Wembley: Geotechnical & Environmental has been submitted to support the basement proposal. The BIA has been produced in accordance with Camden Planning Guidance 4 and Development Policy DP27 undertaking the following processes of screening, scoping, site investigation, and assessment. To note, Finchley Road was affected by floods in 2002 and therefore a Flood Risk Assessment (FRA) has also been submitted. The following outlines the results of site investigation and study.
- 6.55 *Ground conditions/stability*  
The British Geological Survey (BGS) map identifies that the site is likely underlain by the London Clay Formation, with possible capping of the sandier Claygate Member. This has been identified by the Environment Agency (EA) as an unproductive strata. The higher lying ground, a short distance to the east of the site, is designated as a secondary A aquifer which is capable of supporting water supplies at a local rather than strategic scale. The EA flood risk map shows that the subject site is not at risk of flooding from seas, rivers or reservoirs. The nearest surface water feature is the Westover Brook, largely culverted, which flows in a southerly direction 400m from the east of the site.
- 6.56 With regard to slope stability the assessment recommends that full temporary and permanent support will need to be provided to the basement excavation. In order to avoid any risk of temporary instability it is recommended that a temporary sheet pile or bored pile retaining wall should be designed and constructed around the proposed excavation area.
- 6.57 Outside the basement excavation it is recommended that the proposed landscaping will require similar retaining walls to those presently existing and these will be required to be designed to support both the terracing of the property and the gardens of adjoining properties. A designed temporary sheet pile retaining wall should be used to support the pavement at the front of the building to avoid risk of instability. When sheeting is removed to allow groundwater flow the basement structure would act as a soil retaining structure.
- 6.58 Although the sides of the basement excavation have been brought in significantly since the original submission officers still consider that the recommendations in the BIA with regards to the neighbouring properties should be undertaken. It is recommended that sufficient lateral restraint to the permanent sheet piling or bored piled retaining wall to maintain the in-situ horizontal ground stresses beyond the

basement excavation such that movement does not occur to neighbouring foundations.

6.59 *Groundwater*

The impact assessment of the BIA summarises that high permeability land drainage measures can be incorporated into the scheme in order to ensure the natural flow of groundwater would flow around the sides of the new basement so that the flow will not be interrupted. Dewatering has been considered however as this could cause ground settlement and affect neighbouring structures, it has been recommended that sheet piling or a combination of a secant bored pile wall and sheeting should be installed to form a cut off extending into the London Clay that will permit the basement box construction to proceed in the dry. Following construction it is recommended that the space between the new structure and the piling can be filled with high permeability granular material and sheeting to the rear and front of the basement can be extracted to create a permanent drainage path. It concludes that groundwater should therefore be able to flow around the basement structure without any significant rise in groundwater levels.

*Surface Water*

6.60 A FRA produced by gta civils ltd has been submitted in accordance with policy DP27 of Camden's LDF. The site lies 2.4km southeast of the River Brent, this being the nearest floodplain. The Environment Agency flood map shows that the site lies in Flood Zone 1, which means the annual probability of flooding from the Brent is 0.1%.

6.61 There is one historical record of flooding on this site from a Thames Water sewer failure, August 2002. The runoff rate of the newly formed impermeable surfaces should be attenuated to approx. 50% of the current offsite flow rate in a one in 100 year storm or 30% contingency for climate change. There should be an attenuation tank capable of holding 42.5 cubic meters.

6.62 Development Policy DP23 requires developments to reduce their water consumption; the pressure on the combined sewer network; and the risk of flooding. Policy DP27 encourages the submission of a Sustainable Urban Drainage Systems (SUDS) and whilst the basement would not consume 50% of the garden space SUDS with use of greywater capturing is encouraged. The FRA concludes that no additional surface water run-off over existing will be discharged from the development. There will be no displaced water onto third parties due to this development.

*Contaminated land*

6.63 There is an operational petrol filling station located 100m to the southwest of the site; the site is not however in a radon affected area. The Council's contaminated land officer has recommended a condition for further ground investigation to be carried out prior to commencement of works.

6.64 The assessment concludes the following:

- Provided that land drainage measures are incorporated into the permanent construction to mitigate the effect of interrupting groundwater flow, the

development is not expected to have any adverse impact upon the groundwater regime.

- Full lateral support would be required at all times to the sides of the basement excavation.
- Lateral and vertical support will need to be maintained at all times to the neighbouring properties. The need to prevent significant movement and associated settlement behind the flank walls of the development will require pre-stressing to be undertaken to maintain the horizontal stresses in excess of a conventional design.

6.65 In summary, it is considered that the basement proposed has been designed in accordance with policy DP27 and CPG4 and should not cause harmful impacts upon: groundwater; slope stability; and structural stability. Should the development be approved the recommendations contained within the BIA, including details of groundwater flow would be secured by condition.

### **Transport impact**

6.66 The proposal would involve significant works of demolition and construction on Finchley Road and an intensified use of the site. The application site is adjacent to a Red Route for which TFL are the highway authority, whilst the remainder of 368, 370 and 372 is located adjacent to highway which is maintained by Barnet Council.

#### *Impact on transport network*

6.67 The Transport Statement states that the site will not have any impact on the surrounding highway network. The current use provides space for 57 elderly people in connection with the care home. Despite the conclusions of the transport statement officers are of the view that the change to 22 residential units would result in increased movement. It can be considered that movements associated with this land use would be low overall. In comparison the proposed development is likely to result in a significant increase in people on the site. In view of this the developer will be required to make a Section 106 contribution towards environmental, public realm, pedestrian and cycle improvements in the surrounding area to mitigate the increased level of movements.

#### *Parking*

6.68 The proposal relates to a new development that will attract new occupiers to the site. Development Policy DP18 seeks to ensure that new developments provide the minimum necessary parking provision. The policy states that areas which have high access to public transport accessibility and within Controlled Parking Zones the council will expect the development to be car free. The site has a Public Transport Accessibility Level (PTAL) of 4 which indicates a good level of public transport accessibility and is located in a Controlled Parking Zone 'CA-S' which operates 12.30pm to 14.30pm Monday to Friday. Officers therefore require this development to be car free to be secured by S106 legal agreement in accordance with DP18 and CPG7. The only exception to this is the provision of one disabled bay on-site.

6.69 The proposal would include one disabled parking space within the front forecourt of the affordable block. The platform lift that would provide access from the parking

space to the affordable block has been removed and a ramped access over the basement entrance/exit is proposed. This will ensure that there is a permanent means of access/escape which would not be subject to failure. To confirm, the travelling distance between the parking space and front entrance of the affordable unit, is just under 50m which is considered acceptable under building regulations.

#### *Cycle parking*

- 6.70 In respect of DP18 and Transport for London guidance, cycle parking standards requires the provision of one cycle parking space per one or two bedroom units and two cycle parking spaces per three bedroom units. Under the current proposals these standards have been met and there is provision for 46 cycle parking spaces on-site, in three locations, 10 spaces have been designated for the affordable units, 13 spaces at ground floor for the private units and a further 23 in the basement level for the private units. The basement ramp has been altered to a 1:12 gradient which is maximum acceptable to accommodate cyclists. These cycle spaces would be secured by condition.

#### *Associated highway works*

- 6.71 In respect of DP21, development connecting to the highway network, it has been noted that to demark the parking space at ground floor from the new proposed basement access a new kerb alignment is being proposed that extends out onto public highway. The proposals also show an area of new landscaping, incorporating trees, to the front of Kay Court. This area is public highway and not under the control of the applicant as it sits outside the red line boundary. Works outside the redline boundary would require agreement from the local highway authority. If public realm improvements are supported then a design can be progressed by the local highway authority at the developer's expense. Following on from the above, the proposed development will be required to make a Section 106 contribution towards repaving the footway, realigning the crossover and the footway adjacent to the frontage of the site.

#### *Construction*

- 6.72 A draft CMP has been submitted, it covers a number of points in relation to construction which give rise to a number of concerns relating to the impact of the construction on the highway network. There are double yellow and double red lines outside the site, which prevent waiting at any time and loading restrictions between 7am and 10am Monday to Friday. Officers recommend that a parking space at the front of the property of 6m long should be marked 'loading only' to reduce the number of vehicles loading directly from Finchley Road. The hoarding extent identified on the CMP includes an area of public highway and a licence will be required from Highways Management to enable this footway closure. There are a number of services within the footway adjacent to the site and no indication on how these services will be protected has been included. Details relating to how pedestrian and cycle safety will be maintained has not been included. No information has been presented in relation to the amount of soil removal required for the site, without this an informed decision as to whether the number of proposed vehicle movements is acceptable cannot be made. Whilst officers are satisfied that the construction process can be managed successfully, the CMP submitted to date is not satisfactory and a detailed CMP would be secured via a S106 agreement.

### **Landscaping and Trees**

- 6.73 Although bats were observed in the vicinity, the surveys demonstrate they were not using buildings or structures within the site to roost. There is a good opportunity to incorporate bat bricks or other bat roosting devices into the design of the new building as a cheap and easy way to enhance the biodiversity of the site. This should be secured by condition.
- 6.74 A number of trees are to be removed to facilitate the development. These are not considered to be of sufficient visual amenity or landscape value and therefore their loss is accepted. Sufficient new tree planting and associated drainage is proposed as part of the re-development and should be conditioned to ensure the species and number of plants is acceptable and to ensure suitable drainage measures. The design of the front garden areas will be important to ensure the scheme enhances the quality of the streetscape and would need to be secured by condition.
- 6.75 A biodiverse roof is proposed, further details will be required relating to substrate depth, planting and maintenance. It is recommended that the roof consists of a meadow type (acid grassland) habitat which will help meet the biodiversity action plan targets.

### **Sustainability**

- 6.76 'Sustainable design & construction' The document identifies how the proposed development would provide a reasonable level of sustainability which has the potential to achieve Code Level 3 for Sustainable Homes. The Council would require that a Core Level 3 and attainment of at least 50% of available credits in the categories of: water; energy and materials be secured by a Section 106 Agreement.
- 6.77 Core Policy CS13 and Development Policies DP22 & DP23 seek to improve the environmental performance of the boroughs buildings and new development in line with the Council's overriding aim to reduce carbon emissions. Camden Planning Guidance CPG3 provides further detail. Development Policy DP22 requires all new housing developments to meet Code Level 3 or above for Sustainable Homes. Core Policy CS13 requires developments to meet the highest feasible environmental standards, taking into account the 'Energy Hierarchy'.
- 6.78 The proposed development would demolish the existing buildings at the site and would rebuild a four storey building with basement to be occupied as housing. The proposed development would meet Code Level 3 and the targets for 50% unweighted credits to be gained in water, energy, and materials.
- 6.79 Energy Strategy: The following energy efficient measures would be incorporated in the development:
- Overall air tightness will meet best practice standards equating to maximum permeability of 5m<sup>3</sup>/hour/m<sup>2</sup>@50PA.
  - Low U- values (minimise heat loss through: walls; windows; surface areas) improvement achieved: on external walls, floors, windows and doors.
  - 100% proportion of energy efficient lighting;



- Thermal bridging will be minimised in accordance with accredited construction details. Target air permeability no greater than 5m<sup>3</sup>/hour/m<sup>2</sup>.
- Overheating would be reduced in summer months through shading features incorporated into the design. The size and number of south facing windows have been minimised.
- Most units would be dual aspect allowing for cross ventilation.
- Green roofs.
- No mechanical cooling. Before mitigation 13 units would fall into medium risk for overheating- measure to mitigate this such as light coloured blinds reduces this to slight.

6.80 Supply energy efficiently: This investigates the application of Combined Heat and Power at the site. The nearest existing CHP installations to the site are located at Swiss Cottage and BXC site at Tilling Road, both of which are approximately 2.5km from the site. It has been determined that connection to existing installations is not feasible due the distance between the sites. The provision of on-site gas CHP is feasible and would be ideal to meet hot water demand. The plant would be located in the basement plant room. The manufacturers specification noise levels of 44db would need further assessment by way of noise investigation to ensure that the amenities of occupiers and the area generally would not be negatively impacted in accordance with policy DP28 of Camden's LDF. This would be secured by condition.

6.81 Renewable energy: The following renewable technologies have been appraised at the site: wind; pv; solar water; biomass heating; and ground source heating. The report has analysed the feasibility of all the above technologies and concludes that PV solar panels would be the most feasible technology for the site. This would achieve a 10.2% reduction in carbon emissions, all this would not hit the target level of 20% noted in CS13 it would bring the whole energy carbon reduction from the notional baseline by 22.3%.

6.82 To ensure that the 10.2% reduction is achieved a total of 147 panels would need to be installed at roof level (250m<sup>2</sup> of roof space). The modules should be tilted at an optimum angle of 35° with a minimum tilt angle of 10° for maintenance and spaced at 700mm. These details should be confirmed at the design stage of the code assessment.

### **Education Contributions**

6.83 There is no requirement for educational contributions to be provided on schemes for affordable housing or one-bedroom market units. For the larger proposed units the total contribution would be £66,701 in accordance with Figure 1 of CPG 8. This figure would be secured through the S106 agreement.

### **Community Facilities**

6.84 This development introduces new residential uses to the site. There is no on-site indoor community space provision, so it is likely to increase pressure on community facilities in the local neighbourhood. DP15 (Community and Leisure Uses) states

that the Council will expect “developments that result in any additional need for community or leisure facilities to contribute towards supporting existing facilities or providing for new facilities”. In line with DP15, if this application is approved, it would be reasonable to expect the development to make a contribution towards community facilities in the vicinity and for this to be secured as part of the section 106 agreement. In this case we would require a contribution of £21,560 calculated as £980 for each bedroom, in accordance with Figure 2 of CPG8. This would be secured by s106 legal agreement

### **Employment and Local Procurement**

- 6.85 CS8 (promoting a successful economy) para. 8.25 states that large schemes which will have a significant job creation potential will be expected to provide local employment and procurement opportunities. This development qualifies as a large scheme as it includes significant additional floorspace and demolition of existing buildings, so the s106 heads of terms should include employment and local procurement obligations.
- 6.86 In particular these should include 1) an agreement to work with the Kings Cross Construction Skills Centre, the Council's construction skills centre in York Way, to support the recruitment of Camden residents to jobs created during the construction of the development and to work towards a target that 20% of jobs are filled by Camden residents; 2) an agreement to provide 1 construction industry apprenticeship per £3million of build costs to Camden residents recruited via the Kings Cross Construction Skills Centre, each apprentice to be employed for at least 52 weeks and paid at the National Minimum Wage or above; 3) an agreement to work with the Council's local procurement team to provide opportunities for Camden-based businesses to tender for the supply of goods and services during construction and 4) a contribution to training and employment of £4,500 (calculated in accordance with the formula in CPG8).

### **Community Infrastructure Levy**

- 6.87 The proposal will be liable for the Mayor of London's CIL as the additional floorspace exceeds 100m<sup>2</sup> or one unit of residential accommodation. Based on the MoL's CIL charging schedule and the information given on the plans the charge is likely to be £204,750 (approx. 4000 x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, submit a commencement notice and late payment, or and indexation in line with the construction costs index.

## **7. Conclusion**

- 7.1 In summary the proposal is considered acceptable with regards to: land use; demolition; housing; design; basement impact; local amenity; landscaping and trees; transport impact; sustainability. The proposal has been assessed in relation to adopted policies contained within Camden's Local Development Framework; Camden Planning Guidance; the London Plan; and National Planning Policy Framework.
- 7.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-
- Car free

- On-site affordable housing
- Wheelchair housing
- Deferred Affordable Housing Contribution
- Education Contribution £66,701
- Construction Management Plan
- Local Procurement
- Employment and Training £4,500
- Highways Works
- Open Space Contribution £36,305
- Pedestrian, Public Realm; and Environmental Improvements £18,000
- Code for Sustainable Homes
- Energy Strategy
- Community facilities £21,560

## 8. **LEGAL COMMENTS**

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.