

Address:	158 A Mill Lane London NW6 1TF		
Application Number:	2011/4213/P	Officer: Gavin Sexton	
Ward:	West Hampstead		
Date Received:	23/08/2011		
Proposal: 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).			
Drawing Numbers: 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, _P01u, _P02u, _P03u, _P04u, _P05u, _P06u, _P07u, _P08u, _P09u, _P10u2, _P11u2;			
RECOMMENDATION SUMMARY: Grant conditional planning permission subject to s106 legal agreement			
Applicant:		Agent:	
Mrs Suzi Malin 158a Mill Lane London NW6 1TF		SpaceAgent Architects Ltd. 52 Great Eastern Street London EC2A 3EP	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	Class B1 artists studio		c. 135m ²
Proposed	C3 Dwelling House		c.750m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>	0	0	0	0	0	0	0	0	0
Proposed	<i>Flat/Maisonette</i>	1	4	1						

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	1	0

OFFICERS' REPORT

Reason for Referral to Committee:

1. SITE

- 1.1 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.
- 1.2 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.
- 1.3 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.

2. THE PROPOSAL

Original

- 2.1 The proposal seeks to demolish the existing single storey artist's studio and replace it with a building comprising four storeys plus lower ground floor and roof level accommodation.
- 2.2 The building would provide a single car space in a garage fronting Mill Lane. To the rear terraces at each level would overlook the Mill Lane Public Open Space and provide outdoor amenity space for occupiers.

Revisions

- 2.3 During the course of the application the following amendments were made to the scheme:

- Basement pulled back from front site boundary
- Rear lower ground terrace replaced with soft landscaping
- On site car parking reduced to one space and cycle parking moved to ground floor from basement
- Brown roof added
- Front boundary treatment amended
- Dormers amended and reduced in size

2.4 The following supplementary information was also provided :

- Basement Impact Assessment comprising
 - Groundwater Impact Assessment by Chord Environmental
 - Preliminary Structural engineering report by Elliottwood
 - Ground/slope stability screening assessment by RSK Nov 2011
 - Flood risk and surface water assessment by Elliottwood revision P1
- Arboricultural report from Crown Consultants including Tree Constraints Plan and Planting Plan
- Code for Sustainable Homes and SAP Calculations for each flat from Leema Technologies
- Energy Statement from Leema Technologies

3. RELEVANT HISTORY

Application site

- 3.1 **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.
- 3.2 **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 x 2 bed flat on upper ground floor and 1 x 3 bed maisonette on first and second floor, including the provision of one garage.*”
- 3.3 **Adjacent site – 152-158 Mill Lane August 2010:** Permission granted, subject 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.” Work on the new school building is significantly underway with the lower ground floor and building frame in place at the time of writing this report.

4. CONSULTATIONS

Statutory Consultees

4.1 None

Local Groups

4.3 None

Adjoining Occupiers

	Original
<i>Number of letters sent</i>	21
<i>Total number of responses received</i>	8
<i>Number of electronic responses</i>	6
<i>Number in support</i>	0
<i>Number of objections</i>	8

4.4 A site notice was placed on 9th Sept 2011 for three weeks.

4.5 Objections were received from local residents at 138, 150, 151, 153, 156, 157 Chomley Gardens, Flats 6 and 8 Cavendish Mansions as follows:

- Taller building will mean less light for residents opposite
- Additional people will bring traffic, parking problems and less privacy
- Mill Lane suffers congestion from Emmanuel school due to faith based entry criteria
- Front roof terraces/balconies will look into flats on Chomley Gardens
- Out of keeping with the area
- Will obscure light
- New housing of this size is unnecessary locally due to oversupply
- Too tall
- Construction works nuisance
- Impact on bus stop
- Unnecessary and unwanted
- Work will conflict with Emmanuel School extension
- Safe access to school would be disadvantaged
- Additional noise pollution from dwellings
- Land would be better used for education purposes
- Development is unsuitable for the conservation area
- No rational reason for provision of car space on site
- Development would be obtrusive to Mill Lane Open Space
- Residents already suffered construction nuisance from school
- Will restrict light into flats 1,3 5 and 8 Cavendish Mansions

5. POLICIES

5.1 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)

5.2 London Plan July 2011

5.3 Supplementary Planning Policies CPG1-8 (2011)

6. ASSESSMENT

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

- Principle of the development in land use terms
- Mix and quality of proposed housing
- Design
- Sustainability and resource usage
- Open space and education provision
- Trees and landscaping
- Basement

- Transport
- Amenity

Land use

- 6.2 The principle of change of use from artist studio to residential has been established by previous consents and is not re-examined here. Policy CS6 seeks to encourage new residential floor space within the Borough and the proposals are acceptable in the context of this policy.

Mix and quality of housing

- 6.3 No affordable housing is required on site as the development proposals are below the trigger levels of 10 units or 1000m² which would require the provision of affordable housing in accordance with policy DP3. It is considered that the site does not have the capacity for 10 or more units.
- 6.4 Policy DP5 seeks to secure a range of unit sizes within developments, including large and small units, in order to address housing need in the Borough. In summary the scheme proposes:
- Lower ground floor : 1 x 2-bed unit (76sqm)
 - Ground floor : 1 x 2-bed unit (72sqm)
 - First floor : 1 x 2-bed unit (63sqm) and 1 x 1-bed unit (40sqm)
 - Second floor : 1 x 3-bed unit (104sqm)
 - Third & fourth floors: duplex 1 x 2-bed unit (118sqm)
- 6.5 The scheme includes a range of unit sizes, including four 2-bed units. The predominance of two-bed units meets the high priority housing needs targets of policy DP5, whilst the introduction of a larger family sized unit is welcomed. Overall the mix of units is acceptable.
- 6.6 A previous reason for refusal was the poor size of four of the units. The new arrangement is more satisfactory and exceeds the Council's target unit sizes in all cases except the 1-bed unit at second floor which is 8sqm below the Council's standards for a 2-person unit but above the space standards for 1 person. All of the flats would have access to private external balcony space. Due to the sloping site the lower ground floor is only 1m below ground level at the rear and the flat would have two rear patio areas on the South elevation. All flats are at least dual aspect with the flats at second and third floors being triple aspect. The one-bed unit at first floor would face North and East. Overall the flats would be well proportioned, with access to good levels of daylight, outlook and outdoor amenity space and the mix of sizes and level of amenity provided is acceptable.
- 6.7 The applicant has submitted a Lifetimes Homes statement which identifies that the majority of the standards would be met by the development. The building would include a lift which assists in the provision of accessible space throughout. The proposals are acceptable in terms of policy DP6.

Design

- 6.8 The site is just outside West End Green Conservation Area (CA) with Cavendish Mansions to the east and the properties across the road to the north in the CA, all

of which are identified as positive contributors in the CA statement. The road kinks between the site and Cavendish Mansions allowing fuller views of the mansions from the west. Any development on the site would be required to respect this view into the CA and in particular preserving the setting of the mansion block.

- 6.9 The site was previously contiguous with a row of semi-detached period houses which have now been demolished and replaced by the emerging Emmanuel School. The approved school design therefore provides a recent and relevant consideration for informing the design of development at the neighbouring plot.
- 6.10 The proposal would form a terrace with the new school and seeks to respond to the school in townscape terms. The proposals are for a brick built form with projecting balconies to give variation and rhythm to the front elevation. A modest dormer would cut through the eaves in form which complements the front bay and roofline feature of the Mansions to the east. The front building line would respect the neighbouring school and the balconies are sufficiently simple and lightweight to ensure that eastward views of the Mansions from along Mill Lane would not be compromised. The design approach to the front elevation is a significant improvement on the refused scheme which had a proposed full height bay projecting forward into the front garden area with heavy balconies and a bulky mansard element. The building would have a slightly taller (approx 300mm) ridge level than the school but would share the same parapet height and angle of front roof slope. It would mediate in height between the adjoining building and the taller Mansions to the east.
- 6.11 The building would be finished in brick facing the Mansions to the east with punched-hole windows and Juliet balconies set towards the street and a stairwell glazing element in the centre of the building to break up the mass of the flank wall.
- 6.12 To the rear the building would appear more lightweight with substantial glazing elements, set behind angled terraces with integrated solar panels to take advantage of the southerly aspect. The upper floors (third and attic accommodation) would provide a replacement artist studio for the existing occupant with a substantial roof light providing the necessary level of internal lighting. The glazed rear elevation would be in keeping with the curtain-wall detailing of the adjoining school. It is considered that the proposals would protect the characteristics of the public Open Space to the rear and would not detract from the public's enjoyment of it.
- 6.13 Overall the design, mass and bulk of the building would respond to the context of the existing buildings and the new school currently under construction. The development is acceptable in terms of policy DP24 and DP25 and its impact on the nearby Conservation Area. A condition would be added to secure drawings of the detailing to the elevations and a material sample on the site.

Resources, Energy and Biodiversity

- 6.14 In line with LDF requirements, all new residential schemes will be required to meet a minimum Level 3 rating under the Code for Sustainable Homes (CfSH). Camden requires a minimum score of 50% of the credits available in each of the Energy, Water and Materials sub-sections. The applicant has submitted a Code for

Sustainable Homes pre-assessment report which indicates that Level 3 would be readily attainable but Level 4 would be difficult due to the site constraints and orientation. This is acceptable. The attainment of Level 3 of the Code would be secured by condition.

- 6.15 The applicants have also submitted an energy report in order to address requirements for renewable energy generation. The energy report sets out the expected energy consumption on site and then identifies the baseline carbon emissions. The development would incorporate photovoltaic panels and air source heat pumps as a contribution to renewable energy production on site. Energy efficiency measures and on-site renewables would lead to be a 32% reduction in carbon emissions on site from the baseline case, which exceeds the Council's target of 20%. These measures would be secured by condition.
- 6.16 The applicant has also amended the scheme to include a brown roof and bird nesting boxes in order to enhance the biodiversity of the site. These measures are acceptable would be secured by condition.

Public Open Space

- 6.17 CS15 and DP31 seek to protect and provide public open space as part of considering development proposals which would lead to greater use of available spaces. CPG6 (Amenity) and CPG8 (Planning Obligations) set out the criteria for consideration. Where a site cannot provide open space provision on site the preferred option would be to provide suitable open space off-site, but at a maximum of 400m from the development.
- 6.18 If either of the above are not practical a financial contribution to open space will be acceptable. The development proposes private amenity space of 62sqm through the use of balconies and lower ground terrace, however the CPG6 (para 11.6) is clear that private spaces cannot be offset against the requirement to provide public open space. There is no space on site for public open space, however the Mill Lane Open Space adjoins the site and would provide a significant outdoor resource for occupants, providing children's playspace and general green amenity space. Table 6 of the CPG provides the figures for determining the open space contribution which works out as £8350 for the development.

Educational contributions

- 6.19 In line with Policy DP31 and guidance within the CPG8 a contribution towards educational infrastructure in the area should be sought. This is based on all private housing of 2 or more bedrooms. This contribution would be secured by s106 legal agreement. The following is the calculation of the required contribution:

Unit size	Contribution	No.	Total
2-bed	£2213	4	8852
3-bed	£6322	1	6322
		Total:	£15174

Transport

- 6.20 Camden's Parking Standards for cycles require 1 storage or parking space per residential unit, however for larger residential units (3+ beds), the London plan requires 2 cycle parking spaces per unit. The proposal is for 6 residential units (one 1-bedroom unit, four 2-bedroom units and one 3-bedroom unit); therefore 7 cycle storage/parking spaces are required. The applicant has provided a bike store area which is sufficient space for the required cycle spaces. A condition would be added securing the provision of at least 7 spaces.

Transport: Off Street Parking

- 6.21 The development proposals include the provision of vehicular access off Mill Lane with a single off site car parking spaces. Previous consents granted permission for a single off-street car parking space within the site and the recent renewal (2009/5811/P) maintained this level of parking. The site is within a CPZ and has a PTAL rating of 5 (good) which means it falls within an area which is easily accessible by public transport. Policy DP18 seeks to make development in easily-accessible locations car-free, or at least to accept no more than a low provision of car parking. The extant permission for the site includes a single car space and it is considered that the inclusion of a single car space is acceptable as a maximum and accords with transport policies.
- 6.22 The applicant has provided limited swept path details of access to the site from Mill Lane. However the principal of the access point has been established and it is considered that low boundary walls would allow sightlines for drivers of vehicles leaving the property and the access point would not introduce a significant safety concern for the pedestrians or pupils at the adjoining school. It is noted that the pupil entry point to the school is from the rear, accessed via the laneway to the side of the application site. 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.
- 6.23 The applicant would be responsible for any costs incurred that would lead to amendments to facilitate the proposed crossover, particularly in relation to road markings, such as the keep-clear markings and the bus stop cage/loading area, the relocation of an existing lamp-post and pavement remedial works to tie the development into the area. These measures, including details of interface levels and development thresholds, would be secured by s106 legal agreement.

Transport: Construction Management Plan

- 6.24 The development proposals involve the demolition of existing building and the erection of a five-storey new build with a basement. The development adjoins the proposed school site which is considered to be likely to generate sufficient construction traffic to merit a Construction Management Plan (CMP). Furthermore it is understood that the applicant plans to undertaken the works in the near future, concurrent with the construction of the school, although no timetable for the works has been provided. Therefore it is considered appropriate and necessary to secure a Construction Management Plan by s106 legal agreement, in order to minimise the effects on local amenity and to protect the safety and operation of the highway network. In addition to any standard clauses the CMP in this instance would need to be prepared and agreed in full cognisance of the development timetable and construction plans for the adjoining school site at 152-158 Mill Lane.

Trees and landscaping

- 6.25 The development would remove the existing boundary fence on Mill Lane and replace it with a low brick wall with planting behind and timber gates. This approach is typical of the local area and is acceptable.
- 6.26 The arboricultural report identifies 5 trees outside of the site in the neighbouring laneway. One of these (T5, a lime) is in poor condition while the remaining four are of low to moderate amenity value (T1 apple, T2 sloe, T3 birch and T6 apple). The construction of the building is likely to have a detrimental impact on these trees due to the proximity to the construction of the building lower ground/basement level. The applicant has proposed to replace the trees with four heavy-standard sized trees in the locations indicated on the submitted plans. The removal of the existing trees is acceptable subject to their replacement, which would be secured by s106 legal agreement due to their location outside of the site.

Basement

- 6.27 The application proposes to excavate basement/lower ground level accommodation. The basement would be approx 3m deep at its deepest point on the Mill Lane frontage. The applicant has provided a Basement Impact Assessment comprising:
- Groundwater Impact Assessment by Chord Environmental
 - Preliminary Structural engineering report by Elliottwood
 - Ground/slope stability screening assessment by RSK Nov 2011
 - Flood risk and surface water assessment by Elliottwood revision P1
- 6.28 The ground stability screening assessment discusses the relevance of the survey information gathered from the neighbouring site at Emmanuel School. Officers accept that the data collected at the school site is appropriate for use in this instance, due to the proximity of the sites. There has been considerable liaison between the structural engineers working on Emmanuel School and the report authors and this has guided the approach to the structural design at 158a. The report states that there may be some ground heave due to the presence of the trees adjacent to the site, but this would be designed for in the basement foundations. It also identifies the proximity of Cavendish Mansions (approx 5.5m away) and the School building (on the boundary) as being relevant considerations.
- 6.29 The preliminary engineering report sets out the approach to construction of the building, following a similar approach to the neighbouring school, using piles and a reinforced concrete piled raft. The applicant's engineers have commented that the impact of excavation is likely to be negligible, with the installation of a 5m deep contiguous pile wall in stiff clay likely to result in ground movements of the order of 1mm vertical movement and 2mm horizontal movement at 5.5m from the piled wall. Due to the depth of the school basement and proximity of piled structural wall there is likely to be no impact on the school.
- 6.30 Cavendish Mansions falls within the zone of influence of the new basement piled walls and the report states that the foundations of the Mansions should be established in order to ensure that the Mansions are not affected by shrink/swell movement, but considers that the impact is likely to be small. It is considered that the Mansions are sufficiently far from the site and the extent of proposed basement

construction is sufficiently shallow to ensure that the impact of the final basement design on the Mansions is likely to be minimal.

Basement: Water environment

- 6.31 The groundwater impact assessment identifies that the construction of the basement in the neighbouring plot encountered no groundwater even though the excavation exceeded the depth expected of groundwater levels. The report concludes that the basement is unlikely to result in significant changes to the groundwater regime below the site. Borehole and trial pit investigations undertaken at the adjacent school site and to the rear of the application property conclude that the soil conditions comprise made ground over London Clay at 0.5-1.5m. Standing water levels are likely to be found between 4 and 5m below ground level, below the lowest point of the basement works.
- 6.32 Mill Lane is identified in the basement CPG as being at risk of flooding, although the CPG does not distinguish which part of the street suffered from surface water problems. The applicant's flood risk assessment notes that the site falls within the east end of Mill Lane which is more elevated than the areas to the west. The assessment assesses the screening flowchart questions, identifying a reduction in impermeable surfaces on site but acknowledging the location of the development within the flood risk area. It makes recommendations for on-site SUDs and models a local 1 in 200-year rainfall event. The results indicate that surface water runoff would be directed West by virtue of the gradient on Mill Lane and the site itself would not suffer from flooding.
- 6.33 The existing site is 95% hardstanding and most likely drained to the public sewer network. An appendix to the engineering report includes a preliminary assessment of SUDs options for the site and proposes the use of a minimisation approach to reducing surface water runoff. This would involve use of permeable external ground surfaces and will include consideration of a rainwater harvesting system for the site. A condition would be added to secure the provision of SUDs measures on site.
- 6.34 The basement accommodation would be only partially used for habitable uses, with the lower ground floor element to the rear being consistent with the half-basement type of accommodation still present along this stretch of Mill Lane, such as found in the recently demolished semi-detached houses at the school site. The lower ground floor would be elevated above the lowest floor level of the neighbouring school. It is therefore considered that the inhabitants of the basement/lower ground floor would not be at significant risk of flooding and the requirements of DP27 would be met by the development. The basement would have no open lightwells and the small pavement lights within the front forecourt would not have a significant impact on the appearance of the building.

Amenity of occupiers and neighbours

- 6.35 An important factor in determining the bulk and massing of the new school building was the need to retain acceptable levels of sunlight and daylight to, and outlook from neighbouring properties, particularly as the proposed building was deeper on plan than the dwellings it was replacing. The existing studio building at 158a was a significant element in this. The school design was accompanied by a detailed BRE report which assessed the impact on both the immediately adjoining buildings and

the properties on the far side of Mill Lane. The report found that the school building (which is approx 300mm lower than the proposal here) would see the ground and first floor in properties at Cholmley Gardens and Cavendish Mansions retaining at least 94% of existing levels of VSC and 97% of Daylight Distribution. In examining the impact on sunlight to nearby properties the study found an acceptable small reduction in sunlight (for example a reduction from 19% to 15% winter sun in some windows).

- 6.36 The applicant has not provided an assessment of the impact of these proposals on daylight/sunlight to nearby properties. However the building mass would see only a marginal increase in height over the neighbouring school building but with the same roof pitch and front building line as the school. It is considered that the impact of the proposals on the properties opposite the site at Cholmley Gardens is not likely to be significantly different to or worse than the approved scheme next door.
- 6.37 The additional massing to the rear would be directly to the west of the four storey Cavendish Mansions. The main flank wall of the Mansions has no openings although the rear wing has windows facing directly West and South. The bulk of the proposed building would largely respect the rear building line of the main Cavendish Mansions building. However the terraces would project beyond this line, at a point approx 9.5m from the facing windows on the rear wing of Cavendish Mansions. Examination of the drawings indicates that the terraces would cut just above the 25 degree line taken from the centre of those facing windows. However the terraces would be slightly oblique to the windows and would not form a significant barrier to daylight due to the wide expanse of undeveloped area to the South in the Mill Lane Open Space. Overall the development is unlikely to have a significant impact on the daylight or sunlight entering the windows at the rear of Cavendish Mansions.
- 6.38 The layout of the flats would provide outdoor access via terraces or balconies for all occupants. The building will be some 20m away from the mansion blocks on the north side of Mill Lane and although the flats directly opposite may lose some of the open views they currently enjoy, this is not an entitlement nor will it seriously harm their general outlook. The staggered heights of the floors at the rear and their setback from the side of adjoining dwellings/proposed school is likely to prevent any loss of light to the rooms in the basement of the school to the West or to windows in the rear extension of Cavendish Mansions. There are no windows on the flank elevation of that building.
- 6.39 The previously consented scheme had rear terraces with opaque side screens to prevent overlooking to windows in the rear extension of Cavendish Mansions. The current proposals have small balconies of limited capacity (3m² in size and 1.3m deep) which would potentially overlook the school entrance to the rear, approx 15m away. Further terraces (5m² in size) are provided directly on the rear elevation from 1st to 4th floors. Opaque screens to these terraces would significantly reduce the amenity benefit of these terraces and are not considered necessary due to the limited size and orientation of the terraces.
- 6.40 As part of the previously refused scheme representation was received regarding potential child protection issues arising from the balconies closest to the rear school

entrance door. No views into the school building itself would be gained, only into the playground to the rear, much as would currently be visible from the rear windows of Cavendish Mansions. This is an inner city high density site and a new school in such a location can expect to suffer some degree of overlooking. A condition would be added required details of a privacy screen to be fitted to the East elevation of the 4th floor terrace in order to protect the privacy of occupants in Cavendish Mansions.

- 6.41 The development proposes the use of Air Source heat pumps to generate renewable energy on site. No details of their location or noise generation have been provided although a space in the basement has been identified as a plant room. The Council's standard noise condition would be added to any permission to ensure that equipment meets the Council's acoustic standards. Any additional noise generating plant installed externally would need to apply for further consent.

Other concerns

- 6.42 Objectors also stated that the land would be better used in the proposed extension to the Emmanuel School. However the site is not formally designated in the LDF for any purpose and the construction of the Emmanuel school suggests that the site is not needed for that purpose.
- 6.43 The applicant has provided internal space for refuse storage. A condition would be added securing this provision prior to first occupancy.

7. CONCLUSION

- 7.1 The development has been improved significantly from the refused scheme of early 2011. The uncomfortable design of the building has been addressed with a simple brick form which would complement the local context and would preserve the character and appearance of the neighbouring Conservation Area. The bulk and massing would be unlikely to have any significant impact on the amenity of local residents and the mix and size of units has been improved to provide an acceptable quality of amenity for occupants.
- 7.2 Planning Permission is recommended subject to conditions and a S106 Legal Agreement to secure the following heads of terms:
- Demolition and Construction Management Plan
 - Car-capped housing
 - Replanting of trees in neighbouring laneway
 - Highways costs
 - Education contribution
 - Open Space contribution

8. LEGAL COMMENTS

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