

<b>Address:</b>	The Old Dairy 7 Wakefield Street London WC1N 1PG	
<b>Application Number:</b>	2011/6032/P	<b>Officer: Charles Thuaire</b>
<b>Ward:</b>	Kings Cross	
<b>Date Received:</b>	24/11/2011	
<b>Proposal:</b> Redevelopment of site to provide a mixed residential/commercial development in 2 blocks, comprising: 1102 sqm business space (Class B1) in 2x basement and 2 storey units at western end of site; 5 dwellinghouses (Class C3) in 5x basement and 2 storey units at eastern end of site, comprising of 1x 2-bedroom house with garden and 4x 3-bedroom houses with roof terraces; plus associated landscaping, courtyard servicing and vehicular access from Wakefield Street, and retention of existing northern boundary wall and gable end walls of warehouse adjoining Regent Square.		
<b>Drawing Numbers:</b> Site Location Plan; 1250-10-01, 2, 3, 4, 5, 6; 1250-11-001, 2c, 3c, 4c, 5b; 1250-12-001b, 2a, 3b, 4a; 1250-13-001b, 2b, 3b, 4b ( <u>all dated 10.02.2012</u> ) Doc 4- Planning, Design and Access Statement dated November 2011, plus Appendix of photoviews; Doc 5- Transport Statement dated October 2011; Doc 6- Sunlight and Daylight Report dated November 2011; Doc 7- Environmental Noise Survey & PPG24 Assessment report dated November 2011; Doc 8- Contamination Desktop Study dated November 2011; Doc 9- Arboricultural Report dated November 2011; Doc 10- Archaeological Desktop Assessment dated November 2011; Doc 11a- Sustainability Strategy dated November 2011; Doc 11b- Energy Strategy dated November 2011; Doc 12- Heritage Assessment dated November 2009; Doc 13- Affordable Housing Statement dated January 2012; Doc 14- Report on the Implications of the Proposed Development on St. Georges Garden Boundary Wall dated November 2011; Doc 15- Construction Management Plan dated November 2011; Doc 16- Basement Design Statement dated November 2011;		
<b>RECOMMENDATION SUMMARY: grant planning permission subject to S106</b>		
<b>Related Application</b>		
<b>Date of Application:</b>	24/11/2011	
<b>Application Number:</b>	2011/6033/C	
<b>Proposal:</b> Substantial demolition of warehouse building as shown on drawing numbers: Site Location Plan; 1250-10-01, 2, 3, 4, 5, 6; Doc 12- Heritage Assessment dated November 2009;		
<b>RECOMMENDATION SUMMARY: grant conservation area consent subject to S106</b>		

<b>Related Application</b>		
<b>Date of Application:</b>	24/11/2011	
<b>Application Number:</b>	2011/6035/L	
<b>Proposal:</b> Works to protect existing listed wall on boundary with St Georges Gardens in association with redevelopment of site		
as shown on drawing numbers: Site Location Plan; Doc 14- Report on the Implications of the Proposed Development on St. Georges Garden Boundary Wall dated November 2011		
<b>RECOMMENDATION SUMMARY: grant listed building consent</b>		
<b>Applicant:</b>	<b>Agent:</b>	
WX Investments Haskell House 152 West End Lane London NW6 1SD	Michael Fox Tibbalds Planning & Urban Design 19 Maltings Place 169 Tower Bridge Road SE1 3JB London	

### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	B8 Warehousing		949m <sup>2</sup>
Proposed	B1 Business C3 Dwelling House		1102m <sup>2</sup> 1811m <sup>2</sup>

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	none									
Proposed	House		1	4						

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	At least 10	-
Proposed	none	-

## **OFFICERS' REPORT**

**This application is being reported to the Committee as it entails a Major development of more than 1000 sqm of both residential and non-residential floorspace (Clause 3i), demolition of a building in a conservation area (Clause 3v) and securing benefits by a S106 legal agreement (Clause 3vi).**

### **1. SITE**

- 1.1 The site is a long triangular shaped one, approx 0.2 ha in size, with an entrance from a narrow mews accessway off Wakefield Street adjoining no.7. It contains a vacant warehouse, comprising a linked row of 3 double-pitched roofed and 1 flat-roofed elements, covering almost the whole site; it has a yard and carparking at front and a small yard at the rear. Part of the accessway, which is technically public highway but currently cut off by unauthorised entrance gates, bounds the northern side of the western spur of the site. The site, along with the separately owned frontage site to the west, was previously used as a dairy depot until about 5 years ago and has a lawful use as Class B8.
- 1.2 The site is bounded by the rear gardens of nos 1-17 Regents Square to the north and St Georges Gardens to the south. To the northwest and west of the site are the Regent Square URC church and Buddhist centre respectively. To the west between the application site and Wakefield St itself is a small vacant site (previously part of the depot) currently undergoing redevelopment for 3 houses following a recent permission (see history below).
- 1.3 The Regent Square properties are 5 storey Grade 2 listed buildings all facing due south with views from upper floors to the Gardens. St Georges Gardens is a Grade 2\* registered park of special interest and has numerous listed structures and memorials within it. The boundary wall between the Gardens and application site is also Grade 2\* listed.
- 1.4 The property is located in the Bloomsbury conservation area and an Archaeological Priority area.

### **2. THE PROPOSAL**

#### **Original**

- 2.1 2011/6032/P- Redevelopment of site to provide a mixed residential/commercial development, comprising: 1102 sqm business space (Class B1) in 2x basement and 2 storey units at western end of site; 5 dwellinghouses (Class C3) in 5x basement and 2 storey units at eastern end of site, comprising of 1x 2-bedroom house with garden and 4x 3-bedroom houses with roof terraces; and associated plant rooms, landscaping and courtyard servicing and vehicular access from Wakefield Street, following demolition of existing warehouse.
- 2.2 2011/6033/C- Demolition of warehouse building.
- 2.3 2011/6035/L- Works to listed boundary wall in association with construction of basement.

## Revisions

- 2.4 Adjusted plans to comply fully with lifetime homes and internal daylight standards; revised offsite affordable housing offer.

## 3. RELEVANT HISTORY

- 3.1 2006- application submitted for redevelopment of site for 14 residential units and carparking, later withdrawn due to officer concerns on loss of B8 use, impact on listed buildings and impact on open space.
- 3.2 2008 - 2009- various pre-application discussions on redevelopment of site for a mixed use Arts Centre by current applicants.
- 3.3 March 2010- applications submitted (refs 2010/1576/P and 1591/C) for redevelopment of site for a mixed use scheme with 3-4 storey blocks comprising flexible B1 space, arts club with guest hotel and restaurant/bar facility, and 5 residential units. The various uses had the potential of being interlinked to create a base for the artistic/creative industry. Later withdrawn in July 2010 due to officer concerns on following issues- massing of Blocks 1,3,5; detailed design of blocks 1,5; impact on outlook and amenity of residents to north; impact on trees within Gardens to south; justification for loss of warehouse with inadequate provision of employment/residential uses in new mix.
- 3.4 5<sup>th</sup> July 2011- planning permission (ref 2011/0339/P) refused for Redevelopment of site following demolition of existing warehouse to provide a mixed residential/commercial development, comprising: 1279 sqm Class B1 office space at basement and ground floors; 1542 sqm Class C3 residential space, arranged as 3 blocks above the commercial space at 1st and 2nd floors plus roof terraces (comprising 3x 2 bed and 2x 3 bed flats), a 2 storey 3 bed house at the eastern end and a separate 2 storey plus basement block of 2 x 2 bed houses (with roof terraces) at the western end; plus associated plant rooms, relocated substation, landscaping and courtyard servicing and vehicular access from Wakefield Street.
- 3.5 The 2 essential reasons for refusal were as follows:
1. The proposed development, by reason of its scale, bulk and massing, would fail to respond positively to the setting, character, distinctiveness and significance of the Grade II\* registered St Georges Gardens, would fail to preserve an appropriate setting for the Grade II listed Regents Square terrace, and would fail to preserve and enhance the character and appearance of the Bloomsbury Conservation Area, contrary to policies...etc.
  2. The proposed development, by reason of the design and size of windows and their method of screening on all the 1st and 2nd floors of the south elevation, would be likely to result in actual and perceived overlooking and intrusion to users of St Georges Gardens, which would be detrimental to the public enjoyment, character and sense of seclusion of this open space, contrary to policies...etc.
- There were 7 other reasons relating to the absence of an appropriate S106 legal agreement covering various issues.
- 3.6 5<sup>th</sup> July 2011- associated conservation area consent (ref 2011/0340/C) refused for demolition of warehouse building for reason that- In the absence of an acceptable scheme

which would replace the existing buildings the proposed demolition works would harm the appearance and character of the conservation area, contrary to policies...etc.

- 3.7 5<sup>th</sup> July 2011- associated listed building consent (ref 2011/0368/L) granted for Works to protect existing listed wall on boundary with St Georges Gardens in association with redevelopment of site.
- 3.8 Appeals lodged against 2 above refusals, public inquiry due in May 2012.
- 3.9 **Other adjoining sites to St Georges Gardens:**
- vacant site next to Wakefield St, to west of application site: 7.5.10 (ref 2009/5820/P) permission granted for erection of three basement and 2 storey terraced dwelling houses.
  - 45 Sidmouth St, on east edge of Gardens- 28.4.11 (ref 2011/0503/P) permission granted for 4-5 storey blocks of 52 flats including 8 affordable units.
  - Coram Community Campus, on south edge of Gardens- 9.11.07 (ref 2006/2951/P) permission granted for 3 storey linear block of childcare facilities.

#### **4. CONSULTATIONS**

##### **Statutory Consultees**

- 4.1 English Heritage- do not wish to comment in detail but, given the site's proximity to St Georges Gardens, draw attention to earlier observations made on previous scheme, in respect of need to ensure special attention is given to quality of design and materials; also recommend that all facing materials are subject to approval of samples. Content for application to be determined by LPA.
- 4.2 English Heritage (GLAAS)- site lies in area where archaeological remains are expected which could be removed by proposed basement; recommend usual condition to be placed to require programme of archaeological work.

##### **Conservation Area Advisory Committee**

- 4.3 Bloomsbury CAAC comment- "happy with the form of buildings but has misgivings about brass cladding. It preferred a previous scheme with vertical strip timber cladding".

##### **Local Groups**

- 4.4 Friends of St Georges Gardens support- impressed with developers speed in producing new proposal, efforts in addressing main concerns with previous plans and improved consultation process; new scheme is great improvement over last one and broadly acceptable given need to develop site; has more appropriate in scale and massing with reduced impact on Gardens and displays some original design features. Request setting up construction liaison group with community and developers to ensure any problems are resolved quickly.
- 4.5 Regent Square Residents Association support- pleased that improvements have been made to previous scheme to reduce height and bulk and provide more neutral less intrusive design; subdued development has potential for improving setting of

dwelling and gardens; blocks will not appear as large in views of residents living at rear; however need greater assurances that planters in sunken terraces will be integral part of scheme and will be actually planted and maintained, especially to prevent overlooking from roof terraces; need assurances as to how detailed design of angled windows at rear would prevent overlooking and light pollution to residents at rear; need assurances on how construction nuisance will be minimised and submission of a more detailed CMP.

## Other organisations

- 4.6 CABE - support scheme which represents good strategy for site and responds positively to sensitive context of Gardens and listed terrace; like how scheme respects idiom of existing warehouse roofs and retains rear wall to minimise disruption; however concerned that basement kitchen of house 5 will be dark and gloomy due to indirect daylight and that narrow windows at 1<sup>st</sup> floor level of all houses facing Gardens should be bigger to improve outlook of occupiers and natural surveillance to Gardens.

## Adjoining Occupiers

	Original
<i>Number of Letters Sent</i>	<b>152</b>
<i>Number of responses Received</i>	<b>09</b>
<i>Number of electronic responses</i>	<b>00</b>
<i>Number in Support</i>	<b>00</b>
<i>Number of Objections</i>	<b>09</b>

- 4.7 Objections from residents of Regent Square and Handel Street –
- dwellings significantly higher than existing especially at eastern end where height is little different from previous scheme; bronze cladding results in monotonous uniformity and visual dominance; style not in character with area;
  - loss of light and privacy to rear dwellings due to distance and height above existing wall on Regents Square side and new roof terraces and windows- prefer previously proposed rooflights;
  - increased traffic and construction nuisance; no parking provided;
  - should be no roof plant which would affect Regents Square;
  - no commitment to affordable housing;
  - basement rooms uninhabitable with little air and light; overdevelopment of site;
  - loss of brick facade to 7 Wakefield St (*officer note- he is actually referring to a different property at the entrance which is not affected*).

## 5. POLICIES

Set out below are the LDF policies that the proposals have primarily been assessed against. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

## 5.1 LDF Core Strategy and Development Policies

CS1 - Distribution of growth  
CS5 - Managing the impact of growth and development  
CS6 - Providing quality homes  
CS8 - Promoting a successful and inclusive Camden economy  
CS11 - Promoting sustainable and efficient travel  
CS13 - Tackling climate change  
CS14 - Promoting high quality places and conserving our heritage  
CS15 - Protecting and improving open spaces & encouraging biodiversity  
CS16 - Improving Camden's health and well-being  
CS17 - Making Camden a safer place  
CS18 - Dealing with waste  
CS19 - Delivering and monitoring the Core Strategy

DP2 - Making full use of Camden's capacity for housing  
DP3 - Contributions to supply of affordable housing  
DP5 - Housing size mix  
DP6 - Lifetime homes and wheelchair homes  
DP13 - Employment sites and premises  
DP17 - Walking, cycling and public transport  
DP18 - Parking standards and the availability of car parking  
DP19 - Managing the impact of parking  
DP20 - Movement of goods and materials  
DP21 - Development connecting to highway network  
DP22 - 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

### **Supplementary Planning Policies**

5.2 Camden Planning Guidance  
Bloomsbury CAAMS

## 6. ASSESSMENT

- 6.1 The principal considerations material to the determination of this application are summarised as follows: principles of landuse and provision of affordable housing; sustainability; demolition of building in conservation area; bulk, height, footprint and design of new building; impact on conservation area, on adjoining listed buildings and listed wall, and on adjoining registered Gardens; impact on adjoining trees; impact on neighbour amenities, transport and parking conditions.
- 6.2 In particular a key issue is how this revised scheme by the same developers has addressed the reasons for refusal on the previous application for redevelopment of this site, relating to bulk, height, design and overlooking, and the consequent

impact on both the registered Gardens at front and the listed terrace of houses at rear.

### Proposal

- 6.3 The current scheme is the culmination of a long period of pre- and post- application discussions for redevelopment of this site and is an evolution of previous proposals for firstly an arts-based mixed use scheme and later a mixed commercial and residential scheme, the latter of which formed the basis of a trio of applications for planning permission, CA consent and LB consent submitted last year. This scheme was subject of numerous objections, notably by 2 local groups and 17 neighbours, and was refused by DC Committee in July 2011 on the basis of 2 key issues only (see history above). Essentially these were that:
- a) The proposed scale, bulk and massing would fail to respond positively to the setting, character, distinctiveness and significance of St Georges Gardens, fail to preserve an appropriate setting for the Grade II listed Regents Square terrace, and fail to preserve and enhance the character and appearance of the Bloomsbury Conservation Area;
  - b) The proposed design and size of windows and their method of screening on all the 1st and 2nd floors of the south elevation would be likely to result in actual and perceived overlooking and intrusion to users of St Georges Gardens.
- 6.4 A series of pre-application meetings has been held with officers and local groups and a public exhibition was held in November to establish agreement to the new approach. This new scheme forming part of this resubmitted application addresses these criticisms by radically redesigning the layout and form of development here rather than merely tweaking with the previous scheme and now involves a different and even simpler and clearer mix of B1 commercial and C3 residential uses on the site. The new scheme now returns the site to its historical roots as a mews and tries to reflect the character of the surroundings as well as responding to the existing industrial shed-like form of the site in its roofscape.
- 6.5 The scheme as before involves demolishing the existing warehouse and losing B8 use on this site. It also excavates as before a new basement floor under most of the triangular part and all of the frontage part of the site. As before, the entrance will have a short spur of roadway leading from the culdesac off Wakefield St and a communal courtyard for access and servicing will run along the back edge of the listed boundary wall. The development is split into 2 distinct built elements with a block adjoining the entrance and a linear block backing onto Regents Square laid out as a traditional mews terrace, altogether comprising 2 blocks of flexible B1 business space and 5 terraced dwelling houses-
- at the frontage adjoining the accessway, the block is identical in height, form and design to the previous application's pair of houses here but this time accommodating B1 space at basement, ground and 1<sup>st</sup> floors with patios behind the adjoining boundary wall with St Georges Gardens, a roof terrace and a basement patio courtyard (replacing the previously proposed substation, plant room and communal refuse store);
  - another commercial B1 block behind the entrance at basement, ground and 1<sup>st</sup> floors with its basement extending underneath the communal servicing area to link with the above-mentioned block and sharing its basement patio courtyard; again it



will have a patio adjoining the boundary wall with Regents Square and a roof terrace;

- a terrace of 5 dwellinghouses at basement, ground and 1<sup>st</sup> floors, extending eastwards and set back behind the Regents Square boundary wall (where the existing warehouse gable wall will be retained); 4 houses will have 3 bedrooms, front and rear basement lightwell patios and roof terraces each, while the end house no.5 will have 2 bedrooms, a lower roof profile and a ground level garden at its eastern end.

6.6 As before, a new paved accessway is created along the south boundary adjoining the existing listed wall with servicing/turning area and refuse/cycle storage at the western end in place of the existing carpark yard. The existing accessway, officially public highway, will be repaved in granite setts and a new private footway provided on its south side fronting the new houses which will align with the new one being created for the adjoining houses being built to the west.

6.7 The design idiom of the whole scheme is different to the previous application; the exception is the entrance Block 1 which continues to adopt the same approach as before, reflecting the mews idiom of the adjoining development being built and using the same brick latticework and green roofs as previously proposed. The remaining site in Block 2 has a simpler terraced mews-like form, a more domestic feel with narrow pitched roofs, shallow depth plots and an articulated building line with front and rear lightwell gardens. This contrasts with the previous scheme which had an extensive basement and ground level commercial open plan space above which were superimposed 4 separate 2 storey podium blocks of flats, designed with complex bevelled roof forms and timber cladding. The new scheme has ribbed copper cladding and slot windows to give a more industrial feel and to reflect the articulated rhythm of the listed wall in front and listed houses behind.

6.8 Key changes in bulk/design from the previous application relating to the central block are summarised as follows:

- reduced height of buildings (previous blocks 2-4) by 1 storey so that the new roofline is approx 1.5m higher than existing warehouse building;
- changed ground and 1<sup>st</sup> floor form so that it creates a continuous terrace rather than separate podium blocks;
- changed roof form to reflect existing building with series of valley profile ridges;
- set back northern rear building line (facing Square) of previous blocks 2-4 by another 2m, retaining existing boundary wall and gable ends of warehouse and introducing rear gardens;
- set back southern front building line (facing Gardens) of previous block 3 at ground floor by another 2.5m max and at 1<sup>st</sup> floor by another 5m max, removing previous cantilevered elements;
- revised facade treatment at both front and rear, using ribbed bronze/copper cladding, slot windows at 1st floor facing Gardens and narrower slanted slot windows at 1<sup>st</sup> floor facing Regent Square; only bedrooms now at 1<sup>st</sup> floor to reduce activity and thus potential for overlooking.

#### Landuse- commercial

6.9 The existing Class B8 warehouse has been vacant for at least 5 years since the closure of the previous milk distribution depot. It is considered that this site is no

longer suitable for continued use for large distribution and warehouse purposes- it has a constrained access from a narrow entrance and via narrow residential streets (and now adjoining new houses being built next to the entrance); the site has a large and constrained triangular shape with small open yard which does not lend itself easily to modern warehousing requirements; it is not easily accessible to strategic road/rail routes for modern heavy traffic-generating uses such as warehouses; the existing buildings are in poor condition with limited demand for continued use as modern warehousing (evidenced by its vacancy over 5 years). It is therefore considered appropriate that the B8 use is replaced by more environmentally suitable Class B1 uses provided they are flexibly designed to accommodate the range of B1 uses rather than just B1a offices.

6.10 The existing B8 floorspace is 949sqm GIA. The previously proposed B1 use was 1279 sqm GIA which represented a 26% increase over existing. The new amount is 1102 sqm which is approx a 17% increase. This increase in floorspace, despite being less than before, is still welcomed. The space is designed to attract the creative-media industries sector which can be accommodated without any harmful impacts to the road network or residential neighbours (which is the definition of B1 business uses). The new floorspace will be flexibly designed, spread over 2 units each with 3 floors and dedicated stair/lift service cores, and linked at basement level under the central courtyard via an open lightwell, so that the business space can be split into a number of configurations as either one overall single unit, 2 separate units or up to a total of 6 separate smaller spaces on each floor. This would allow for occupation by a range of small to medium sized firms. The headroom will range from 3.3m to 3.6m which is better than the previous proposal of 2.9m. There will be appropriately sized lifts and entrance doors, daylight via traditional windows and lightwells. As before, onsite servicing space will be provided in the central courtyard, although it will be for 7.2m long transit vans now rather than the previously anticipated 7.9m long vehicles. Indeed it is considered that the creation of a dedicated business zone with clearly defined units at the most easily accessible western end of the site will be a more attractive and viable commercial option compared to the previous scheme which had an extensive open plan space sprawling across the centre of the site at basement and ground floors. It is therefore considered that the new B1 space is flexible enough to accommodate a variety of B1a-c businesses and is acceptable in the context of this site and surroundings.

6.11 As the scheme is for a large amount of commercial floorspace over 1000sqm which will have significant job creation potential, it is expected that the scheme should provide local employment and procurement opportunities. The following requirements remain unchanged from the previous scheme and the applicant continues to agree to them, to be secured by S106 clauses:

- 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 15% of jobs are filled by Camden residents.
- An agreement to provide two construction industry apprenticeships 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.

- 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 the construction of the development.
  - To provide a financial contribution of £5,000 to the Council to be used by the Council as a contribution to the apprentice placement and support service provided by the Kings Cross Construction Skills Centre and the local procurement service provided by the Council's Economic Development and Regeneration service.
- Landuse- residential

- 6.12 The previous scheme had 8 new residential units (5 x 2 bedroom 4 person, 3 x 3 bedroom 6 person). The new proposed mix is now 5 houses (1 x 2 bedroom 4 person, 4 x 3 bedroom 6 person). The mix is now skewed in favour of large rather than smaller 2 bedroom units, the latter being preferred by the priorities outlined in policy DP5. However it is nevertheless considered that the mix continues to be satisfactory, given that the scheme provides good quality large family sized houses with easy access to public open space and given the severe constraints of this site and the need to address the reasons for refusal with consequent reduced flexibility to create alternative layouts as a result of the reduced height and floorplate of residential blocks and the desire to prevent overlooking from living rooms on upper levels. The units are generously sized to comply with CPG space standards. The density of the overall scheme results in 125 habitable rooms per hectare (hrh) which, although below the London Plan matrix range expected for this location, is considered acceptable given the constraints in development of this site in conservation and neighbour amenity terms. The provision of new housing is welcomed in light of policy CS6. The mix of uses also complies with mixed use policy DP1 as the residential floorspace exceeds that of the B1 space.
- 6.13 All houses have access to outdoor private amenity space in the form of patios, balconies and roof terraces. The future occupiers will of course also have easy access to the St Georges Gardens next door. As now revised, all units comply with Lifetime Home standards where relevant and appropriate. The submitted light study shows that all houses will receive adequate daylight and sunlight, using the ADF criteria (as recommended in the BRE daylight guide 1998); in response to CABE's comments, the plans have been revised to ensure unit 5's lower ground floor now meets internal light standards for kitchens and bedrooms.
- 6.14 The new housing will generate the requirement for educational contributions which, according to CPG formula, is estimated to be £28,243 and which will be secured by a S106 clause.
- 6.15 The new housing and business space will also generate the need for public open space contributions. However, as with the previous scheme, on account of the amount of private amenity space being provided onsite in the new scheme, which results in being in excess of the amount required according to CPG formula, no further contributions will be required.

#### Affordable housing

- 6.16 The policy expects all developments with a capacity for 10 units or more to make a contribution to affordable housing with a sliding scale for developments between 10 and 50 units, on the basis that a scheme proposing 1000sqm of residential

floorspace would be required to provide 10% of the floorspace of the development as affordable housing and so on up to 50%. In this case, the scheme proposes 8 units but 1534 sqm of floorspace, so it is expected that the scheme should provide 15% of space (ie. 230 sqm, approx equivalent to 3 x 4 person units) as affordable housing on site. Policy DP3 also states that where affordable housing cannot practically be achieved on site, the Council may accept off-site affordable housing or, in exceptional circumstances, a payment-in-lieu.

- 6.17 In the previous case, officers accepted that onsite provision was problematic and impracticable and notably that the site and any redevelopment of it will not be of interest to local Registered Social Landlords (RSL's), bearing in mind that only 3 units could be provided which would be inefficient and costly to maintain and that the constrained layout and environmental sensitivities of the site requiring a bespoke design would make it prohibitively costly and impracticable to provide such housing on site. The second clause of the policy seeks an assessment of nearby offsite provision. This was previously considered by the applicants who stated that they do not have a large portfolio of land available to convert to residential use. The applicants are willing to make a payment in lieu of affordable housing. After considerable negotiation, the final amount agreed was based on the CPG guidance for payments in lieu. Thus for the previous scheme with 1534 sqm residential floorspace, this resulted in an affordable contribution of 230sqm equating to a total payment-in-lieu of £609,500. Consequently the applicants agreed to pay £400,000 initially plus a deferred contribution of up to £209,500 following a post-construction viability assessment of the finished houses.
- 6.18 Circumstances have not changed in terms of policy guidance, costings, site conditions, RSL interest or developer landholdings since this assessment last July. The approach adopted for the previous scheme remains the same here and the applicants continue to propose a 2 stage payment-in-lieu which remains acceptable in this case. The residential component is larger than before at 1811sqm, which would result in an affordable contribution of 326sqm equating to a total payment-in-lieu of £863,900. Consequently, following further negotiation, the applicants have agreed to pay £500,000 initially plus a deferred contribution of up to £363,900.
- 6.19 Officers consider that, in the context of this site and scheme and the precedent set by negotiations on the previous scheme where a similar offer was deemed acceptable, the new higher offer (based on a larger housing element) is reasonable and acceptable and will be secured by S106.

### Sustainability

- 6.20 The applicants have submitted a Code for Sustainable Homes appraisal for the housing which indicates that the minimum Code Level 3 at 60% can be secured. A BREEAM appraisal for the commercial sector has also been submitted which indicates that the 'Very Good' target at 61% can be achieved. Camden's CPG also requires minimum scores in the energy, water and materials categories. All targets are met for both CfSH and BREEAM appraisals, except for the latter's energy target; however, given the overall targets that have been met, it would be unreasonable to refuse the application on these grounds alone.

- 6.21 The applicants have followed the Mayor's energy hierarchy (1. be lean 2. be clean 3. be green), which is welcomed in the context of the above policies. In particular, it anticipates a 29% reduction in CO2 emissions over existing (the first stage of the Mayor's hierarchy) plus an additional 13% reduction in CO2 emissions by use of ground source heat pumps (the 3<sup>rd</sup> stage), totalling 38.5% which is welcomed and indeed an improvement over that proposed in the previous scheme. The applicants have highlighted in their energy strategy why other technologies are not feasible, including biomass heating, wind and solar power, due to site constraints such as limited access, local air quality concerns, unfavourable ground conditions, poor air flows and heavy shading by adjoining trees.
- 6.22 The S106 should ensure a full pre- and post-construction appraisal of the development, and insist on a best endeavours exercise to achieve the highest possible standards of sustainable design and construction in this instance.

#### Demolition

- 6.23 The existing building is a non-designated asset which forms part of the Bloomsbury Conservation Area which is a designated asset. In this instance the old dairy, although of minor historical industrial interest (due to its original function as a milk transshipment depot for the area), is of little architectural interest and does not share local character which makes an important, positive contribution to the environment. As such there is no desirability for conserving the building subject to any replacement preserving the setting of the wider Conservation Area and grade II\* listed gardens. In this regard the demolition is considered acceptable subject to an appropriate replacement scheme being agreed.

#### Conservation and design issues

- 6.24 The previously refused scheme raised the 2 following key design issues. The height, bulk and mass of the centrally located blocks within the site would have an overdominant impact on the adjoining Gardens, listed buildings and conservation area, and the design and size of windows facing the Gardens would result in perceived overlooking and intrusion to the adjoining registered Gardens.
- 6.25 The redesign subsequent to this refused application has resulted in reducing the height and depth and amending the modelling to provide 2 lower rise blocks instead of 5 blocks of varying height so as to reduce their visual impact on the Gardens. The cladding to the central block 2 has also been changed from timber to copper cladding.
- 6.26 The main issues to consider are:
1. whether the development proposed would preserve an appropriate setting for St George's Gardens, having regard to the size, siting and design of the development, activity associated with the use and occupation of the building and its proximity to the Grade II\* Registered Garden, which is designated public open space;
  2. whether the development proposed would preserve an appropriate setting for the Grade II listed perimeter wall and railings to St George's Gardens and other listed buildings nearby;
  3. whether the development proposed would preserve the setting of the listed Regent's Terrace;

4. whether the development proposed would preserve or enhance the character or appearance of the Bloomsbury Conservation Area.

#### *Development around St George's Gardens*

- 6.27 It is worth highlighting here the context of the site in terms of other development sites around the Gardens which have had recent permissions for substantial redevelopment along the perimeter (see history section above) and which indicate that the setting of the Gardens is gradually changing by having a more defined and enclosed built edge. As already noted above, the adjoining site in Wakefield St is undergoing redevelopment for three 2 storey houses which will match the footprint, height and setback of the currently proposed Block 1 immediately adjoining it, as well as employing similar window screening measures.
- 6.28 On the eastern side of the Gardens, 45 Sidmouth St has had permission for 4 and 5 storey blocks of flats; this revised scheme took account of a previous appeal Inspector's comments on an earlier scheme which he considered was too bulky and high in terms of terminating views eastwards along the Gardens, in contrast to the taller buildings which existed on each side of the west-east axis and which acceptably defined the Gardens. Again screening measures have been introduced to alleviate perceived overlooking from the proposed balconies.
- 6.29 Finally along the southern side of the Gardens, the Coram Campus has secured permission for a single 3 storey building 77m long and set back 2m from the boundary wall. A previous scheme was dismissed on appeal only because of daylight impact on an adjoining property; the Inspector considered the height, bulk, design and consequent impact on the setting and sense of seclusion of the Gardens to be acceptable.

#### *Design approach*

- 6.30 The above-ground form of the development is split into 2 blocks numbered from the entrance. Both blocks employ multiple pitched roof forms and setback angled facades, windows with louvred fins and screens. Block 1, directly adjacent to the gardens, is a stand-alone block creating a continuation of the form and footprint of the row of houses being built on the adjoining site at 7 Wakefield Street. The block has green roofs and a latticed brick façade which is bevelled to relate to the rhythm of the listed St Georges' Gardens wall. Block 2 makes up the main part of the development. The block is divided in 6 two storey units forming a mews comprising setback bevelled and angled copper clad facades and multiple pitched roofs with copper cladding and inset planted terraces. Lightwells to the rear would create sunken gardens to the residential houses. The wall of the existing warehouse forming the boundary the rear gardens of Regents' Terrace would be retained. Commercial uses are housed within block 1 and the first unit of block 2. Residential accommodation in the form of 5 houses are located within the remainder of block 2.
- 6.31 The proposed form and façade treatment of the blocks is considered to respond positively to the existing industrial character the site. The existing warehouse would be cut away from the boundary of the gardens to form contemporary mews style development relating to the recently approved development on the corner of Wakefield St and the historic use of site. The roof form of block 2 is similar to

existing: the height is only marginally above the ridge of the existing building, albeit with the existing deep valleys infilled to create continuous multiple shallow pitched roofs. The mass and layout relates well to the historic development of the site and retain the industrial scale and form expected from a back-land site such as this. The revised scale is considered to preserve the existing subordinate nature of the old dairy.

- 6.32 The elevational treatment also relates well to the historic style and former use of the space – the large industrial style openings at ground level relate to the industrial and mews nature of the site and allow for good quality work and living accommodation at this ground level. The first floor windows on both front and rear have been kept narrow with deep reveals, in order to minimise any perception of overlooking onto neighbouring gardens. The building will be clad in folded elements of burnished brass/copper that gives the impression of vertical louvres. A simple palette of brick, pre-patented dark brown copper cladding, standing seam copper and green roofs would provide a high quality natural façade treatment. This creates an organic yet industrial feel which reflects the surrounding stock building buildings, tree bark and existing buildings on the site. This ribbed effect adds visual interest and depth to the elevations as well as change in appearance along with the viewer's perspective.
- 6.33 The proposed contemporary design relies largely on the roof form and façade treatments to provide visual interest and depth to the elevations. The façade treatments are considered compatible with the character of the Gardens, and of the views within the area. The lower height and reduced depth of block 2 would preserve views to and from Regent Square and preserve the historic setting of the Gardens. The treatment of Block 1 specifically responds to the more open and delicate nature of this part of the site, whilst seeking to maintain the continuity of design throughout the whole development.
- 6.34 Officers consider that the new scheme has now adequately addressed the previous concerns of the Council and results in a high quality proposal which satisfactorily relates to and respects its sensitive context.

#### *Impact on the listed Garden wall*

- 6.35 The proposed scheme would result in works directly adjacent to the Grade II listed perimeter wall and railings to St George's Gardens and hence a listed building application has been submitted. The applicants have submitted a report which satisfactory demonstrates the wall can be protected during and after works. It is anticipated that the excavation for the new basement construction will be significantly below the underside of the foundations of the listed wall. It is proposed to extend the depth of the wall by underpinning with mass concrete. The proposed scope and methodology of works would not harm the special architectural and historic interest of the wall.

#### *Impact on the setting of the Gardens*

- 6.36 Any redevelopment would need to address policy CS15 which states that the Council will only allow for development bordering public open space that it considers would not cause harm to its wholeness, appearance and setting, or

would not intrude on the public enjoyment of the open space. Policy DP25 states that regarding Registered Parks and Gardens of Special Historic Interest the Council will encourage maintenance and enhancement of their value and protection of their setting. St George's Gardens are of great significance to local residents and users of the space who value the Gardens not only in amenity terms, but for their distinctive atmosphere and unique contribution to the historic character of the area. Given that St George's Gardens is a Grade II\* registered garden, it follows that the greatest sensitivity must be exercised so as to avoid harm to its setting.

- 6.37 The Gardens makes a significant contribution to the character and appearance of the Bloomsbury Conservation Area due to its historic evolution, its impact on the pattern of surrounding development, and its unique and unusual atmosphere. Policies in PPS5 are also relevant in ensuring that where schemes affect the setting of a heritage asset, they should contribute positively to the character, distinctiveness and significance of the historic environment, including reference to the contribution of the setting of assets and views into and from the site and its surroundings. Furthermore, with reference to the specific nature of St Georges Gardens, there is a need to have regard for the impact of the scheme upon the atmosphere, character and sense of seclusion within the Gardens.

#### *Block 1*

- 6.38 This is considered to play the most important role within the site due to its proximity to the listed wall and mortuary chapel and due to the fact that it relates more to the open western part of the gardens and is not so concealed by large trees. The approach to Block 1 remains the same as for the previous scheme. This has been designed to respond to the listed wall, the adjoining development (under construction) and the detailing of the listed mortuary chapel. The parapet height relate directly with the approved development of houses currently being built on the adjoining site. The height is considered satisfactory for that scheme and there is no material reason to differ the height on this proposed block. The one roof terrace proposed here, as with the previously proposed two, is set back in line with adjoining approved ones and will not result in direct overlooking to the park thus preserving the sense of privacy in this open part of the park.
- 6.39 The facade design facing the Gardens remains exactly the same as before. The framed brick latticework along the St George's Gardens frontage would minimise the perception of overlooking into the gardens, in the same way as the approved adjoining houses and their window configurations. Hardwood windows would sit behind a fixed brick skin with punctuated holes or behind fixed metal fins. This is considered to be a contemporary response to addressing the sense of enclosure issues on the site whilst providing a visually interesting façade treatment (especially at night) which more than responds to the smaller scale, elegant, well detailed buildings immediately surrounding the gardens. The garden façade has been further broken down by angling the facades to relate to the rhythm of the piers within the garden wall which furthermore reveals views of the sloping green roofs above which helps connect the buildings with the landscape.
- 6.40 The overall design of the garden elevation is considered to respond to the infill character of the site but with sufficient level of interest and detail to preserve the setting of the listed buildings and structures. It would be slightly different from the



façade treatment of the adjoining terrace being built, in order to provide a degree of variation in articulation and yet maintain some continuity over the whole resulting terraced row. It would respect the need to create a sense of privacy for garden users, whilst still providing adequate working conditions for the new business accommodation as well as visually interesting and contemporary elevations.

#### *Blocks 2 Height and Bulk*

- 6.41 In terms of overall massing, the building now comprises a continuous terrace of reduced depth, rather than the series of deeper separate pavilion blocks proposed by the previous scheme. In order to reduce the perceived impact upon the properties to the rear, it is proposed to retain the rear wall of the existing building and set the building away from this by approximately 3m behind a walled garden. In terms of height, the buildings are all now 2 storeys which represents an increase of approx. 1.5m above the existing building and a decrease of almost a full storey from the previous application scheme. The pitched roof form results in a series of peaks and troughs, further moderating the overall height. It is important to note that the existing trees might afford a degree of screening, especially in summer. The minimal pruning of the trees now proposed would further obscure the blocks when seen from within the gardens.

#### *Blocks 2- Detailed design*

- 6.42 In terms of design the proposed form and façade treatment of the blocks is considered to be an imaginative and contemporary design which reflects the natural qualities of the green open space and respond creatively as a 'neutral' industrial backdrop to the gardens. The success of the development will depend on the appropriate use of high quality materials, detailed design and finished appearance. Any reduction in the defined angles will result in the buildings lacking the definition of form required to successfully achieve the desired approach. This can be dealt with by way of condition.
- 6.43 The proposed use of bronzed copper cladding for the façade and roof treatments is considered compatible with the character and views of the area. The tone and colour responds to the verdant nature of the gardens and variety of brick buildings in the immediate vicinity. The metal is considered to be a higher quality and more durable cladding material than timber. It will weather more easily and thus give a high quality more even appearance for longer period of time. The material has been successfully used on numerous building in Camden including the Grays Inn Road façade of the new Kingsway College development to the east of the site. The sunken basement/ground floor courtyards will include white tiles, where the reflective qualities of the tile will brighten the spaces and help maximize light levels.
- 6.44 The folded elements of burnished brass/copper will give the impression of vertical folded louvres. This creates an organic yet industrial feel which reflects the surrounding stock building buildings, tree bark and existing buildings on the site. The use of narrow slot windows, only 0.55m wide, set within deep reveals of a ribbed facade at 1<sup>st</sup> floor only contrasts with the previous scheme's use of much wider (over 2-3m wide) glazed openings within flat timber clad walls on both 1<sup>st</sup> and 2<sup>nd</sup> floors. This new approach maximises privacy and adds visual interest and depth to the elevations as well as change in appearance along with the viewer's

perspective. Given this bespoke design and the setback nature of the blocks behind tree canopies, it is considered that this should satisfactorily address any perceived problems of overlooking into the Gardens as previously raised by local groups, which in turn should preserve the intimacy and mystery of this open space. Furthermore it is considered that the proposed uses for the 1<sup>st</sup> floors of both blocks 1 and 2, as commercial space and bedrooms respectively, would be less intrusive than the previously proposed primary habitable accommodation here and this would result in less intensive overlooking throughout the day and week. The overall design approach is considered acceptable and appropriate to this context. Samples of the materials confirming the finished appearance can be secured by condition.

#### *Impact on setting of adjoining Listed Buildings/structures*

- 6.45 Listed building consent for structural works associated with the listed perimeter wall is discussed above. With regard to the impact on the wall's setting, there are 2 issues: although the position of Block 1 would result in development closer to the wall, this matches the approved building line of the scheme next door; secondly the existing structure on the remainder of the site, which directly abuts the listed wall, will be demolished and the new development set back from the wall. This will allow greater ability to recognise and appreciate the wall and thus the scheme would enhance the setting of the perimeter garden wall.
- 6.46 The 19th century Grade II listed terrace of nos 1-17 Regent Square would be seen in close association with new development on the site. The rear wall of the existing building rear would be retained to form the northern boundary of the site. The new blocks would be set back behind them by approx 3m. The proposed development would be subservient to the adjacent listed terrace with the roof ridges extending approx 1.5-2m above the ridges of the existing retained wall. Moreover the issue of privacy will be addressed through the relationship between the folded metal cladding and the glazed openings for the first floor windows. Due to the depth of reveals and the angle of fins projecting out from the narrow windows, the folded metal cladding will 'hide' the area of glass. This will in effect prevent the future occupiers looking directly out to the properties and private gardens to the rear. This would preserve the historic setting and relationship with the gardens. As such it is considered that the height and scale would not dominate the adjoining terrace in Regent Square.
- 6.47 There is a more intimate relationship between the eastern part of Block 2 and the adjacent buildings (no. 5-8 Regents Square) due to the shallower depth of the rear gardens of the Regents Square properties. However as discussed above, the block reduces in height and mass at this end of the site and allows more of the trees to be retained which will preserve the verdant garden setting in this area.
- 6.48 The development would not have an appreciably different effect on the immediate or shared setting of listed monuments or other structures within the gardens.

#### *Impact on Bloomsbury Conservation Area*

- 6.49 It is considered that the development provides an appropriate high quality industrial mews which responds to the historic nature, use and setting of the site. The detailed design and use of materials reinforces the approach to provide a

contemporary mews and would enhance the character and appearance of the development and surrounding area. As a result of the above discussions, it is concluded that the proposed scheme would preserve the setting for St George's Gardens as an important heritage asset as well as the setting of the adjoining listed buildings and structures. It is important to note the surrounding context of the Gardens where several redevelopment schemes have been approved on sites abutting the Gardens (see history section above). In this regard the character and appearance of the conservation area would consequently be preserved by the development proposed.

#### Landscape/trees

- 6.50 The site adjoins a row of large trees along the boundary of St Georges Gardens (6 Planes and 1 Tree of Heaven). These trees provide a screen to the site in views from St Georges Gardens and provide enclosure to the gardens. They provide a significant degree of amenity value to the local landscape. There is also a Fig at the rear of 8 Regents Square potentially affected by the proposals. This tree is not of significant amenity value; however appropriate pruning works have been proposed to limit damage from any proposed construction.
- 6.51 Trial holes have been dug on the application site side of the boundary and revealed that no significant root growth has occurred into the site, with the foundations of the retaining wall providing a barrier to significant root growth from trees in St Georges Gardens into the site. However the tree crowns would be affected in terms of their overhang onto the site. Harm to the shape and natural outline of these trees is considered to be detrimental to the character and amenity of St Georges Gardens and their historic character. As with the previous application, the overall form and height of the proposed buildings and the proposed pruning schedule for the protection of these trees during the building works have resulted in a scheme which minimises the impact on these trees and retains their natural outline. Indeed the new scheme with its further reduced height and setback front building line lessens the impact on these trees even further. An arboricultural report has been submitted to demonstrate this strategy.
- 6.52 A further concern in the evolution of these proposals was the potential for these trees to cause loss of sunlight and daylight to the proposed residential units particularly during the summer. A daylight and sunlight study has been carried out on the proposed windows, with the calculations taking account of the effect of trees on daylight during winter and summer seasons. It concludes that all the rooms analysed in the revised scheme are well above the recommended minimum levels during the winter and summer. Whilst the results of this study do not discount the possibility of requests by future occupants to the Council for pruning, there is no compelling reason for the Council to have this work carried out. As the trees are in a Conservation Area and in the public realm, any work proposed to be carried out by the adjoining residents would require a Conservation Area Notification and be subject to the Council's discretion. On this basis it is agreed that the development should not result in indefensible requests to further prune the trees in question; an informative is proposed to remind the applicants that the Council will not necessarily look favourably on requests by future occupants to prune or fell the

trees on account of possible complaints arising from shade or perceived loss of light from these trees.

- 6.53 As before, the design of the landscape within the site is divided into a hierarchy of public, semi-private and private space. The existing granite setts located in the existing public part of the mews are to be retained. This is welcomed as it would preserve the architectural and historic character of the entrance access as a visual extension to Wakefield Street. The use of small format limestone paving in the central shared servicing area and along the communal access footway alongside the south boundary wall is an appropriate use of materials. The remaining spaces are the semi-private courtyard space around house no.5 at the eastern end and the private enclosed amenity spaces of lightwell patios and roof terraces within and adjoining the other 4 houses. The success of the development would depend on the appropriate use of high quality materials, detailed design and finished appearance, details of which will be required by condition. In particular it will be necessary to ensure the adequate provision and maintenance of planting within the lightwells and roof terraces to provide appropriate levels of visual amenity and screening to residents in Regent Square, as highlighted by the local group (see para 4.5 above). Permeable surfacing will be used to minimise runoff and flooding.
- 6.54 Any planning permission should be conditional on the submission of details relating to biodiversity enhancements for the site, specifically the installation of bird and bat boxes. An extensive area of green roof is proposed for Block 1, which will enhance the otherwise very poor biodiversity value of the site.

#### Neighbour amenity

##### *Daylight/sunlight*

- 6.55 The applicants have submitted a new daylight/sunlight assessment on the impact of the scheme on the neighbouring properties to the north and their gardens. It concludes that all windows will either have adequate daylight and sunlight (as recommended in the BRE daylight guide 1998) or will experience very insignificant reductions of light, substantially less than 20%, which is considered acceptable in accordance with BRE recommendations. The only exception, as with the previous scheme, is one upper ground floor window to the living room of a cottage to the rear of no.5 which loses more than half of their winter sunshine; however the total amount of such sunlight received in winter here is already low, below standard, and more importantly it receives sunlight above the minimum throughout the year. On balance therefore it is considered that the overall impact on neighbouring amenity and living conditions is acceptable.
- 6.56 In terms of sun on ground, no rear garden space will be more than 25% in permanent shadow as a result of the development and the impact complies with standards.

##### *Outlook*

- 6.57 In terms of outlook from rear windows of neighbouring properties, this cannot be assessed objectively and has to be based on an onsite and inevitably subjective judgement. Officers considered with the previous scheme that a reasonable

approach, which strikes a balance between minimising impact on residential amenity and allowing a viable form of development here, would be to allow a building height on the northern boundary up to a point equating with the existing maximum ridge apex heights along this boundary; the consequent angle (approx 27 degrees) taken from the ground floor rear windows at eye level up to this reference point then dictates the maximum building envelope so that the roof form on the 3 blocks is sloped away from this datum line. The new scheme adopts the same approach but actually improves it as the overall building profile and form is different in 3 ways. The new terraced building along its rear adjoining nos. 9-17 Regent Square is lower than the previous blocks by approx 1.5-2m at its ridges so that the valleys of the new ridged roof profile almost match the ridge heights of the existing warehouse. The existing warehouse gable end wall is now retained so that it masks much of the new rear building façade, thus maintaining to some degree the existing outlook for neighbours here. Furthermore the new building is now set back by 3m from this wall (compared to the previous 1m setback) at 1<sup>st</sup> floor level alongside nos. 9-17 so that the proximity of the new rear wall and consequent visual prominence is further improved.

- 6.58 It is acknowledged that the new development will be in parts higher and bulkier than the existing low pitched warehouse and consequently have a greater visual impact and greater sense of enclosure. However it is considered that the resulting loss of outlook is not unreasonable given the central London location. The additional visible built mass is not significantly harmful to neighbours; indeed from ground level, due to the setback rear facade and masking effect of the retained existing wall, in contrast to the previous scheme, the visible skyline will remain the same when viewed opposite the existing highest ridge points. The situation of outlook from nos. 5-8 over the eastern end of the scheme is about the same as before. However the western end has been improved by a setback façade and lowered roof height, and the combination of retained existing wall and corrugated façade treatment of new wall behind this will ensure that the development does not result in an unrelieved solid wall on this northern side to neighbours. Furthermore the series of roof pitches and inset roof terraces with planting should improve the residents' current view over the existing dilapidated corrugated iron roof of the warehouse. On balance, in the context of the whole scheme and this situation, officers consider that the overall impact on residential outlook has been substantially improved over the previous scheme and is not so harmful to warrant refusal.

#### *Privacy*

- 6.59 The redesigned scheme means that the new terrace only has windows on 1<sup>st</sup> floor of the rear facade which have any potential for overlooking Regents Square properties (compared to the previous scheme which had none). Those at basement and ground floors are masked by the existing boundary wall. However these 1<sup>st</sup> floor windows have been bespoke-designed as narrow slot windows which are slanted to one side thus allowing only westward-angled views across the gardens of Regent Square. The windows are each 0.35m wide, arranged in pairs and divided by deep metal fins so that views are very restricted in scope both vertically and horizontally and will not directly face neighbouring room interiors due to their acute angle. Moreover many views will be partly obscured by the intervening

retained boundary wall. In any case, all windows will be 17.5-19m away from nearest windows at the rear of these properties which accords with the minimum 18m distance recommended by CPG to prevent overlooking. The new roof terraces facing Regent Square are set away by 19-20m from habitable room windows, except that on house 4 which is 15m away. It is recommended that privacy screens as well as planting be provided on these northern edges to prevent actual and perceived overlooking to neighbouring residents. No overlooking should occur from these terraces down to adjoining gardens due to the angle of view.

- 6.60 The issue of perceived overlooking to the Gardens is discussed above in the design section. The roof terrace on the entrance block 1 is the same as before and set back in the same way as the approved adjoining houses and thus will not result in any additional overlooking. Similarly the inset roof terraces on the 5 terraced units further east on Block 2 are even further set back and their position and height ensure there are no views possible downwards into the Gardens themselves. It is considered that the position of these terraces, set within the middle of the roof forms, and mostly set back at least 6m from the north and south boundaries, will not lead to a material noise nuisance to adjoining residents or park users nor unduly disrupt the tranquillity of the Gardens.

#### *Plant*

- 6.61 At this stage, minimal information has been provided regarding location and design of ventilation plant etc. Given the revised form of commercial space with basement floors now naturally ventilated via lightwells and patios, there is no need for any separate plant room. There is no intention either at this stage for any ventilation plant for the new houses. Nevertheless it is anticipated that any future plant is capable of meeting the Council's noise criteria of 5 dBA below background levels. Conditions will be placed requiring further details of any future plant and stipulating noise and vibration levels.

#### Transport

- 6.62 The scheme has no carparking and, in contrast to the previous scheme which had a T-shaped manoeuvring space, a wide section of communal courtyard adjoining the 2<sup>nd</sup> commercial unit/1<sup>st</sup> house which will allow transit type vans to enter and exit in a forward-facing direction. It is proposed that the new housing will all be car-free. 15 cycle spaces will be provided for all uses, although their detailed design and location could be improved and details of this will be secured by condition.
- 6.63 It is unlikely that the proposed uses will generate a high level of traffic that will be harmful to the local environment, due to the very high accessibility of the site and a Travel Plan is considered unnecessary. However it is considered appropriate to make the commercial units also car-free to ensure no business permits are issued which would lead to further onstreet congestion.
- 6.64 The submitted plans show how servicing will be able to enter and exit the site without harm to the surrounding highway network, and indeed it is anticipated that, other than refuse vehicles, most deliveries will be undertaken by Transit-type vans. Thus it is considered unnecessary to require a Servicing Management Plan in this instance. However given the contained nature of the site and its access and the

proposed basement excavations, it is considered necessary to require a Demolition and Construction Management Plan in line with that required and provided for the residential development on the adjoining site at the road frontage. Such a Plan should also ensure that there are no demolition and construction vehicle movements during the Olympic period of July - September 2012. As requested by local residents, it is also considered appropriate to require the setting up of a community liaison working group to discuss and resolve any construction issues that may arise during the development process, which has been proven successful on other large development sites in the borough in terms of minimising nuisance to local amenities.

- 6.65 The entrance accessway, although gated and resurfaced halfway along it without authorisation, is actually public highway. The proposal is to realign this to provide a clear 3.8m wide carriageway retained as public highway; to repave this with reused/new granite setts; to repave the existing northern pavement/kerb; and to create a new 1.8m wide paved private footway on the southern side (partly on existing public highway, partly on private land) to provide a dedicated pedestrian access to the 2 houses as well as into the overall development within the main site. This footway will be aligned so it forms a continuation of the footway being provided by the developers of the adjoining site. The new pavement would not be adopted but will remain in private ownership but a S106 clause should require, as with the adjoining development, that it will be available for the public to use at all times and that no obstruction will be erected on it. The S106 must also state that the footway is well maintained and free of trip hazards at all times. This removes the need for a complicated overhang licence. The plans as before ensure that the entrance block 1 is set back by at least 600mm from the new kerblines to comply with highway standards as well as to visually align with the projecting 1<sup>st</sup> floor bays of the approved houses next door.
- 6.66 A financial contribution is required to repave the roadway and northern footway along this access road, in the same way as the adjoining development site. These works are required to mitigate the impacts of this increase in trips and to tie the new development into the surrounding highway network. Highway officers previously estimated that the costs of repaving the public roadway is £41,217 and this will be secured by S106.
- 6.67 This S106 obligation should also require plans demonstrating interface levels between development thresholds and the public highway to be submitted to and approved by the Highway Authority prior to implementation. The Highway Authority reserves the right to construct the adjoining Public Highway (carriageway, footway and/or verge) to levels it considers appropriate. It should be noted that planning permission does not guarantee that highways works will be implemented as it is always subject to further detailed design, consultation and approval by the Highway Authority.

Other issues (identical to previous scheme)

- 6.68 On account of the former use of this site as a dairy with substation and the future use of the site for part residential with soft landscaped areas, it is recommended that a condition be placed to require a ground investigation report with remediation measures as necessary for treating contaminated land.

- 6.69 Two communal refuse/recycling stores are shown on plan for the residential and commercial elements. More detail will be secured by condition.
- 6.70 An archaeological desk-based assessment has been carried out which shows that there is low potential for prehistoric to medieval remains but high potential for post-medieval remains. GLAAS consider that there may be a possibility of the site accommodating remains from the cemetery to the south (ie. the Gardens themselves). They thus recommend a condition to be placed to require a programme of work in accordance with a written scheme of investigation to be submitted and approved beforehand.
- 6.71 The scheme involves excavating substantial basements and accordingly has to be assessed in light of new LDF policy DP27. The site is not in a flood risk area according to the LDF flood risk map and the basement is only one storey deep and under the footprint of the building in accordance with recommendations of DP27. A basement impact report has been provided which concludes that the development will not lead to significant alterations in the basement water table or lead directly to flooding; it will not require additional basement design methods to respond to deeper aquifer/rising groundwater issues; the site has not suffered from recent surface water flooding nor is at risk from groundwater flooding. Furthermore the proposed basement will not affect the nearby residential properties, on account of the methods being employed in propping up both the northern and southern boundary walls which will be retained, and due to the significant distance of the neighbouring buildings (approx 7m away) from the proposed basement. It is therefore considered that the basement will not have a detrimental impact on the local physical environment or neighbouring properties.
- 6.72 Thames Water request that the developer incorporates suitable measures to deal with surface water drainage and sewage during storm conditions- these issues will be dealt with by informative.
- 6.73 The Crime Prevention Officer has examined the proposals and has recommended various measures such as CCTV cameras, lighting, secure fencing, screening and gated access at the entrance to the main site. It is important that any such entrance gate is placed abutting Blocks 1 and 2 just east of the shared access road to ensure that it does not obstruct access to the public highway. It is proposed to require by condition such details in order to comply with Secured by Design principles. The presence of a mix of uses including residential would also serve to enhance natural surveillance of the area including the adjoining Gardens, bearing in mind the anti-social activities that have occurred in the past here.

## **7. CONCLUSION**

- 7.1 The demolition of the existing neutral building is acceptable. The replacement development is considered appropriate in terms of bulk, height and footprint; its revised bespoke design and reduced massing and setbacks is an appropriate response to the unique constraints and character of the site and surroundings. It will thus preserve the setting of adjoining listed buildings and structures, the setting and character of the registered Garden and character of the overall conservation area. The works to the listed boundary wall associated with the basement excavation are also considered acceptable.



- 7.2 The revised building form and facade design has been carefully designed and profiled to not harm neighbour amenity in terms of outlook, light and privacy or result in an unreasonable perception of overlooking to the Gardens.
- 7.3 The scheme will not impact on parking, traffic or highway conditions, subject to S106 clauses outlined below.
- 7.4 The replacement employment space and the new residential units are welcomed in meeting Council objectives and are acceptable in amount, location and size. The negotiated offer of contributions for offsite affordable housing is welcomed and is considered acceptable in this instance.
- 7.5 Planning permission is recommended subject to a S106 Legal Agreement covering the following clauses:
- 1) educational contributions of £28,243
  - 2) highways contributions of £41,217 for repaving works on public highway (see also para 6.67 above)
  - 3) new private footway to be available for the public to use at all times and that no obstruction erected on it; also the footway to be well maintained and free of trip hazards at all times
  - 4) car-free housing and business units
  - 5) Demolition and Construction Management Plan (with reference to suspension of vehicle movements during the Olympic period)
  - 6) local employment and procurement (as explained in para 6.11 above)
  - 7) employment contribution of £5000
  - 8) post-construction review of sustainable design
  - 9) affordable housing contributions of £500,000 with additional deferred contribution post-construction of maximum £363,900.
  - 10) construction liaison working group with local residents and developers.
- 7.6 Conservation area consent is recommended subject to a S106 Legal Agreement covering clause (5) above.
- 7.7 **LEGAL COMMENTS**
- 7.8 Members are referred to the note from the Legal Division at the start of the Agenda.