

Delegated Report		Analysis sheet	Expiry Date:	a) 21/09/2010 b) 01/11/2010
		N/A / attached	Consultation Expiry Date:	a) 08/09/2010 b) 01/10/2010
Officer		Application Number(s)		
Jonathan Markwell		a) 2010/3735/P b) 2010/4760/C		
Application Address		Drawing Numbers		
69 Highgate High Street (Land adjacent to 67 Highgate High Street) London N6 5JX		Please see decision notice(s)		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
a) Erection of five storey building comprising lower ground (Pond Square Level), ground (Highgate High Street Level), first, second and third floor to provide two retail units (Class A1 - at part lower ground and ground floor level) and 2 self-contained residential units (1 x 1-bedroom flat at lower ground level and 1 x 3-bedroom maisonette on the upper floors) (Class C3) following demolition of existing single-storey buildings.				
b) Demolition of single storey buildings.				
Recommendation(s):		a) Refuse Planning Permission b) Refuse Conservation Area Consent		
Application Type:		a) Full Planning Permission b) Conservation Area Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	07	No. of responses	24	No. of objections	19
Summary of consultation responses:	<p>A site notice was erected on 06/08/2010, expiring on 27/08/2010 in relation to the application for planning permission. A site notice was erected on 10/09/2010, expiring on 01/10/2010 in relation to the application for conservation area consent.</p> <p>A total of 5 letters of support and 19 of objection were received.</p> <p>A total of five letters of support have been submitted by occupiers at 14d Hampstead Lane, 6 Queens Avenue (N10 3NR), 33 Heathville Road (N19 3AL) and two unspecified addresses (one described as a trader and resident in the village and the other as an individual who lives and works as a tennis coach in the area). A summary of the matters raised are as follows:</p> <ul style="list-style-type: none"> – current building is an eyesore, the site is scruffy and “a muddle of rather tatty structures”. – “More shops would be welcome as the High Street needs more vibrance and perhaps the chance for a new business to integrate some flair to the area”. – proposed building will add to the village, described by one letter of support as “a striking building which would be talked about in a positive way by residents and visitors alike”, by another as “forward looking, reflect the modern day and the needs of the people who live and work in them”, another as “a bold and imaginative proposal... which will complement the older buildings in the conservation area and will certainly be miles better than what is there at present” and another as “in fitting with the area and will benefit the high street”. Another comments “I understand that people have questioned the height but I feel it is in proportion to the area” <p>A total of 19 objections have been received from the following addresses: 23 Bisham Gardens (N6 6DJ); The Coach House, 46 Highgate West Hill (N6 6DB); 49/50 Highgate West Hill (N6 6DA); 92 Highgate Hill (N6 5HE); Flat 1, 110 Highgate Hill (N6 5HE); The Cottage, 36a Highgate High Street (N6 5JG); 55 Highgate High Street (N6 5JX); 28 Laurier Road (NW5 1SG); 3 North Road (N6 4BG) (two objections from separate occupiers of the same address); 45 North Road (N6 4BE); 8 Northgrove (N6 4SL); 17 North Grove (N6 4SH); 9 Pond Square (N6 6BA); 18 Pond Square (N6 6BA); 19 Pond Square (N6 6BA); 2 Burlington Court, Pond Square (N6 6BD); 13 South Grove (N6 6BJ); 53 Southwood Lane (N6 5DX). A summary of the matters raised are as follows:</p> <p><u>Existing building</u></p> <ul style="list-style-type: none"> – Existing building should be retained – historic use as a milking parlour. Another states that the proposal would destroy a stable block which form part of the historic fabric of Highgate; – Last remaining farm building in Highgate. 					

- Existing buildings are an important landmark in Highgate Village / part of Highgate's heritage. They should be retained and repaired. They have suffered years of neglect and clearly able to be occupied and be in use.

Existing uses

- Proposal would result in the loss of two wonderful businesses (clockmaker and florist)

Proposed design / impact on views and the conservation area

- There are no other modern buildings in the vicinity in full view. This development would break up the historic nature of the built environment of Highgate village, a consideration which alone should prevent it.
- Mismatch of styles and materials is entirely inappropriate and is not in keeping with the High Street / Pond Square. Another describes it is an overcomplicated mixture of materials
- Too high, protruding on an open corner. Another says the proposed height should be limited to 2 storeys from the high street. A further objection states it is disproportionate in scale
- Depth of the building will create an unsightly block when viewed from Pond Square.
- The position of the site is key to the village – it can be seen from many angles and will blight many different views of the centre of the village. Another says it is out of character with the conservation area and sensitive location;
- Adversely affect the all important views and sight lines in this historic area.
- Loss of character to the conservation area as views of the trees in the square will be lost. Another says it would “entirely alter the visual approach to Highgate Village from the north” and be “out of scale with the area and ruin a charming corner of Highgate”
- Entrance would be turned into a dark alley way
- Loss of view of Highgate Church from 49/50 Highgate West Hill & 19 Pond Square.
- Overdevelopment of the site

Amenity

- Loss of privacy from 19 Pond Square.
- Loss of light to neighbouring properties, such as the kitchen, bathroom, entrance hall and bedroom of No 19 Pond Square.
- Loss of light to 49/50 Highgate West Hill

Transport

- No space for parking for proposed residential properties
- No parking spaces for visitors to the retail premises
- During construction it would exacerbate the existing traffic problems in the area and make life difficult for pedestrians.
- Worsening access for pedestrians along Highgate High Street and the alleyway to Pond Square
- Vehicles turning left into West Hill Park will have difficulty to see the zebra crossing

Landscaping

- Green wall is nothing more than a 'trade-off' for the loss of the view

into and out of the square.

Retail use

- No need for additional retail space. Another objector states that with 2 or 3 empty shops and 3 charity shops the High Street does not need new shops.

Other matters

- Proposal would set a most disturbing precedent for further inappropriate infilling in this attractive and characterful high street and village.
- Proposal is motivated by the greed by the owner of the building

**CAAC/Local groups*
comments:**

*Please Specify

English Heritage objects to the proposed replacement building. A summary of the comments made are as follows:

- Overview - English Heritage considers that whilst there may be potential for enhancement of the site, the proposed scheme, set against the national policies set out in PPS5, will harm the significance of the conservation area.
- Existing structures - English Heritage's view is that the existing structures do have some historic value as part of the later 19th century historic development and as a reminder of the small scale commercial activities which proliferated in the yards and odd spaces. However, it is noted that much of the fabric is in poor condition and dates from the twentieth century. Whilst elements of the brickwork appear to date from the mid-19th century it is not of specific architectural or historic merit. The value of these structures lies principally in their perception as vernacular buildings that convey a sense of historic activity which rarely survives in such areas, rather than architectural merit. Given the extent of incremental alteration to the existing fabric, their significance is considered relatively minor and any development must be considered in the light of the refurbishment costs, important views within the conservation area, and the setting of the listed buildings.
- English Heritage therefore considers that there is potential for enhancement but that any development would need to correspond to the vernacular character of the site. The applicants have sought to create a new landmark building on the site and complete the High Street terrace, retain the flower stall, create an active frontage to the High Street and introduce a building of greater architectural significance which relates to the larger buildings on the corner site.
- Whilst acknowledging the detailed response of the architects to the complex site, English Heritage consider that such an approach does not sustain or better reveal the significance of the character of the conservation area and that the overall bulk of the building, and varied use of materials would not preserve or enhance the significance of the conservation area. The use of brickwork and timber boarding on the Snow Passage elevation is materially appropriate however; the height raises concerns in respect of enclosing the narrow passage and in respect of views into Pond Square. We would also consider the large glazed shopfront, glazed roof terrace, and green wall with tower are without precedent in Highgate and would be an incongruous addition to the traditional streetscape.
- English Heritage recommendation - English Heritage considers that there may be potential for enhancement of the site but that the current proposals have a detrimental impact on the significance of the conservation area. We would therefore encourage the applicants to consider a less ambitious scheme which seeks to better enhance the contribution of this site to the conservation area.

English Heritage Greater London Archaeological Advisory Service (GLAAS) were formally consulted on the application and commented as follows:

- The site lies in an area where archaeological remains may be anticipated. It is on the main medieval crossroad of the settlement of Highgate, and is immediately adjacent the medieval toll booth and gate house through which travellers into London had to pass. The site

lies opposite a 15th century hermitage and chapel, and has seen very little modern building. The proposed development may, therefore, affect historic assets of archaeological interest.

- It is not considered that any further work need be undertaken prior to determination of the planning application but that the archaeological interest should be reserved by attaching a condition to any consent granted under this application.
- In the first instance, the applicants will need to submit an archaeological desk based assessment so that the significance of the archaeological interest is properly understood and balanced against the potential impact of the development proposals.
- The desk based assessment will need to be prepared by a suitable experienced and qualified archaeological contractor/consultant, and will be used to determine if further work is necessary in response to this application. Mitigation may include archaeological investigation prior to or during the course of construction.
- Should significant archaeological remains be encountered in the course of the initial field evaluation, an appropriate mitigation strategy, which may include archaeological excavation, is likely to be necessary.

Haringey Council was formally consulted on the application and object as follows “Haringey Council consider that the height, bulk, mass, scale, and detail design of the proposed development would create a building form which would be over-dominant and visually incongruous to the streetscene and surrounding townscape, which would be seriously detrimental to the character and appearance of the historic core of Highgate Conservation Area which falls within both the London Borough of Camden and the London Borough of Haringey”.

Highgate CAAC, in three substantial separate responses, objects to the proposals for the following reasons:

- loss of the existing building - “the assertion that retention is not viable is open to challenge” as “they could be refurbished and used beneficially” and there is “no justification for demolition, which would damage existing uses” and CAC is “based on a false premise and the questionable assertion that it would result in “minimal harm”. In addition “While the structures on this land adjacent to 67 Highgate High Street (misleadingly being referred to as 69 Highgate High Street) may not have been specifically mentioned by English Heritage as part of the listing of 67, examination of the lower level brickwork at the passage into Pond Square shows that it is bonded into that of 67 and clearly contemporary with it in terms of bricks and mortar joints. The floor details are identical with other examples of milking parlours, demonstrating that it would have been part of the farmhouse at 67. HCAAC believes that any demolition of structure or development on this land should require listed building consent”.
- Variety of issues such as impact on conservation area, impact on local businesses, anti-social behaviour, proposed design, local views, maintenance of green walls: “Completing” the High Street as proposed would materially change the existing form and damage the character and appearance of the Conservation Area. If the intention of the applicant is to create “active trading” it is regrettable that he chose to convert the tea room at 67 to private residential use. If it is to create a “landmark building”, why try to disguise it with greenery? The

proposal would almost certainly put the present flower-seller and the clockmaker out of business. The commercial space proposed would hardly compensate or create "local vitality". Snow Hill would become a canyon which could exacerbate rather than eliminate anti-social behaviour, were that to be a problem. Suitable lighting of the existing, more open link to Pond Square would be more effective. The proposed design, far from respecting neighbouring buildings, would damage them. Its high blank walls with slots of glass and floating masonry panels would be an alien presence and would sit uncomfortably next to 67 and hide its important flank wall and detract from its present prominence. Not only would the rents of commercial units be unaffordable for existing traders but the high "drum" on several levels as proposed for a florist would be unfit for purpose. The views in and out of Pond Square would be constricted and damaging to the Conservation Area. The rooftop conservatory (for whom?) would strike a further discordant note. The "planted walls" would be costly to install and maintain (by whom?) and could be disastrous, were they to fail".

- PPS5, policy HE7 would be ill-served by these proposals by damaging, not enhancing existing heritage assets as manifested by listed buildings at 67 Highgate High Street and 59-60 Highgate West Hill and beyond, and their low adjuncts including the existing features on the land adjoining 67 Highgate High Street.
- Would not meet LB Camden design and conservation area policies, nor PPS5 Planning Practice Guide or English Heritage Guidelines for new development in historic areas.
- It is questionable whether the proposal would be economically viable or promote "vitality".
- The view from Pond Square to the Gatehouse pub would be truncated and seriously damaged. Considered that the existing view actually gives a welcoming entrance to Pond Square and a fine view towards the Gatehouse.
- The proposed replacement building would be alien in its setting and damaging to the character and appearance of the Conservation Area. Moreover, "in addition to the excessive bulk proposed, the character and "materiality" are ill-conceived. The deliberate exclusion of windows on the High Street and Snow Hill elevations, which could link the building to its neighbours and give scale, would be a mistake. The form of the tower, roof level conservatory and floating masonry planes, high blank walls and glass slots would be alien to the street scene. The initial intention had apparently been to create a focal feature on the corner, clad in stone. The present proposal tries unsuccessfully to play down the bulk of the building by clothing it with "green" walls which would entail complex and expensive irrigation plant".
- various inaccuracies in the Heritage statement by Turley Associates about the address of the site, character of the street within the Conservation Area and the listing of the application site building. For example, the analysis of the site is flawed, giving equal weight to buildings such as the chapel of Highgate School and the low wall bounding its burial ground and underplaying the wall along the High Street at number 67.
- No pre-application consultation with Highgate CAAC or Highgate Society.

The Highgate Society, in three substantial separate responses, objects to

the proposals for the following reasons:

- This is perhaps one of the most damaging and inappropriate development to be proposed for Highgate High Street in our experience, and write to urge refusal”.
- Application site is understood to be the early milking parlour and cattle byre for the Grade II Listed no. 67, part of a continuous terrace of Listed Buildings from No. 51 to 67 inclusive (in itself making any treatment of this site particularly important). The present, seemingly unprepossessing 1-story wall facing the High Street is therefore in fact a unique surviving element of Highgate’s agricultural past, and it is included in Camden’s Conservation Area Character as making a positive contribution to the Conservation Area. This specifies, as you will know, that “there is a general presumption in favour of retaining all positive buildings and any proposals involving their demolition will require specific justification... These buildings are therefore both physically and historically linked to the listed No. 67, and their loss would damage its historical integrity. Suggestion that listed building consent is required for demolition.
- The present buildings, proposed for demolition, allow for open views to and from Highgate Village and Pond Square from a wide range of viewpoints and the site has always been low-scale, is critical in defining the semi-rural gateway aspect to the historic core of Highgate Village.
- The proposed development would be immensely and damagingly destructive of views to, from and within the Conservation Area and the historic village and of its whole character and nature, which it will change from an open village corner to a modern suburban shopping parade, and urbanise it at a focal point which has historically always been open.
- Although the Highgate Society has always taken a positive view of new development of good quality, and to welcome it when it would add positively to the character and architectural history of Highgate, we believe that this site is a rare instance of where no new development would be appropriate, because of its focal position allowing historic views from so many different positions and directions, and because of its intrinsic historic value as a last vestige of Highgate’s agricultural past.
- Existing buildings should be retained as per PPS5 - the application provides no useful assessment of the impact of the proposal on the heritage asset, as required by PPS5 policy HE6.2; nor does it comply with the requirements of HE7.2-5. In addition, HER9.2. is also relevant... There will be no “substantial public benefits” from the proposed scheme, which is a purely commercial one aimed at providing a shop and two flats, but, on the contrary, there will be “substantial harm” (HE9.4) to the Conservation Area and the loss of a unique heritage asset. It has not been shown that “the nature of the heritage asset prevents all reasonable uses of the site”, but only maintains that restoration will be expensive. It should therefore be asked, in accordance with HE7.6, what steps have been taken by the owner to prevent the deterioration claimed.
- The drawings signally fail to show the clear, and more dominant, relationship which exists between the application site and the large and important historic churchyard immediately opposite, standing between the site and the Highgate School Chapel. These two sites together emphasise the openness and semi-rural village atmosphere

of this part of Highgate Village, particularly when viewed from the northern part of the High Street. The proposed scheme would both destroy this essential visual and historic attribute of Highgate village, and also damage the remaining contribution of the graveyard by making it appear an isolated open area rather than part of a village gateway. The application site and the graveyard are a visual part of the open and low-scale character of this part of the Conservation Area, the contribution of which to the openness of this part of the historic village would be destroyed. The damage would be as significant to the Haringey as to the Camden side of Highgate Village.

- The claim that it will “provide a stronger definition of the corner through a high quality landmark building” is a signal misunderstanding. The site is a major and long-standing landmark for Highgate Village, which is in itself a landmark through the cumulative visual and historic impact of all its buildings and open spaces. A new purpose-built “landmark” building is not only unnecessary, but would in itself be alien to the character of the area... our comments on the proposed building make clear that, in our view, it would not constitute a landmark but a significant blemish. “The prominence of the site” does not demand a prominent building; quite the opposite, since a prominent building would damage the current contribution and purpose of the site and its wider historic setting.
- the provision of an “active frontage” is an irrelevance, since this is, as the application concedes, a gateway. This signal misunderstanding of the issues is compounded by the assertion that the “current blank wall” is a “negative element in the townscape” which needs “resolving”, or that it is a “blank gable end” which needs “removing from townscape”. On the contrary, it is a pleasant and historic elevation which was clearly meant to be seen and which defines the character of the important Listed Building, which has always been free-standing.
- The assertion that it “relates to the distinctive topography of surroundings by taking advantage of change of level across site” is similarly misleading; far from enhancing any perceived “distinctive topography”, it would exacerbate matters by creating a high alien frontage and an even higher narrow canyon to the rear – in itself negating the flawed claim that it would “improve pedestrian connection to Pond Square by providing a high-quality frontage.”
- The claim that it would “enhance view to Pond Square by framing and defining” is astonishing, since it is self-evident that it would restrict and narrow the view to such an extent that it would effectively be destroyed.
- It does not “respect the scale of neighbouring buildings” because it destroys a low-scale site which is the historic focus of the relationship between those buildings; replaces it with an excessively large structure which both alters and damages that focus by capturing it; and competes with neighbouring Listed buildings by dividing them and shamelessly setting out to be a “Landmark”.
- The loss of green views, particularly through to Pond Square, therefore cannot conceivably, as claimed in the application, be compensated for by the provision of a Green Wall on the new building. The proposal describes it as “Landscaping”, but the treatment is clearly nothing more than a token and fragile cosmetic gesture towards the destruction of an important view of public space.
- Similarly, in asserting that “the existing composition provides a weak termination to the High Street and fails to respond to the scale and

quality of the neighbouring buildings” demonstrates yet again a signal misunderstanding of the character of Highgate, and consequently reaches conclusions which are in direct opposition to the nature, contribution and value of the site.

- We have no comment on the architectural merits of the proposed building, in isolation; it may be that, in an appropriate, more urban or modern, context, it could be unexceptionable. However, in this location, the five-storey glass and masonry structure “floating” on a Green Wall is inappropriate and alien, particularly at the end of a historic low-scale Listed terrace. A modern intervention here would not be a valid continuation of Highgate’s architectural history, but damaging to its character, particularly on the scale proposed – although, as we have already said, this is a case where we believe that no new development is appropriate. What is proposed is totally unsympathetic to any architecture in the area, contrived, overdeveloped and completely out of scale with its setting. It seeks to cram far too much onto a very narrow and constricted site, which would add to its damaging impact.
- The proposed “clock tower” not only increases the scale and height of an already unacceptable building, but further restricts views through to the Pond Square greenery, and is both alien and unnecessary, since there is a well-known clock tower opposite on the Highgate School Chapel. We also have concerns about the amenities and impact of the building itself:
 - the fenestration of the first floor bedroom appears to be limited to a tiny slot window;
 - the basement flat will lead into a narrow alleyway, on the safety aspects of which we comment below;
 - it could have a significant impact on the daylight and privacy of the residents of 60 and 61 West Hill and the property to the rear of them, and its balconies will overlook the rear garden of 67 Highgate High Street.
- The Society considers that the contrived nature of the internal layout reflects the difficulties of providing residential accommodation on an inherently unsuitable site.
- Graffiti - the assertion that the walls have been “defaced periodically” is an exaggeration. To justify the erection of an inappropriate building as a remedy to prevent graffiti is an extreme overreaction. Indeed, the new building will present future graffitologists with an even greater expanse of wall to deface, and the canyon-like alleyway created by it through to Pond Square will give them greater cover.
- Safety - local residents, and particularly women, are worried that the narrow canyon which would be created in the yard leading to Pond Square will not increase safety but, on the contrary, exacerbate security issues.
- Basement flat will not “increase surveillance”, and may also, on the contrary, allow criminals lurking in the new tall, narrow alleyway greater opportunity for attacking lone residents coming out of the building in such a hidden location. Nor, surely, can one rely on “new light spill” from the narrow slit windows which will be provided to add any extra security;
- Regarding demolition justification we do not accept that it is “not feasible to renovate them”, and suggest that, as adjuncts to an important listed building, their restoration should take priority under PPS5.
- We submit that the site is undevelopable because of its shape, and

that the resultant design which has emerged is contrived and overcrowded, and illustrates the problems of trying to design a building for a site which should not have a building on it. It is thoroughly ill-conceived and would cause major permanent damage to the character of the Highgate Village Conservation Area. We therefore urge strongly that it be refused.

Pond Square Residents' Association objects on the following basis:

- Scheme is too large and out of context with the surrounding environment (although most residents are happy with a contemporary building it is felt that the building should blend in / not stand out with its surroundings).
- Concern with loss of views from and into Pond Square
- Current form and scale would cause a crowded and claustrophobic air to that corner of the Square
- Detailed design - Too many different materials being proposed.

Site Description

The application site is a small wedge shaped site which sits at the north end of Highgate High Street where it meets Highgate West Hill. The narrow lane Snow Hill forms the rear boundary. The site has 3 frontages, namely Highgate High Street, the corner frontage and the Snow Hill lane. Highgate High Street represents the borough boundary with Haringey at this point.

In relation to Highgate High Street, the site terminates a run of 14 contiguous properties, mostly with shop fronts, of two or three storeys. Plot sizes are irregular and heights, age and design of facades vary (mostly 18th and 19th century). The neighbouring property at No. 67 is listed Grade II, as are those running down to No. 51.

At the junction of Highgate High Street and Highgate West Hill the character changes and the environment opens out. The road widens and building heights and footprints increases. The dominant mid 19th century Highgate Chapel in Haringey is set back within grounds and can be appreciated in the round. The 20th century gatehouse pub also has a noticeable three dimensional presence as an independent building. Beyond taller late 19th century townhouses form part of the composition. This junction is the site of an historic toll gate and this gateway character can be appreciated in the layout today, distinct from the ribbon development of the High Street down the hill to the south. The neighbouring property along Highgate West Hill, No. 49, is of a solid and formal two storey 19th century classical style. It is listed Grade II as are those running up to 55.

Snow Hill leads down to Pond Square from the junction of Highgate High Street and Highgate West Hill which is contained by the informal and irregular rear elevations of Highgate High Street and Highgate West Hill properties. Owing to the change in topography the buildings fronting Highgate High Street are a storey higher to this frontage.

The site as existing contains single storey storage/workshop/studio (for example one is used as storage, one as a studio unit and one workshop used by Julian Child - Clocks & Watches Sales & Repair workshop – known as 18 Pond Square) with a flower stall to the end. Along the High Street the buildings read as a single storey wall. On Snow Hill are entrances and windows. Map evidence suggests that a small out-building was on the southern end of the site by 1869, with development taking its present form between then and 1894. Views through to Pond Square are present over the existing buildings.

The application site is located within Highgate Conservation Area. The adopted Character Appraisal records the buildings as making a positive contribution to the character and appearance of the Conservation Area. The existing site buildings are not considered to be listed. The site is also located within a designated neighbourhood centre, an archaeological priority area, Dartmouth Park Hill Controlled Parking Zone, has a public transport accessibility rating of 3 and is within an identified area as being susceptible to surface flow and flooding, subterranean (groundwater) flow and land (in)stability.

Relevant History

Application site

9401370 - Use of part of site as a flower stall and replacement of existing canopy with new canopy or awning. Withdrawn 17/09/1996.

9401370R2 - The retention of the use of the site as a flower stall and the replacement of the existing unauthorised canopy by the erection of a glazed retail kiosk. Refused 10/07/1998.

Reasons for refusal:

The proposed glazed retail kiosk would cause harm to the street scene and the character and appearance of the Highgate Conservation Area because of its inappropriate design and materials, and its prominent location.

The continuation of the use of the site as a flower stall would be detrimental to visual amenity generally and would harm the character and appearance of the Highgate Conservation Area by reason of the loss of the former open nature of this prominent site adjacent to two major thoroughfares.

PE9900338 - The use of the site as a flower stall and the erection of a structure for use as a retail flower kiosk. Granted 17/01/2002.

LE9900339 - The erection of a structure for use as a retail kiosk. Granted 17/01/2002.

Neighbouring 67 Highgate High Street

2004/0763/P - Change of use from A1 retail to A2 professional services. Refused 08/04/2004. Reason for refusal: The change of use would result in an unacceptable loss of a retail unit and creation of a sequence of non-retail uses, and therefore be detrimental to the retail character, function, vitality and viability of the Highgate High Street Neighbourhood Centre.

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution of growth)

CS4 (Areas of more limited change)

CS5 (Managing the impact of growth and development)

CS6 (Providing quality homes)

CS7 (Promoting Camden's centres and shops)

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)

CS17 (Making Camden a safer place)

CS18 (Dealing with our waste and encouraging recycling)

CS19 (Delivering and monitoring the Core Strategy)

DP1 (Mixed use development)

DP2 (Making full use of Camden's capacity for housing)

DP5 (Homes of different sizes)

DP6 (Lifetime homes and wheelchair homes)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP16 (The transport implications of development)

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)

DP22 (Promoting sustainable design and construction)

DP23 (Water)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

DP27 (Basements and lightwells)

DP29 (Improving access)

DP30 (Shopfronts)

PPS5

Camden Planning Guidance 2011

Highgate Conservation Area Appraisal and Management Strategy 2007

Assessment

Introduction

Planning permission is sought for the erection of a five storey building comprising lower ground (Pond Square Level), ground (Highgate High Street Level), first, second and third floors. The proposed building will provide two retail units (Class A1) at part lower ground level and ground floor level. One of the units (the lower ground and ground floor unit) is shown on the proposed plans as a flower stall, aligning with the current use at this part of the site. The other unit would front Highgate High Street and although annotated on the proposed plans as a shop/gallery, the supporting planning statement submitted with the application confirms the proposed retail (Class A1 use). The proposed building would also include two residential units. One is a one-bedroom flat located at lower ground floor level and facing Snow Hill. The other is a three-bedroom maisonette on the first, second and third floors of the building, with access from Highgate High Street. The proposal involves a degree of excavation to enable the proposed building to be completed.

The construction of the proposed building would follow the demolition of the existing single storey buildings at the site. An application for conservation area consent has been submitted for this element of the proposals.

During the course of the application some minor alterations have been made to the internal layout of the building, primarily in respect of achieving lifetime homes standards, a number of inaccuracies on the existing plans have been corrected and the applicant has submitted more information in respect of justification for the proposed basement excavation and a code for sustainable homes pre-assessment.

Principle of demolition within the conservation area

Conservation area consent is sought for the demolition of the existing structures on the application site in their entirety. It is acknowledged that the adopted Character Appraisal records the buildings as making a positive contribution to the character and appearance of the Conservation Area. In support of the application for conservation area consent the applicant has submitted a PPS5 statement. Officers have also closely considered the proposals and consider that after closer inspection of the buildings, it has been confirmed that much of the fabric is modern and in poor condition. The Highgate High Street wall is considered to be the most original element, but has been compromised by painting, is unlikely to be older than mid/late 19th century and is not considered to be of specific architectural or historic merit. Furthermore English Heritage's assessment is that "The value of these structures lies principally in their perception as vernacular buildings that convey a sense of historic activity which really survives in such areas, rather than architectural merit".

With the above in mind and in particular given the current extent of alteration to the fabric, the significance of the buildings is considered relatively minor. Their demolition is not considered to lead to substantial harm to the Conservation Area and as such officers are directed to PPS5 HE9.4, where the assessment for demolition is based on a proportionate consideration of weighing public benefit against the harm while matching the level of harm against the level of justification. Taking into consideration level of significance and the condition of the buildings demolition is considered to be appropriate in principle. However, given the issues raised in respect of the proposed replacement building at the site (as explained below), conservation area consent is unable to be supported owing to the absence of an approved scheme for replacement being in place. If the existing buildings were to be demolished and not be replaced it would cause harm to the character and appearance of the surrounding Highgate Conservation Area. This would be contrary to CS14 and DP25 and thus conservation area consent is recommended to be refused.

It is also noted that conservation area consent is considered to be required in this instance, following queries from the applicant (who suggested that conservation area consent was not required as there are separate buildings at the site each being below 115 cubic metres) and local residents / groups (who suggested that listed building consent was required as the existing site is connected to the listed No.67). The reasoning behind the Council's view on this matter is as follows:

The starting point is Section 74 (1) of the Planning (Listed building and Conservation Areas) Act 1990, which reads "A building in a conservation area shall not be demolished without the consent of the appropriate authority". However section 75 (2) of the Act sets out that "The Secretary of State may direct that Section 74 shall not apply to any description of buildings specified on that direction". The exceptions mentioned in this section are detailed on Circular 01/01 at paragraph 31. (1) and include "any building with a total cubic content not exceeding 115 cubic metres (as ascertained by external measurement) or any part of such a building". "Building" is defined at section 336 of the Town and Country Planning Act 1990 as "any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in the building".

This definition is applied in the same way as the term would be understood by a reasonable person with no special knowledge of the law, planning, the situation or circumstances of the application. Therefore it is considered in this case (whilst bearing in mind that all applications have to be considered individually and on their merits) it should be based on the view of the hypothetical passer-by on Highgate High Street.

Therefore in the case of either the Store **or** the Studio being demolished it is considered that they would be of the view that a building had been demolished but the same passer-by would in the case of **both** the Store and the Studio being demolished again say that a building had been demolished and not differentiate between the situations .

The purpose of the Council's policies in relation to conservation areas are to protect those areas and ensure that buildings in a conservation area are not demolished without consent. It is considered that the applicant's view could lead to absurd scenarios which were clearly not intended by Council policies of the Act. Furthermore the legislation and policies cited above must be read together.

With this in mind it is considered that the existing building, containing the studio, workshop and storage unit to be a single structure with a cubic content of more than 115 cubic metres and therefore requires an application for conservation area consent. The proposed demolition plans also show the demolition of the existing flower stall structure and hence the description of development refers to buildings (plural) for the sake of clarity for nearby residents and local groups. Listed building consent is not required owing to the application site buildings not being listed.

Proposed design (also incorporating listed building / conservation area / landscaping matters)

It is firstly acknowledged that this is considered to be a challenging site for any development to take place. This is as the site is fronted on all sides and it is narrow, tapering to just 2.5 metres. For its modest size it has a prominent and open position on an important 'gateway' junction. The existing height also affords views of the greenery of Pond Square viewed through the site which is considered as a positive feature. The site is also considered to have an intimacy and informality created by the narrow passage (Snow Hill) connecting Pond Square and Highgate West Hill. It forms part of a continuous run of historic properties, most of which are listed as buildings of architectural and historic importance.

With the above in mind the main issues to consider are the impact(s) the proposed development would have on the different aspects of the site context, all of which are considered to be significant and also recognising that the greater the harm to significance, the greater the justification that will be needed.

As such the proposal seeks to respond to many contextual issues which provide character in this part of the Conservation Area. This includes the brick skin which relates to the plot width rhythm along Highgate High Street and the introduction of shop units along Highgate High Street; the scale of development to address the junction and; use of timber weather boarding and stock brick panels on the Snow Hill façade to provide a memory of the vernacular character.

However, in short, the overall design is considered to be over complicated and lack coherence. The multi faceted façade treatments, form and expression results in what is considered to be a confusing

composition which, although individually may be appropriate to the site, cumulatively have an adverse affect on the character and appearance of the area. Each of the main elements are discussed in turn.

Height and bulk

On Highgate High Street elevation the main part of the building is three storeys rising to a part further floor at the apex of the site. Three storeys is consistent with the prevailing height of buildings on the High Street. Moreover a number of these have roof pitches or gables which create additional height and interest at roof level consistent with the proposed development.

Furthermore there is strong townscape function to have a taller element at the end of the terrace and to address the junction and other bigger buildings which surround it. However, the additional scale will inevitably reduce the view afforded of Pond Square. This is of major importance in this location as the site is recognised as a gateway location. In this regard the design has sought to mitigate the loss by providing a green wall which wraps around the apex of the façade. This raises other issues which have been discussed separately below.

In this regard it is considered that the principle of the height and resultant bulk of the scheme could be suitable for the site. However the proposed design is considered to unduly accentuate its scale to the detriment of the scheme. This has been discussed in more detail below. It is instead considered more appropriate, in particular owing to the view afforded of Pond Square, that a more appropriate design approach would have been a proposal which did not include the upper most level on the Highgate High Street / Snow Hill junction, with the current proposal being of an overall height, bulk and mass that would be detrimental to the appearance of the Highgate Conservation Area and the setting of adjoining and nearby listed buildings.

The Apex

Traditionally it is not uncommon for the apex of a building on a corner sites such as this to be curved. In this regard the form of the proposed apex is considered to respond to the historic character of the area. However the cylinder risings above the main body of the building would compromise the traditional form of the apex and create a post-modernist turret which is advised to be incongruous to small schemes in local centres such as this. The appearance is compounded by the secondary cylinder, housing the staircase behind the turret, and the glass conservatory which is regarded as over complicating the façade and traditional apex appearance.

Green wall

From a design perspective a green wall such as that proposed are very prone to failure. Given the prominence of the 'apex tower' it is particularly important to secure the quality and detailing to prevent long term durability issues. A small private scheme such as this presents particular maintenance concerns and requires a high level of maintenance and cost. Thus it is considered that the provision of a green wall on this site is not an appropriate design approach for the reasons outlined above, although the reasoning why the applicant has chosen this approach is duly acknowledged and understood.

Roof level / Materials

The roof level is considered to continue the cluttered appearance of the building, adding to the incoherence and discordant appearance in relation to the more simply adorned and proportioned classical buildings which adjoin the site.

Moreover, the varied forms created at high level would clutter the roofscape and make it hard to construct whilst retaining the level of detailed required in such a sensitive area. Linked to this, the palette of materials introduces 5 varied materials including glass conservatory, green wall, timber weather boarding; zinc roof and render. The combination of these materials is not considered to be a

successful one, creating a confusing and over incongruous collection in any area characterised by traditional brick façades and natural slate/clay tiles roofs. The proposed combination of materials proposed would therefore be detrimental to the character and appearance of the conservation area and harm the setting of adjoining and nearby listed buildings.

Elevations

The disorder occurring at roof level continues to the façades. The role of the brick skin to the High Street façade, which is proposed to moderate between the taller apex element of the building and relate to the traditional plots along Highgate High Street, fails in this respect due to the horizontal emphasis created by the continuation of the green wall to this element of the façade.

In addition, the timber boarding and steps in the façades introduced to the Snow Hill façade help mediate the contemporary form and provide windows without direct overlooking. However, once again, this is considered to create any unnecessary complication harmful to the character and appearance of the conservation area and setting of listed buildings.

Overview

Officers agree with English Heritage's view that there is potential for enhancement on the site, but it is considered that any new development should take a more modest form and size that corresponds to the vernacular character of the site. The proposal incorporates elements which seek to respond to the valued aspects of its surroundings and provides a considered townscape response to the junction. However at present the overly complicated design and overall height response fails to respond positively to its context. The undue level of interest would harm the setting of the classical facades of the listed buildings surrounding the site. The design increases the perception of scale and creates an incongruous roofscape which is out of keeping with the area. The green wall, which would be key to addressing the loss of views through the site, would be very costly to introduce and maintain for a development of this scale. Moreover the green wall would be prone to failing and would seriously harm the character and appearance of the area on this prominent and important junction if it did.

Land use – retail

The application site is located within a designated neighbourhood shopping centre. It would appear from the planning history of the site that the existing flower stall has lawfully been at the site since 2002 as a retail kiosk (Class A1). There is no record of the existing workshop space on the Snow Hill elevation (known as 18 Pond Square). The proposal is to introduce two Class A1 retail units to the site, one on the corner of Highgate High Street and Snow Hill and the other fronting onto Highgate High Street. The principle of providing these retail units is welcomed in line with CS7 and DP12, providing additional retail accommodation within a neighbourhood centre which would be likely to add to the character, function, vitality and viability of the centre. Concerns have been raised during the consultation process about the loss of existing occupiers at the site. In response the Council is not considered to have any specific control over the specific occupiers of the units, and must instead consider the proposals on the basis of providing additional Class A1 retail space at the site, which in line with LDF policies is considered to be appropriate.

Land use – residential

The principle of providing residential accommodation at the site is established in light of policies CS6 and DP2. Housing is the priority land use of the LDF and the proposed development would assist in meeting the Council's housing targets during the plan period.

In terms of the proposed mix of residential units on the site, 1x1 bed and 1x3 bed unit is shown to be proposed. It is considered that this would provide for a mix of small and large units, including one suitable for family accommodation. Given the small number of units involved in the proposals it is not considered that the dwelling size priority table (which prioritises two-bed units) is applicable in this instance. For a scheme of this size and nature the proposed mix of units is considered to be

satisfactory.

Quality of residential accommodation proposed

In terms of the overall floorspace and bedroom spaces of the two units proposed, these are considered to be satisfactory in line with CPG guidance and London Plan standards. A small shortfall was shown in the third bedroom of the upper floor maisonette and the most recently revised plan has omitted the reference to this room being a bedroom. However, given the layout of the unit as a whole it is considered that it is intended for this unit to be a three bedroom unit and it is thus considered on this basis. Moreover, in overall terms it is considered that the residential accommodation will provide a high standard of accommodation for future occupiers of the units.

In terms of the lower ground floor unit, it is acknowledged that this unit would be single aspect owing to the topography of the site. However, there would be sufficient outlook and access to daylight/sunlight created by the proposed windows, which are south facing. There is also a small area of outdoor space created and the rooms are regular in size and appropriate in shape for future occupiers.

In respect of the upper floor maisonette, the rooms are generously sized and the windows are carefully sized and angled in order to minimise overlooking into the building while also providing sufficient outlook and access to daylight/sunlight. It is acknowledged that the proposed windows in the second bedroom at first floor level is small in size, amounting to a thin strip of glazing. However, on balance, this is considered to be adequate for the future occupiers of the unit. In addition, small areas of private outdoor amenity space is provided at first and second floor level, which is welcomed in principle.

In terms of the amenity of future occupiers of the proposed units, it is considered that these will provide adequate outlook, access to sunlight/daylight and not lead to unreasonable levels of overlooking or noise and disturbance.

In respect of lifetime homes, the applicant submitted a lifetime homes assessment at the time of the application. Following comments from the Council's access officer during the course of the application significantly more detailed information has been submitted by the applicant, including clear annotations on the proposed plans. Following the submission of further information during the course of the application, officers consider that the proposals meet the vast majority of standards satisfactorily and no objection is raised to this element of the proposal. If the application had have been recommended for approval a condition would have been added to ensure the standards shown on the plans were carried out in full.

It is also noted that the applicant has not shown a dedicated area for the storage of waste and recyclables. In this instance it is considered that there would be sufficient space within the residential units to accommodate the anticipated levels of waste and recyclables and thus this non-provision is not considered to constitute a reason for the refusal of the application.

Quality of retail accommodation proposed

It is considered that the two retail spaces would provide suitable space for future retailers to viably trade from the premises in the future. The smaller unit on the corner is split over two levels to allow an area for sales and an area for storage. It is considered that it would be suitable for a small florist, as shown on the plans or a retail kiosk selling small items of food and drink for example. The larger unit has an active frontage on Highgate High Street and is also shown to have an on-site kitchenette and toilet, which are services any unit of this size would require as well as sales floorspace. The shape and size of the unit as a whole is likely to make it suitably attractive to future occupiers.

Amenity

In terms of the overlooking to nearby residential occupiers, it is considered that the applicant has fully considered the proposals in this respect and sought to minimise as far as possible opportunities for

overlooking to nearby properties to the east and south of the site. For example, on the upper floors of the south (Snow Hill) elevation no windows directly face towards the opposite properties at this point. Instead the windows are situated at an angle to face towards Highgate West Hill and thus minimise any overlooking to these nearby occupiers. In relation to the proposed outdoor amenity spaces overlooking windows with No. 67 Highgate High Street / 15 Pond Square, this would again be limited owing to the orientation of space at this point and could be controlled via condition in respect of privacy screens if necessary. At third floor level part of the area is shown as a flat roof area of sedum material; a condition would have been added preventing this being used as outdoor amenity space. As such overlooking is not considered to occur to such an extent to warrant the refusal of the application on this basis.

Turning to sunlight / daylight matters, the properties to be considered in full are those to the south of the site, with the primary windows being at first and second floor level within these buildings. Owing to the distance involved (c. 10m), the changes in topography and the proposed design (with the upper most floor being primary to the west side of the site and away from this rear of Highgate West Hill / Pond Square area) it is considered that although there may be some loss of access to daylight and sunlight, this would not be at a level where a significant loss of amenity to neighbouring occupiers would occur.

In terms of outlook, it is considered that nearby residential occupiers would not suffer a sufficiently significant loss of outlook to warrant the refusal of the application on this basis. It is acknowledged that the proposed building would be considerably taller than that existing at the site but the reduction in outlook from nearby properties is not considered to be acute to the degree of refusing the application on this basis. In response to neighbours' specific concern of loss of views of the nearby chapel, paragraph 7.11 of CPG6 states that "the specific view from a property is not protected as this is not a material planning consideration".

In terms of noise and disturbance matters, given the limited size of the external amenity spaces proposed and the small floorspaces and orientation of the retail uses it is not considered that the development would lead to any significant noise or disturbance, once built, to neighbouring or nearby occupiers. If the scheme had been considered appropriate it would not have been considered necessary to impose a condition limiting hours of the proposed Class A1 retail operations.

In relation to crime and safety implications it is considered that the scheme has been developed with these considerations in mind. Prior to the submission of an application the applicant discussed the proposals with the Council's Crime Prevention Design Advisor and it is considered that necessary steps have been incorporated into the proposals to improve the situation in comparison with that existing at the site and also be satisfactory in itself.

Basement excavation

The proposed development involves excavation work at part of the site in order to enable the proposed lower ground floor level to cover the entire site. In line with primarily policy DP27 (but to an extent also CS5, CS14, DP23, DP25, DP26 and guidance contained within CPG4) more information was sought by the Council during the course of the application in respect of the impact of the proposed excavation works on drainage, flooding, groundwater conditions and structural stability.

As a result the applicant submitted a Basement Impact Assessment (BIA) Screening and Scoping Report, following the guidance in CPG4. Based on the information submitted it is evident that the applicant has followed stages 1 and 2 of the BIA process outlined in CPG4. Such information in itself is considered to be satisfactory. However, the applicant has not followed stages 3 and 4 of the BIA process, despite requests from officers during the course of the application that this would need to be undertaken at the application stage to ensure that the proposed basement excavation would not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability, in line with the requirements of DP27.

The information submitted by the applicant confirms that on site investigations (stage 3 of the BIA) "will be required in order to establish physical ground conditions on and around the site". Furthermore

the report also details that further investigations of the existing building will be required to “maintain safety and stability of the surrounding areas”, of the neighbouring building to establish the existing footings (in order to protect the structural stability of this listed building) and of the telegraph pole on the Highgate High Street elevation to avoid disruption and damage during the works. The report then concludes with a range of recommendations for the scope of the site investigations, comprising:

- A topographical and dimensional survey to establish existing ground levels and features on and around the site, levels and wall positions/thicknesses of the existing building and existing manhole positions with drainage invert levels.
- A condition survey of the existing building.
- Ground investigation (GI) to establish physical soil properties, ground water levels and the depth and type of existing footings. The proposed scope of the GI is indicated on the figure below. The borehole and trial pits will be used to confirm the local soil conditions, ground water levels and existing footings. The horizontal cores (or local brick removal) will be used to establish the thicknesses of the existing retaining walls.
- A desk study of information made available by the relevant statutory authorities supplemented with subsurface scans where appropriate.

The information submitted by the applicant states in summary that it is considered that the proposed development would “not materially affect the existing surface drainage and is expected to have minimal impact in terms of the geology and hydrogeology. The site investigation described above will provide sufficient information to confirm unknown aspects of the local geology and hydrogeology so that the proposed subterranean part of the development can be designed and constructed in a manner that will maintain the integrity, stability and safety of the surrounding public areas, buildings and services”.

Based on the information submitted it is evident that the applicant has not yet provided the level of information required by DP27 (and the accompanying policies and guidance) to demonstrate that the proposed basement excavation would not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. Given the sensitive location of the site, within an identified area (within the Arup study, which informed DP27 and CPG4) as being susceptible to each and every main constraint - surface flow and flooding, subterranean (groundwater) flow and land instability – and also the proximity to numerous listed buildings and residential properties to the site and potential for important archaeological remains being present at the site, such information is required prior to the determination of any application at the site and is not considered to be appropriate to be dealt with by way of a condition. Therefore, on the basis of being in the absence of the submission of sufficient information by the applicant, the proposed development has failed to demonstrate that the proposed basement excavation would not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability. Consequently this forms a further reason for the refusal of the application.

Transport

The site has a Public Transport Accessibility Level (PTAL) of 3. Although located within a controlled parking zone the parking stress in the area is below the 0.9 permits to spaces ratio (stress in 2005 was 0.74 and in 2007 was 0.73 for example) where the Council would seek to make the development car-free. In line with paragraph 5.9 of CPG7 (which denotes the highly accessible areas where the Council will seek car-free development have a PTAL rating of 4 and above and stems from CS11, DP18 and DP19) it is not possible to reasonably seek for this development to be made car-free.

In relation to cycle parking, it is acknowledged that the proposed plans do not denote any dedicated space for cycle parking and storage, as would be expected based on CS11, DP17, DP19 and CPG7 Ch9. This would equate to one space for the one bed unit and two spaces for the three bed unit. There is considered to be scope within the units for the required cycles to be stored satisfactorily, with

a condition ensuring this occurred. As such, this non-provision is not considered to form a reason for the refusal of the application in itself.

It is considered that a Construction Management Plan (CMP) is required to be secured via S106 Legal Agreement for the proposed scheme. Without a CMP the proposal would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users and be detrimental to the amenities of the area generally, in line with policies CS5, CS11, DP20, DP21 and DP26 of the LDF and CPG6 Ch8. This is particularly the case owing to the site characteristics and context close to a busy junction, as well as the nature and scale of the proposed development. Owing to the scheme being unacceptable in other respects, the lack of a S106 Legal Agreement in this regard forms a further reason for the refusal of the application. However an informative will also be added to the decision notice specifying that this reason could be overcome, in the context of a scheme considered to be acceptable in all other respects, by entering into a S106 Legal Agreement with the Council.

Turning to highways works, in order to tie the development into the surrounding urban environment, a financial contribution to repave the footway adjacent to the site is considered to be required along the Highgate High Street frontage of the site. This is in line with policies CS11, DP17 and DP21. An added benefit of the highways works is that damage caused to the highway in the area of the proposed highways works during construction can be repaired. This would have been secured via S106 Legal Agreement, with the Council undertaking all works within the highway reservation, at the cost to the developer. An estimate for the cost of this work has been calculated to be £15,050. This includes the cost of the possible works required associated with there being an existing lamp column at the back of the footway which would be affected by the development/construction. The estimate therefore allows for it to be relocated (which may or may not be the case). The estimate also includes contingencies and the Council's fees. Owing to the scheme being unacceptable in other respects, the lack of a S106 Legal Agreement in this regard forms a further reason for the refusal of the application. However an informative will also be added to the decision notice specifying that this reason could be overcome, in the context of a scheme considered to be acceptable in all other respects, by entering into a S106 Legal Agreement with the Council.

Sustainability

In line with CPG3 guidance a code for sustainable homes (CfSH) pre-assessment has been submitted during the course of the application in relation to the two new residential units proposed at the site. The pre-assessment demonstrates that the proposal is likely to achieve in overall terms code level 3 (62.3 of credits), as required. In terms of the minimum standard for the energy, water and materials categories (target 50%) there is a small shortfall in the energy (48%) and materials (46%) categories (water meets 50%), but it is likely that this could be improved at the design or post construction review stage. Thus the pre-assessment is considered to be satisfactory. The design and post construction review stage of the CfSH assessment would have been secured via the S106 Legal Agreement in order to ensure that the measures said to be introduced in order to achieve the anticipated code level 3 rating would actually be achieved in practice. Owing to the scheme being unacceptable in other respects, the lack of a S106 Legal Agreement in this regard forms a further reason for the refusal of the application. However an informative will also be added to the decision notice specifying that this reason could be overcome, in the context of a scheme considered to be acceptable in all other respects, by entering into a S106 Legal Agreement with the Council.

Linked to this, the provision of a sedum roof at the site is welcomed in principle and if the scheme had have been supported further details of this area of roof would have been secured via an appropriately worded condition.

Other matters

In line with the comments from English Heritage Greater London Archaeological Advisory Service (GLAAS), if the application had have been able to be approved a condition would have been added

seeking further details in respect of any possible archaeological remains at the site.

It is also noted that on the proposed plans indicative fascia signs in association with the retail units proposed have been shown. Had the application been able to be approved an informative would have been added denoting that separate advertisement consent may have been required for these elements (depending on the exact nature of the advertisements, a level of detail which was not shown on the plans submitted).

Recommendation

Refuse Planning Permission / Refuse Conservation Area Consent

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