

<b>Address:</b>	Land to the R/O 68-88 Gloucester Avenue & 2 Dumpton Place London NW1 8JD	
<b>Application Number:</b>	2011/1603/P	<b>Officer: John Sheehy</b>
<b>Ward:</b>	Camden Town with Primrose Hill	
<b>Date Received:</b>	28/03/2011	
<p><b>Proposal:</b> Erection of three storey building with basement fronting Dumpton Place to provide a business unit (Class B1) and a terrace of 6 x two/three storey houses with basements (to provide 2 x 3-bedroom and 2 x 4-bedroom private units and 2 x 2-bedroom affordable units) (Class C3) following demolition of existing business premises.</p>		
<p><b>Drawing Numbers:</b> Site location Plan; 02DP 7001; 02DP 7006; 02DP 5001; 02DP 5002; 02DP 5003; 02DP 5004; 02DP 5005a; 02DP 5011a; 02DP 5012a; 02DP 5016; 02DP 5021; 1250/003; Sustainability Statement by AJ Energy Consultants dated March 2011; Energy Strategy by AJ Energy Consultants dated March 2011; Daylight and Sunlight Study (Within Development) by Right of Light Consulting dated 21<sup>st</sup> of July 2011; Daylight and Sunlight Study (Neighbouring Properties) by Right of Light Consulting dated 22<sup>nd</sup> of July 2011; Heritage Statement by CGMS consultants dated March 2011; Assessment of existing Employment Space by HH Merriman of Pater Goodman Merriman Surveyors dated 30<sup>th</sup> of September 2010; Assessment of proposed Employment Space by HH Merriman of Pater Goodman Merriman Surveyors dated 21<sup>st</sup> of March 2011; Phase I Environmental Assessment by WSP consultants dated August 2010; Noise and Vibration Impact Assessment by WSP consultants dated October 2010; Borehole Site Investigation Report dated 31<sup>st</sup> of October 2008 and covering letter dated 17<sup>th</sup> of May 2011 by Knapp Hicks &amp; Partners Structural Engineers; and Planning Statement by CGMS dated March 2011.</p>		
<p><b>RECOMMENDATION SUMMARY: Grant conditional permission subject to a Section 106 Legal Agreement</b></p>		
<b>Related Application:</b>	Conservation area consent	
<b>Date of Application:</b>	28/03/2011	
<b>Application Number:</b>	2011/1604/C	
<p><b>Proposal:</b> Demolition of existing light industrial building.</p>		
<p><b>Drawing Numbers:</b> Site location Plan; 02DP 7001; 02DP 7006; 02DP 5001; 02DP 5002; 02DP 5003; 02DP 5004; 02DP 5005a; 02DP 5011a; 02DP 5012a; 02DP 5016; 02DP 5021; 1250/003; and Heritage Statement by CGMS consultants dated March 2011.</p>		
<p><b>RECOMMENDATION SUMMARY: Grant conditional conservation area consent</b></p>		
<b>Applicant:</b>	<b>Agent:</b>	
Sarena Ltd	CgMs Ltd Morley House 26 Holborn Viaduct LONDON EC1A 2AT	

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	Class B1 - Business		368m <sup>2</sup>
Proposed	Class B1 - Business		523m <sup>2</sup>
	Class C3 - Dwelling House		1233m <sup>2</sup>

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

## OFFICERS' REPORT

**Reason for Referral to Committee: A Minor Development involving the creation of 5 or more residential units [Clause 3 (iii)].**

### 1.0 SITE

- 1.1 The application site comprises a linear strip of land located between the residential terrace of 68-88 Gloucester Avenue and the railway tracks which run into Euston Station. The northern end of the site fronts onto Dumpton Place, a short cul-de-sac which terminates at the boundary wall with the railway land. The southern end of the site terminates at the northern end of a recently-constructed 2-storey mews to the rear of 52-68 Gloucester Avenue, known as Sunny Mews.
- 1.2 The application site contains a part-retained single-storey light industrial building: this is not a listed structure. The remaining part of the site has been cleared. The site is located within Primrose Hill Conservation Area and the adjoining terrace 52-88 Gloucester Avenue is identified as making a positive contribution to the character and appearance of the Conservation Area.
- 1.3 The application site occupies less than half of Site 41 of the draft Site Allocations Document "Rear of 52-88 Gloucester Avenue"; it was also indentified in the UDP sites allocation document. The Allocations Site, taken as a whole, also has a frontage onto Gloucester Avenue and includes a parcel of land on the northern side of Dumpton Place. Neither of these parts of the Allocations Site forms part of the application site.
- 1.4 The part-retained light industrial building is vacant. The previous occupier was a company that serviced Volvo cars.

### 2.0 THE PROPOSAL

- 2.1 Demolition of the remaining part of the existing light industrial building and erection of a 2/3-storey-with-basement linear strip of buildings containing the following residential

accommodation: 2 x 3 bedroom dwelling houses, 2 x 4 bedroom dwelling houses and 2 x 2 bedroom flats (affordable intermediate); and a three-storey-with-basement flexible B1 office/ light industrial building.

2.2 The proposal is for a mews type development of four single aspect houses and two single storey flats set parallel to the terrace on Gloucester Avenue. The properties would be accessed by a private footpath. On Dumpton Place a new business unit building is proposed which will replace the existing industrial building.

### 3.0 **RELEVANT HISTORY**

#### 3.1 **Application Site (Entire Allocations Site)**

##### **PEX0200634 & CEX0200635**

Planning permission was granted on 02/11/04 subject to a S106 (for redevelopment of the site by the erection of a 3 storey B1 Use Class (business use) building located to the rear of 90-108 Gloucester Avenue, the erection of a 2 storey B1 Use Class (business use) building located to the rear of 68-88 Gloucester Avenue, the erection of a 2 storey plus basement terrace of 6 x 3 bedroom houses located to the rear of 52-66 Gloucester Avenue, the erection of a pair of 4 storey plus basement 5 bedroom houses at 46 Gloucester Avenue with a 9 space car park to the rear.

The S106 Legal agreement secured the following:

- Car-capped housing; and
- Education contribution.

The development approved under this application occupied the entire extent of the site as set out in the Schedule of Land Use Proposals of the 2006 UDP together with the neighbouring site on the northern side of Dumpton Place, UDP Proposal Site no. 16 'Rear of 90-108 Gloucester Avenue and 1 Dumpton Place'.

This development has been partially implemented. The residential element to the south-east has been built out in full; this comprises 1-6 Sunny Mews and 46-48 Gloucester Avenue.

#### 3.2 Other Applications

##### **L-shaped site south of Dumpton Place (Part of larger Allocations Site)**

2008/3495/P & 2008/3713/C

Applications were submitted on 24/11/08 for redevelopment of the site including the erection of two 5 bed houses, one 4 bed house and six 3 bed houses, and a two storey office building (943sqm) with access from Dumpton Place and associated car parking and landscaping. (Existing buildings on the site to be demolished). The applications were withdrawn on 25/03/09.

The applications were withdrawn by the applicant following officer advice that the proposal was unacceptable: no affordable housing was proposed on the site although it had capacity to provide 10 or more homes and the proposed residential floor area exceeded 1000sqm. The design of the proposal, in particular in relation to the houses along Gloucester Avenue, was not considered acceptable.

##### **Current Application Site (Part of larger Allocations Site and part of L-shaped site)**

### **2009/1296/P and 2009/1299/C**

Planning permission and conservation area consent were refused on 30/11/09 for the erection of 5 x3 bedroom single family dwelling houses and a three storey office building following demolition of the existing business premises. This application was submitted prior to the part-implementation of the 2004 permission. The reasons for refusal were as follows:

- Sub-division of the site resulting in failure of the scheme to incorporate affordable housing;
- Sub-division of the site resulting in failure of the scheme to incorporate environmental sustainability measures in its use of energy, water and resources;
- Bulk, height and detailed design harmful to the character and appearance of the Primrose Hill Conservation Area and contrary to design policies;
- No details provided with regard to the treatment of the northern end of the adjacent partially-retained light industrial building;
- Failure to meet Residential Development Standards; and
- Concerns regarding community safety within the development.

In addition to these the applicant had not satisfactorily demonstrated that the application would safeguard neighbour sunlight and daylight. The absence of a Legal Agreement securing education, open space and highways contributions as well as car-free housing and a construction management plan was also a reason for refusal.

### **2010/6043/P & 2010/6126/C.**

Applications were submitted on 19/11/10 for the erection of 2 x 2 bedroom and 2 x 3 bedroom single family dwelling houses and a three storey office building (Class B1(a)), following the demolition of remaining part of the existing light industrial building (Class B1(c)), with retention of the southern boundary wall. The applications were withdrawn on 26/01/11.

*The applications were withdrawn by the applicant following advice by officers which raised issues regarding land ownership, mix of units, failure to provide replacement flexible employment space, height in proximity to Gloucester Avenue Terrace, and failure to fully demonstrate compliance with sunlight/ daylight standards.*

## **3.3 Other Sites**

### **1 Dumpton Place**

#### **2008/1322/P**

Planning permission was granted \*\*/09 subject to S106 (signed 23/10/2009) for erection of a building comprising basement, ground and 2 upper floors to provide offices (Class B1) and a building comprising ground and two upper floors to provide six residential units (1x 1-bedroom and 1x 2-bedroom flats and 4 x 3-bedroom dwellinghouses) (following demolition of existing buildings). The following Legal Agreement Heads of Terms were secured:

- A financial contribution for Open Space Provision (£11,273);
- A financial contribution for Education Contribution (£33,436);
- A financial contribution to repave the footpath and to remove the existing vehicular crossovers (£8614.31);
- Sustainability Measures; and
- Construction Management Plan.

## **4.0 CONSULTATIONS**

#### 4.1 **Primrose Hill Conservation Area Advisory Committee: Objection**

##### B Use Class Building - Design

- Object to the massing of the proposed replacement building ... it is damaging to the natural light and sense of enclosure enjoyed by the residential units at 86-88 Gloucester Avenue. The flank building to the Gloucester Avenue side of the proposed B1 building remains considerably higher than the existing rear garden wall. This is in contrast to the existing roof, which starts at a lower point and rises to a height comparable to the proposed extension only at a much further distance from the garden wall ... This is strengthened by the location of the solar panels.
- The CAAC is not satisfied that the design is appropriate to the location, which is industrial and subordinate in character. We had hoped that the design could be modified successfully ... The massing and detailed forms proposed neither preserve nor enhance the character and appearance of the conservation area.

##### Proposed B1 and Housing - affect on natural light to existing dwellings

- We object strongly to the proposed housing in terms of the damage it would appear to do to the existing housing at 68-82 and 86 Gloucester Avenue. We note the report by 'Right of Light Consulting' on adjoining properties referring to the BRE recommendations. We are appalled by the statement, at 4.3.2, that the 'fail results that occur in this instance are acceptable'. It appears to us that 14 out of 73 windows fail the BRE recommendations. This is a significant deterioration in the quality of existing housing, and is wholly unacceptable....\*

##### Proposed Housing - Design

- We are not satisfied that the quality of the new housing accommodation is satisfactory – who will use a basement cycle store? –... the new design of the glazed upper parts threatens the neighbours with light pollution. The part of the scheme already built, seems successfully to have addressed the difficult problems which are the result of the nature of the site. The present proposals still do not.

##### Housing - Other Issues

- Refuse provision is too small...
- We are sceptical about the management of the access way... in the context of the recent problems of fire engine access in Kingstown Street.
- Will the Council be able to enforce the car-free scheme? We know that it has not been able to do so in other so called car-free schemes in the area.

\*Officer Comment: the majority of these apparent breaches of BRE guidance were as a result of errors by the applicant's sunlight/daylight consultants in failing to correctly assess the impact of the scheme. These have now been corrected and the applicant has demonstrated that the application fully complied with sunlight/ daylight standards in relation to all affected properties (full discussion of Neighbour Amenity is within the Assessment Section below).

#### 4.2 **Adjoining Occupiers**

In addition to letters of notification to neighbours a site notice was displayed from 21/04/11 to 12/05/11 and the application was advertised in the press on 28/04/11. On 28/03/11, when the application was received, the 6 houses on Sunny Mews were not registered with the Council. Since then the properties have been registered and now occupied. During the course of application it came to officers' attention that, as these properties were not registered at the time the application was received they were not directly consulted when the original consultation was undertaken. Officers therefore wrote to each of the properties to make occupiers aware of the application and to advise them that the Council would be able to accept comments for a period of three weeks until 10<sup>th</sup> of August. Any comments

that are received after the closure of the Agenda will be reported to Members in the Supplementary Agenda.

<i>Number of letters sent</i>	69
<i>Total number of responses received</i>	6*
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	6

\* Including an objection on behalf of the residents of all units within 70-72 Gloucester Avenue.

All the objections raised were from residents in Gloucester Avenue. In summary the following concerns were raised:

- Proposal does not respect the height of the existing retaining wall or the apex of the existing industrial building thereby leading to a loss of daylight, privacy and garden amenity for 68-88 Gloucester Avenue especially flats at ground and first floor levels;
- Dust and nuisance as a result of construction;
- Business unit and houses 2 and 3 out of scale with surrounding area;
- Increased parking congestion in the street;
- ‘We do not want “affordable units” at the back of our property. We have invested a lot to live here and want it to remain private’;
- The retaining wall at the back of the properties is planted with creepers and is a valuable wildlife habitat. Any alteration to the wall would be detrimental to occupiers of Gloucester Avenue;
- The height of the proposed houses should not exceed the height of our garden wall and previous building;
- Proposal represents “overdevelopment”;
- Why does the development project above the retaining wall – this is not the case with r/o 52-68 Gloucester Avenue;
- Safety aspect of the development: no fire engine or ambulance would be able to get closer than Dumpton Place and rubbish collections would also be a hazard;
- HS2 is going beneath these proposed buildings;
- “I realise that a scheme will have to be approved in the end but I do hope it will be a more sympathetic one that does not make living on this unsuitable site more unattractive than it need be”;
- Scheme does not look like recently constructed adjacent “Sunny Mews”;
- How will large roof areas of moss/ sedum be maintained?
- Will flat roofs become roof terraces and where will water drain?
- Negative impact on quality of life of neighbours; and
- Gated development goes against nature of Primrose Hill generally.

## 5.0 POLICIES

### 5.1 LDF Core Strategy and Development Policies

#### **Core Strategy Policies**

CS1 Distribution of growth

CS4 Areas of more limited change

CS5 Managing the impact of growth and development

CS6 Providing quality homes

CS8 Promoting a successful and inclusive Camden economy

CS10 Supporting community facilities and services  
CS11 Promoting Sustainable and efficient travel  
CS13 Tackling climate change through promoting higher environmental standards  
CS14 Promoting high Quality Places and Conserving Our Heritage  
CS15 Protecting and Improving our Parks and Open Spaces & encouraging Biodiversity  
CS17 Making Camden a safer place  
CS19 Delivering and monitoring the Core Strategy

### **Development Policies**

DP1 Mixed use development.  
DP2 Making full use of Camden's capacity for housing  
DP3 Contributions to the supply of Affordable Housing  
DP5 Homes of different sizes  
DP6 Lifetime homes and wheelchair homes  
DP13 Employment premises and sites  
DP16 The transport implications of development  
DP17 Walking, cycling and public transport  
DP18 Parking standards and the availability of parking  
DP19 Managing the impact of parking  
DP20 Movement of Goods and Materials (CMP/SMP)  
DP21 Development connecting to the highway network  
DP22 Promoting sustainable design and construction.  
DP23 Water  
DP24 Securing high quality design  
DP25 Conserving Camden's heritage  
DP26 Managing the impact of development on occupiers and neighbours  
DP27 Basements and Lightwells  
DP28 Noise and Vibration  
DP29 Improving access  
DP31 Provision of, and improvements to, public open space and outdoor sport and recreation facilities  
DP32 Air Quality and Camden's Clear Zone

## **5.2 Supplementary Planning Policies**

Primrose Hill Conservation Area Statement  
Camden Planning Guidance 2006 and 2011

## **6.0 ASSESSMENT**

### **Main Issues**

6.1 The main issues relating to this application are as follows:

- Land Use/ Principle of Development;
- Design/ Impact on Conservation Area;
- Transport;
- Sustainable Design and Construction;
- Mix and Quality of proposed Units/ Lifetime Homes/ Wheelchair Accessible Housing;
- Neighbour Amenity;
- Basement/ Structural Implications; and
- Financial Contributions.

Land Use/ Principle of Development

### *Background*

- 6.2 The application site is a rectangular parcel of land on which the business-use building, approved as part of the 2004 permission would be located. This building, which has not yet been built, would be 2-storeys in height providing ca. 2000sqm of business space.
- 6.3 In November 2009 an application relating to this parcel of land was refused. Following this refusal, the applicant went on to part-implement the 2004 permission (which was still extant at the time) by construction of the residential element of the scheme: this is located at the south of the site.
- 6.4 The application seeks permission to build out the north-western part of the site in a different layout to that approved in 2004.
- 6.5 The proposed layout would provide 2 x 3 bedroom dwelling houses, 2 x 4 bedroom dwelling houses and 2 x 2 bedroom affordable (intermediate) flats; and a three-storey-with-basement flexible B1 office/ light industrial building at its northern end fronting onto Dumpton Place. The application would continue the development pattern of the recently constructed Sunny Mews terrace, being adjacent to the retaining wall to the Gloucester Avenue properties; and would involve a smaller quantum of employment floor space compared to that previously approved (522sqm).

### *Site Allocations Context*

- 6.6 The presence of the site in the Site Allocations Preferred Approach provides a framework for the type of applications the Council would encourage on the wider site. The preferred use as set out in the UDP and draft LDF is for mixed use development to include residential and Class B1 (or appropriate B2) use.
- 6.7 The Council would expect development to be in accordance with the guidance set out in the Site Allocations Preferred Approach, and where development is proposed that is not in accordance with the guidance set out, planning permission will not be granted unless it can be demonstrated that specific site constraints or changing circumstances dictate an alternative form of development. In the case of the wider Allocation Site, which the application site forms part of, if it were to be developed as a whole, given its scale, it would have required the provision of affordable housing and the scope to achieve environmental sustainability standards associated with major developments over the whole site.
- 6.8 It is understood that the entirety of the site was within one ownership during the course of the previous applications and that this is still the case, though the blue line on the Site Location Plan fails to acknowledge this. During the course of the recently withdrawn application (January 2010), which followed part-implementation of the 2004 scheme, officers raised concerns over the failure to clarify whether the site was in one ownership and therefore to justify the failure to provide affordable housing and environmental sustainability measures associated with major developments, both of which would have been triggered in the case of comprehensive development.
- 6.9 The site has a preferred use as mixed Class B1 and residential, and the proposals comply with this aspect of the Site Allocations Framework. The principle of additional residential floor space which the application proposes is also supported as a priority land use under CS6 and DP2.
- 6.10 The proposal involves the provision of residential floor space in excess of 1000sqm (1233sqm). Normally this quantum of floorspace is considered to have potential to provide 10 or more self-contained units: this would trigger the need to provide affordable housing (6 units are proposed in this instance). In preparing the scheme the applicant has had regard to policy DP3 which states that for sites which are adjacent and related and which provide



more than 10 residential units the affordable housing contribution should be assessed together. In this case the related sites are the two parts of the Allocations Site to the rear of Gloucester Avenue which officers understand to be within 1 ownership. In order to address these various ownership and land use issues the applicant has stated that 2 of the 6 units on the site would be Affordable Intermediate housing units (both 2-bedroom flats) and they will provide enhanced sustainability of the buildings. The combination of this quantum of Affordable Housing and the enhanced sustainability measures proposed is a proportionate response to the land designation, quantum of proposed housing in floor space terms and ownership issues associated with the site. Prior to submission of the application the applicant discussed the design of the proposed Intermediate housing with Dominion Housing Group. They have shown an interest in purchasing and managing these units following completion. The provision of these Affordable Intermediate units is welcomed and is secured by Legal Agreement (see below for further discussion of Sustainable Design and Construction).

### *Employment Use*

- 6.11 A report on the existing part-retained employment building prepared by Cubic Building Surveying has been submitted. This outlines that the existing employment space has limitations on the internal height in some places; that there is 100% site coverage with no yard space (requiring servicing on street); and there is limited potential for the space to be subdivided to smaller spaces for a number of occupiers. There is thus limited potential for the building to be adapted for future flexible employment use. Many of these features are also present in the employment element of the 2004 permission which has not been built out in full: the approved employment space (2004) also had 100% site coverage, would not have high ceilings or a servicing bay and would have a small goods lift. The limited flexibility of the approved employment space means that the space would lend itself principally to office use.
- 6.12 Policy CS8 (Promoting a Successful and Inclusive Camden Economy) seeks to ensure that the borough retains a strong economy. It seeks to do this by, amongst other things, safeguarding existing employment sites that meet the needs of modern industry and employers. DP13 provides more detailed information as to how these aims will be implemented.
- 6.13 Policy DP13 (Employment Premises and Sites) states that the Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business use unless it can be demonstrated that the site is no longer suitable for its existing business use; and there is evidence that the possibility of re-using or redeveloping the site for alternative business use is not viable.
- 6.14 If employment space is provided within a redevelopment scheme, under these policies the space needs to provide flexible features that would enable B1 use outside of solely B1a (office) use. This is in order to ensure economic diversity, mixed-use character and a range of employment opportunities in the local area.
- 6.15 In the case of this application the pre-existing building was a car repair and maintenance centre providing some flexible features. As existing, the building has been largely demolished in line with the approved scheme and is exposed on its southern side.
- 6.16 The proposed employment building contains an on-site servicing bay with large folding doors, which would allow servicing by vans and delivery vehicles. The building would have large windows and a goods lift; its large floor plates would allow for future subdivision. The proposed redevelopment satisfies the aims of CS8 and DP13 in providing high quality, flexible employment floor space that, while smaller than the approved, would have

significantly better flexible features, would still retain a strong employment element on the site and would be more likely to be occupied than the less flexible existing and approved space.

- 6.17 The current application represents a considerable enhancement in quality and flexibility on the existing employment space and the employment element of the part-implemented scheme.

#### *Land Use Conclusion*

- 6.18 The proposal would occupy land which benefits from an extant permission which has not been built out in full. This permission does not trigger a contribution to affordable housing or the need to provide environmental sustainability measures associated with major developments. In addition, the mix of units proposed in this scheme does not, in itself, trigger an affordable housing contribution or the need to provide stringent environmental sustainability measures associated with major developments. However, given its designation within the Site Allocations Document and the apparent retention of the wider site within one ownership, the provision of 2 Affordable Intermediate units as part of the 6-unit scheme is a reasonable and proportionate response to the Council's aspirations to see the site built out in full. Enhanced environmental sustainability measures have been provided compared to previous schemes. In addition, the proposed employment space is of a high quality and will enable flexible use within Class B1 with a good standard of off-street servicing: this will retain a strong and viable employment presence on the site. The application is considered to comply with all relevant land use policies and guidance.

#### Design/ Impact on the Conservation Area

- 6.19 The Council's design policies CS14 'Promoting high Quality Places and Conserving Our Heritage', DP24 'Securing High Quality Design' and DP25 'Conserving Camden's Heritage' are aimed at achieving a high standard of design in all developments and preserving the architectural quality of buildings.
- 6.20 Regard has therefore been had to CS14 and DP24. In terms of this application, the following considerations contained within the latter policy are relevant:
- development should consider the character, setting, context and the form and scale of neighbouring buildings;
  - the provision of visually interesting frontages at street level;
  - the quality of materials to be used; and
  - the provision of appropriate hard and soft landscaping including boundary treatments.
- 6.21 Policy DP25 states that within Conservation Areas, the Council will only grant permission for development that preserves or enhances the character and appearance of the Conservation Area.
- 6.22 The remainder of a 20<sup>th</sup> Century light industrial building occupies the application site: it is a low-rise single storey brick structure, now open on its southern side. The building has a gable end with 3 windows and a loading bay onto Dumpton Place, and a number of multi-paned metal-framed windows onto the railway tracks. The building is not recognised as positive in the Conservation Area Statement and therefore no PPS5 demolition assessment is required.

- 6.23 Due to the location of the site at the rear of the terrace 68-88 Gloucester Avenue, it is not very prominent within the Conservation Area; the breadth of the railway cutting results in the site having little prominence when viewed from across the tracks.
- 6.24 The rear gardens of the nearby terrace are short and are currently terminated by a high boundary wall contiguous with the proposal site.
- 6.25 The scheme has been amended following previous refusals and withdrawals. In design terms the main changes include; removing the glazed links to residential units and reordering the business unit to accommodate the upper floor away from the existing terrace.

#### *Residential*

- 6.26 The houses have been designed thoughtfully to address the single aspect nature and the impact on the Victorian Terrace. The properties are the height of the existing boundary wall at point of contact, and a pair of houses step up by an additional storey on the cutting side (at a point 4.5m from the retaining wall to the Gloucester Avenue terrace). Lightwells and glazed hall/stair/landing areas thoughtfully provide light into the properties. Amenity has been provided at ground level in sunken lightwells and balconies overlooking the walkway. The facades have a good domestic rhythm and legibility informed by the strong program of solid rendered walls and glazed circulation spaces.
- 6.27 The houses are more thoughtfully designed than in the previous applications. The height is relative to the existing warehouse retaining wall and respectful to the impact on the Victorian Terrace. The glazed links have been removed from the previous application with projecting atria/stairwells to the second floors of the central houses. The use of timber louvres at the projecting elements help soften this elevation and contextualise it with the tones and textures of the rear garden setting, as well as reducing any light spillage to neighbours.
- 6.28 In order to ensure that the properties are altered in a manner which respects the quality of their original design and layout a condition is attached removing Permitted Development Rights from the 4 dwellinghouses which form part of the application.

#### *Office/Industrial*

- 6.29 The site widens as it faces Dumpton Place: the existing employment building follows the line of the high wall to the railway cutting. The proposal is for a two and three storey building, larger than the existing. A servicing bay is located between the proposed building and the boundary to the rear of Gloucester Avenue. The proposed building steps up from 2 to 3 storeys, with greater mass adjacent to the cutting.
- 6.30 The building does not over dominate or have a visual impact on the terrace due to its location or its bulk. The design of this block retains the industrial character and appearance typical of secondary service units in the area and reflects the scale and size of the property on the northern side of Dumpton Place. The use of brick (with render on the ground floor) is welcomed. The materials and detailing are controlled by way of condition.

#### *Other design issues*

- 6.31 The applicant has submitted a detailed landscaping plan by Colvin and Moggerich Landscape Architects. This includes generous planter beds as buffers to the flats as well as planting to the retaining wall to the cutting. A wide range of species is proposed. The

landscaping details are considered to represent a well thought out element of the design. They are welcomed and their implementation is secured by condition.

- 6.32 The Council's design policies including DP24 encourage permeability into and through developments. The residential element of the scheme would be accessed via a gate on the Dumpton Place frontage. The inner space within this development would have a character similar to that of a private courtyard within an apartment building where general access is controlled. When Primrose Hill was laid out in the mid 19<sup>th</sup> Century, this site and the other back land sites east of Gloucester Avenue were intended as a buffer between the railway land and the residential terraces on Gloucester Avenue and have historically been in employment use: there has never been a route in this location. In addition, the Council did not object to the gating of this entrance as part of the previous refusal which had a layout in many ways similar to that proposed as part of this application. In light of these points no concerns are raised with controlling the access to the site by means of a gate at the Dumpton Place frontage. The recently constructed Sunny Mews has a layout similar to the proposed application with a ground floor walkway on the side of the cutting. While the Council would encourage the applicant to join up the internal walkways to these sites, Sunny Mews is outside the red line of this application site and it would be unreasonable for the Council to insist that these walkways be joined.
- 6.33 Neighbours have expressed concerns that the proposal may result in alterations to the retaining wall to the properties on Gloucester Avenue. No alterations to the height, design or appearance of the retaining wall as it addresses the properties on Gloucester Avenue are proposed.

#### *Design/ Conservation Area conclusion*

- 6.34 The proposal would be consistent with Camden's design policies and would preserve the character and appearance of the Conservation Area.

#### Transport

- 6.35 The site has a Public Transport Accessibility Level (PTAL) rating of 5, which indicates that it is highly accessible by public transport. The nearest underground station is Chalk Farm. The nearest bus stops are located on Chalk Farm Road, to the north of the site, and Prince Albert Road to the south.
- 6.36 The site is located within Controlled Parking Zone CA-J, which operates between 8.30am and 6.30pm Monday to Friday. No off-street parking is currently provided and none is proposed. The nearest on-street parking bays are located on Dumpton Place, adjacent to the site. In line with Policy DP18 the applicant has stated that they are willing to enter into a Car Free Agreement in respect of the proposed residential units: this is welcomed. This would prevent the future occupiers from obtaining on-street parking permits from the Council. The employment space is also designated as car-free, to be secured by means of the Section 106 Agreement.
- 6.37 Cycle parking for the two flats would be provided at ground floor level outside each unit, which is acceptable. The provision of this is secured by condition. The houses do not have external cycle spaces; however they are of a scale to easily accommodate ample space for storage and cycle parking internally or within their outdoor (lightwell) spaces.
- 6.38 Cycle parking for the B1 use would be provided within the basement and would be accessed by means of a lift. This arrangement is acceptable, further details of the layout of the store are required, this should be secured by a condition that requires 8 cycle parking spaces (4 Sheffield stands) to be provided.

- 6.39 The applicant has indicated that they are willing to enter into a Section 106 Agreement to provide a Construction Management Plan. This is considered necessary given the scale and location of the development and is secured by Legal Agreement.
- 6.41 The applicant states that they are willing to fund a scheme of landscaping at the eastern end of Dumpton Place, in front of the site. Such a scheme would improve the quality of the environment and would be related to the scale and nature of the proposed development. A design scheme by Colvin and Moggrich Landscape Architects has been proposed. Officers have concerns with regard to some elements of the scheme including retaining access to the property located opposite the site, 1 Dumpton Place, which is occupied by a Volvo servicing centre. On the whole such a scheme is welcomed, however further work on its design is required. A contribution towards public realm improvements in the immediate vicinity of the site is included as a Head of Term to the Legal Agreement. This will facilitate further negotiation on the layout and design of any works. Any scheme will be informed by track plots illustrating vehicular access to the Volvo centre and will retain and safeguard servicing to the proposed residential units.
- 6.41 The proposed layout includes the provision of an off-street servicing area for the B1 unit. This can only be accessed by smaller vehicles, such as transit vans, and would require them to either reverse off or onto the public highway when entering/leaving the site. Whilst this arrangement would not normally be acceptable, it is considered acceptable in this case, given the small size of the unit, the number of servicing movements would be low.
- 6.42 The proposed B1 servicing arrangements require the relocation of 2 on-street parking bays. The transport team have advised that they have no objection to relocation of the bays this will be secured by S106 agreement. Any alteration to existing Traffic Management Orders and associated road markings will need to be funded by the applicant through the Section 106 Agreement.

#### Sustainable design and construction

- 6.43 Policy DP22 requires new build developments in excess of 5 units to achieve a “Good” score in a Code for Sustainable Homes Assessment and a minimum score in the following sub-category: Energy, materials and water 50%. In order to be considered as “Good” a development needs to achieve an overall score of 58%. The applicant has submitted a Code for Sustainable Homes pre-assessment for the residential element of the scheme carried out by AJ Energy. The preliminary score calculated to be achieved is 58.6%, achieving the required level of “Good”. The proposal would fall short in the subcategory of Energy (achieving 35% of available credits, below the target of 50%) however it would perform well in other key subcategories Materials (achieving 57% of available credits) and Water (achieving 83% of available credits). The requirement to achieve the 50% target for the Energy subcategory is included in the Section 106 Legal Agreement: the applicant will need to enhance the Energy performance of the building in order to reach this target in the post-construction assessment. This is considered to be achievable as there would appear to be scope to achieve credits in the Fabric Energy Efficiency as the building is new-build (0 out of 9 credits achieved in pre-assessment) and the assessment fails to take into consideration some items that are provided on site such as cycle storage.
- 6.44 Policy DP22 requires new build developments in excess of 500 sqm of non-domestic developments to achieve a “Very Good” score in a BREEAM Assessment and minimum scores in the following sub-categories: Energy 60%; Water 60%; and Materials 40%. A BREEAM pre-assessment has been prepared by AJ Energy Consultants. This preliminary assessment states that the scheme can achieve an overall score of 60.66%, meeting the

minimum 'very good' target and also the required score in all of the key subcategories: Energy (61.90%), Water (66.67%) and Materials (46.15%).

- 6.45 Compliance with these standards is secured by means of a Legal Agreement with a requirement for a post construction assessment.
- 6.46 While not specifically required by LDF policies for an application of this scale an energy strategy prepared by AJ Energy Consultants has been submitted. The use of photovoltaic panels at roof level of the employment building and air source heat pumps (for water and space heating) are proposed in order to reduce carbon emissions. The measures proposed achieve a saving of 16.4% in carbon dioxide emissions compared to the baseline. This is secured via Legal Agreement.

*Biodiversity/ ecology*

- 6.47 Policy CS15 seeks to ensure that new development conserves and enhances wildlife habitats by greening the environment. This site has no existing greenery and has limited nature conservation or ecological value with very limited habitats due to the former full site coverage by the existing employment building. A landscaping scheme prepared by Colvin and Moggerich Landscape Architects has been proposed as part of the application. Extensive areas of green/ sedum roofs and planting have been proposed. These are welcomed as an enhancement to local amenity and the local environment. These will also assist in absorbing rainfall and reducing discharge into the drainage system: this is an enhancement compared to existing conditions on the site which has very little capacity to absorb rainfall before it is discharged into the drainage system.
- 6.48 A condition is attached to the decision notice to ensure that the landscaping details are carried out prior to occupation of the development. A further condition is attached which requires the submission of details for the construction and maintenance of the green roofs. The proposal is considered to represent a significant improvement on biodiversity/ecology within and around the site.

Mix and Quality of New Housing

- 6.49 The proposed housing is in the form of a linear strip of two and three storey-with-basement houses and a 2-storey building with 2 flats, one on each level. To the front, there would be a walkway between the houses and a high boundary wall to the railway cutting.

*Residential Development Standards*

- 6.50 The proposed pairs of houses (2 x 3 bedroom and 2 x 4 bedroom) have their entrance, kitchen and living rooms at ground floor level level; the upper floors would have bedroom accommodation; and the basement area would have ancillary storage and also 1 bedroom which, in the case of all 4 buildings would face an open garden located at the bottom of a sunken lightwell. The flats would both be 2-bedroom and would both have combined kitchen/ living rooms.
- 6.51 Camden Planning Guidance states that new self-contained dwellings should satisfy the following minimum areas for overall floorspace (excluding communal lobbies and staircases):

Number of persons	1	2	3	4	5	6
Minimum floorspace (m <sup>2</sup> )	32	48	61	75	84	93

6.52 Camden Planning Guidance also requires first and double bedrooms to measure a minimum of 11.0m<sup>2</sup> and other bedrooms to measure a minimum of 6.5m<sup>2</sup>. Of the four houses proposed two measure 214m<sup>2</sup> and two measure 240m<sup>2</sup>; the 2 flats are both 2-bedroom (3-person) units measuring 63.6m<sup>2</sup> each. All of the proposed units comply with these floor space standards and provide a high standard of residential accommodation in terms of layout, room sizes, ventilation and outlook in compliance with policy CS6 and the Residential Development Standards contained in Camden Planning Guidance. The two flats (both of which would be Affordable Housing – Intermediate) would have good quality open space in the form of a garden at ground floor level and a generous balcony at first floor. These units would be set back from the walkway behind a planted buffer.

6.53 It is noted that the houses significantly exceed minimum floor space standards; however, this is principally as a result of the layout at basement level, providing 96.3m<sup>2</sup> in the case of all 4 houses. As the provision of self-contained residential units entirely at basement level is not encouraged by Camden's policies and guidance there is limited scope for this basement accommodation to be used for anything other than ancillary residential space for the dwellinghouses.

#### *Housing Mix*

6.54 The proposed mix is 2x2-bed units, 2x3-bed units and 2x4-bed units. This mix is welcomed in terms of providing a range of smaller units and large family units on the site and generally meeting the needs of the Dwelling Size Priorities Table appended to Policy DP5.

#### *Lifetime Homes and Wheelchair housing*

6.55 Under Policy DP6 all new homes should comply with Lifetime Homes criteria as far as possible. The applicant has submitted a Lifetime Homes assessment which addresses some of the 16 points of the criteria. The constraints of the site are such that not all of the criteria can be met, but the measures proposed are acceptable in this instance.

6.56 Policy DP6 states that 10% of homes should be designed to meet wheelchair housing standards or to be easily adapted to meet them. The properties all have entrances at ground floor level and are capable of being adapted to meet wheelchair housing standards apart from one of the two proposed flats which is accessed by stairs.

6.57 The refuse/ recycling storage for the employment use is located to the rear of the servicing yard. This space would allow convenient collection from the public highway and is large enough to comfortably accommodate all refuse and recycling generated by the employment use prior to its collection.

#### *Internal sunlight/ daylight levels*

6.58 The applicant has submitted a sunlight/ daylight report prepared by Rights of Light Consulting assessing internal daylight and sunlight levels. This assesses the properties in terms of Average Daylight Factor which is the most appropriate measure for new build development. The results of the assessment indicate that the proposal would provide good levels of internal daylight in compliance with BRE guidelines. It is recognised that levels of sunlight will be limited due to the orientation of the site facing north-east and the large solid retaining walls to the front and rear. However, the applicant has provided light wells and glazed circulation areas which maximise the access to sunlight in line with BRE Standards and Policies DP26 and DP2.

#### *Refuse storage*

6.59 Bin stores to the front of each house would provide space for refuse and recycling storage; stores to the front and side of the flats would provide refuse and recycling storage. This refuse storage would open onto the walkway and would be conveniently located for access

to the public highway. The stores would be covered and secure and would not be detrimental to residential amenity of occupiers or neighbours through fumes, vermin or other disturbance. The area is considered to be capable of exceeding the Council's minimum standards for the storage of refuse and recycling and as such no further details are required; implementation/retention is secured by condition.

#### *Noise and Vibration*

- 6.60 A PPG24 Noise and Vibration assessment has been prepared by WSP Consultants, dated October 2010 and submitted with this application. This assessment measured the noise conditions within the site and specifically at the noise-sensitive boundaries to the railway tracks. The Council's Environmental Health officers have confirmed that the noise and vibration levels have been accurately assessed and that Camden's Noise conditions will be met provided the noise mitigation measures specified in the report are implemented. The Council's standard condition is attached.
- 6.61 No details for air handling equipment or plant are proposed as part of the application. Any such equipment will need to comply in full with Camden's noise conditions and will require full planning permission prior to its installation.

#### Neighbour Amenity

- 6.62 The key considerations in terms of neighbour amenity as identified by Policy DP26 are impact on sunlight, daylight, outlook and privacy.

#### *Sunlight/ daylight*

- 6.63 A Sunlight and Daylight report was prepared by Right of Light Consulting and submitted with the application. As part of this report Vertical Sky Component, No Sky Line and Average Daylight Factor tests were carried out. As noted above the version of the report which was initially submitted included a number of apparent breaches of BRE guidance. These were as a result of errors by the applicant's consultants in failing to correctly assess the impact of the scheme on neighbouring properties. These errors have now been corrected and the applicant has demonstrated compliance with BRE Guidelines in terms of impact on daylight to neighbours.
- 6.64 The site is located to the north and east of neighbouring terraced properties and generally follows the line of the existing retaining wall. As a result of its layout, scale and location the proposal would not have any significant impact on sunlight to neighbouring properties. This is also demonstrated within the consultant's report.
- 6.65 The application complies in full with sunlight and daylight to neighbouring occupiers in line with Policy CS5, DP26 and BRE Guidance.

#### *Outlook*

- 6.66 When viewed from within the properties on Gloucester Avenue the proposal is generally at the height of the existing retaining wall and only exceeds this height at the larger employment building and at houses 2 and 3. The mass of the employment building is located adjacent to the railway cutting and set away from the rear walls of the closest properties 84, 86 and 88 Gloucester Avenue; and houses 2 and 3 have an upper floor which projects above the retaining wall however this additional mass is located away from the shared retaining wall by a distance of 4.5m.
- 6.67 It is recognised that the cumulative impact of additional built space can, in some cases, result in an increased sense of enclosure to the rear garden areas, rear residential



windows, rear balconies and rear terraces of neighbouring properties. However, in this case, there is an existing high solid garden wall to the rear of the neighbouring properties which will substantially block views of the proposed employment building. The employment building will be visible above this from some vantage points, however due to the size and location of the development and separation distances to nearby rooms and garden spaces, the proposal would not have a significant impact on the outlook or sense of enclosure of neighbouring properties or their outside amenity spaces.

- 6.68 The neighbouring upper floors currently overlook an unattractive industrial roof. The proposed large areas of green roof will improve the outlook from these upper floors.

*Privacy*

- 6.69 The proposal does not involve any windows, balconies or roof terraces which directly face, or which could be used to afford views deep into, any neighbouring properties to the detriment of visual privacy of occupiers. If the flat roofs of the proposed buildings were used as amenity space they could be used to afford views of the nearby terrace to the detriment of the privacy of occupiers of these properties. A condition is therefore attached to ensure these flat-roofed areas are used for maintenance purposes only. A further condition is attached to ensure that the projecting elements of houses 2 and 3 are fitted with obscure glazing to prevent loss of amenity by views back towards the nearby terrace.

*Neighbour amenity conclusion*

- 6.70 The proposal would not result in any significant disturbance or loss of amenity to neighbouring occupiers and the application is fully consistent with policies CS5 and DP26.

Structural and groundwater implications

- 6.71 The applicant has submitted a Geotechnical and Structural Report prepared by Knapp Hicks and Partners and an Environmental Assessment by WSP Consultants to accompany the application.

- 6.72 A sample borehole, trial pits and laboratory testing were used to establish existing soil and groundwater levels. Due to buried services and anticipated obstructions in the ground the borehole investigation was limited to a single point to a depth of 20m. The Environmental Report also provides details of other borehole surveys in the surrounding area.

- 6.73 The proposal is in accordance with the basement guidance and policy DP27 insofar as:

- The excavation would be confined to the existing building footprint and would not result in loss of any garden or soft-landscaped space;
- The properties along Sunny Mews are contiguous with the excavation and have basements. Otherwise the site is adjacent to roadways, gardens and railway land with no buildings contiguous with the site;
- The houses would require circa 2.8m of excavation to provide 2.5m headroom and associated floorslab. The headroom to the business space at basement level is 3.2m, with a total excavation of 3.5m;
- There are no trees within or adjacent to the area of excavation which would be affected by the proposal;
- Other than rooflights within the walkway there are no external manifestations of the basement;

- While the extent of natural light to the basement residential rooms would be limited, this is considered acceptable in the context of the overall residential quality of the dwellings which these rooms would form part of.

- 6.74 As well as the borehole survey the Structural and Geotechnical Report by Knapp Hicks also provides information on trial pits that were dug. The results of the on-site surveys demonstrate that the soil is made up of mixed made ground to a depth of 3.8m; beneath this there is a level of 1.15m of silt/clay alluvium; London Clay is present from a depth of 4.65m to 20m. The survey information and analysis are considered to provide an accurate picture of existing soil conditions and to anticipate potential changes in ground conditions. The measures proposed to mitigate structural impacts are 600mm diameter contiguous piled foundations (the most appropriate type of foundation for a London clay soil): and all floor slabs to be of suspended construction.
- 6.75 Map 5 of the London Borough of Camden Local Development Framework Core Strategy does not identify Dumpton Place as a street which flooded in 1975 or 2002 nor is it identified as being within an area with potential to be at risk of surface water flooding, though it is noted that the nearby Gloucester Avenue is identified as having flooded in 1975. The survey information and analysis provided in the Soil and Structural Report and Environmental Report are considered to be sufficiently detailed to demonstrate that any changes to the groundwater table would be limited and localised.
- 6.76 The reports provided fully address the structural and groundwater implications of the development in line with the requirements of Policy DP27.

#### Financial Contributions

##### *Open Space*

- 6.77 Within residential developments which create 5 or more additional dwellings policy DP31 requires the provision of 9sqm of open space per person. Open space provision will initially be expected on site, and if this is not possible, by making land available as open space or by paying a financial contribution. The proposed development would result in the creation of 18 bed spaces: this equates to a requirement to provide 162sqm of open space (18 x 9sqm). A total of 302sqm of shared private open space is provided on-site, with further open space provided within the units in the form of balconies and sunken gardens. The amount of open space provided on site is in excess of the overall amount of open space required and a contribution is not sought in this instance: there are no further requirements in the context of policy DP31.

##### *Education*

- 6.78 All residential developments involving a net increase of 5 or more units will normally be expected to provide a contribution towards education provision in the Borough. The contribution sought is proportionate to the size of dwellings proposed, and is not sought for single-bed units, as these are unlikely to house children. On the basis of the unit mix a contribution of £48,798 is sought via Legal Agreement.

#### Other issues

##### *Land contamination*

- 6.79 The former use of the site as a car repair site could have potentially led to contamination at the site.
- 6.80 Part of the Environmental Report by WSP Consultants comprises a programme of ground investigation for the presence of soil and groundwater contamination and landfill gas. The risk of contamination is identified in the report as "medium", however tables detailing levels

of contamination on site have not been provided. A condition is therefore attached requiring the applicant to submit an updated programme of ground investigation for the presence of soil and groundwater contamination and landfill gas for approval by the Council, with appropriate remediation measures proposed. The condition requires all approved remediation measures to be implemented strictly in accordance with the approved details and a verification report to be submitted and approved by the Council.

#### *Community Safety*

- 6.81 The applicant consulted the Metropolitan Police Crime Prevention Design Officer during the design of the scheme: as a result the proposal fully incorporates Secured by Design principles in its layout.

#### *Neighbour concerns*

- 6.82 Neighbouring occupiers have expressed concerns about the disturbance and noise that may result from the building works associated with the proposal. Noise and disruption caused by building works are subject to control under environmental health legislation and not planning legislation and the standard informative referencing the Control of Pollution Act 1974 is attached. A construction management plan secured by legal agreement will also assist in addressing their concerns.
- 6.83 The application relates to a narrow backland site, the main access to which is via Dumpton Place. In case of emergency, access may also be secured via the site on the southern side containing Sunny Mews: this is accessed via Gloucester Avenue. This site could provide access to larger emergency vehicles.
- 6.84 There are no further neighbour concerns which have not been addressed within the assessment section above.

#### **7.0 CONCLUSION**

- 7.1 The application site is part of a larger site which is designated within the Site Allocations Documents. The proposal would occupy land which benefits from an extant permission which has not been built out in full. The designation seeks the provision of a mixed use scheme including residential and employment space in place of the approved but unbuilt employment building.
- 7.2 The provision of 2 affordable intermediate units as part of the 6-unit scheme, and a good standard of environmental performance of buildings, is a reasonable and proportionate response to the Council's aspirations to see the site built out in full and affordable housing and environmental sustainability measures provided. In addition, the proposed employment space is of a high standard and will enable flexible use within Class B1 with provision of on-site servicing. This will retain a strong and viable employment presence on the site.
- 7.3 The applicant has overcome challenging site constraints to provide a varied mix of well-designed, high-quality housing units which provide a very good standard of amenity for all occupiers and safeguard the residential amenity of neighbours. Well-landscaped areas of private open space are provided on site with a contribution to improvements in the public realm secured via Legal Agreement. The proposal satisfies the Council's policies and requirements in relation to design, impact on character and appearance of the Conservation Area, sustainability, transport, basement development, noise and vibration and all other policy areas in some cases subject to conditions or Legal Agreement requirements. As a result it is recommended that planning permission be granted.

7.4 Planning Permission is recommended subject to a S106 Legal Agreement securing the following requirements:

- Sustainability and energy measures;
- Car-free housing and business use;
- Construction Management Plan;
- Highways/ Public Realm Contribution;
- Relocation of two on-street car parking bays;
- Education contribution of £48,798; and
- Provision of 2 Affordable Intermediate Units.

## 8.0 **LEGAL COMMENTS**

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