

Address:	45 Sidmouth Street London WC1H 8JB	
Application Number:	2011/0503/P	Officer: Neil McDonald
Ward:	Kings Cross	
Date Received:	27/01/2011	
Proposal: Erection of two new buildings comprising one part 5-storey, part 4-storey building with basement and one 4-storey building with basement, totalling 52 self contained dwellings (to include 8 units of social rented affordable housing).		
Drawing Numbers: Site Location Plan D1001 Rev P1; D1100 Rev P2; D1101 Rev P2; D1102 Rev P2; D1103 Rev P1; D1201 Rev P1; D1202 Rev P1; D1221 Rev P1; D1222 Rev P1; D1223 Rev P1; 1 1224 Rev P1; D1321 Rev P1; D1322 Rev P1; D1323 Rev P1; 400-101 Rev C; Residential Schedule D1150 P2. Design & Access Statement Jan 2011; Planning Statement Jan 2011; Heritage Statement Jan 2011; Travel Plan Jan 2011; Energy Strategy 18 November 2010; Sustainability Statement 02 November 2010; Preliminary Code for Sustainable Homes Report 02 November 2010; Landscape Design Statement Jan 2011; Arboricultural Development Stated (revised) Oct 2010; Phase 1 Habitat Survey Oct 2009; Letter from WSP regarding Ecological Report dated 07/12/2010; Daylight and Sunlight Report Jan 2011.		
RECOMMENDATION SUMMARY: Granted Subject to a Section 106 Legal Agreement		
Applicant:	Agent:	
Passion Property Group C/o Agent	TP Bennett One America Street LONDON SE1 0NE	

ANALYSIS INFORMATION

Land Use Details:										
	Use Class	Use Description							Floorspace (GEA)	
Existing		<i>D1 Non-Residential Institution</i>							<i>N/A m²</i>	
Proposed		<i>C3 Dwelling House (private)</i> <i>C3 Dwelling House (social rented affordable)</i>							<i>4,478 m² (80%)</i> <i>1,099 m² (20%)</i>	

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Private</i>	<i>13</i>	<i>15</i>	<i>8</i>	<i>2</i>					

Proposed	<i>Social rented</i>	1	1	2	3	1				
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Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	N/A	N/A
Proposed	0	0

Reason for Referral to Committee: This application is reported to Committee because it proposes a major development of more than 10 new dwellings [clause 3(i)] and is subject to a Section 106 legal agreement [clause 3(vi)].

The application is a 'major development' as defined by the Office of the Deputy Prime Minister. The application therefore needs to be determined within 13 weeks from the date of submission which expires on 28th April 2011.

OFFICERS' REPORT

1. SITE

- 1.1 The application site comprises a 0.24 hectare area of land formerly part of the Westminster Kingsway College. The redevelopment of the new college buildings on the adjacent land to the east has now been completed and the current application site has now been cleared of all former buildings and car parking. The site forms a part of the Bloomsbury Conservation Area.
- 1.2 Immediately west of the site boundary is St George's Gardens, a Grade II* Registered former burial ground now laid out as public gardens since the late 19th Century. The Gardens contain several Grade II listed structures including monuments/tombs, walls and cottages. The gates from Heathcote St (dating from late 19th Century) and perimeter wall and railings between St George's Gardens and site boundary are Grade II listed. The Gardens are also designated a local Site of Nature Conservation Importance. There are a number of buildings around St. George's Gardens of varying heights some of which are Grade II listed.
- 1.3 All the immediate surroundings including the redeveloped college buildings, and the Gardens, lie in the Bloomsbury Conservation Area. Georgian terraces are the characteristic building typology distinguishing much of the conservation area. The three storey plus basement Georgian properties at 51-55 Sidmouth St, immediately west of the Sidmouth St frontage of the site are Grade II listed, as are the 4-storey terraced properties continuing along the south side of Regent Square. These have their backs facing onto the north side of St George's Gardens.
- 1.4 South of the site, Heathcote St comprises residential flats and student accommodation at William Goodenough House. These are 4-5 storey blocks (including roof storey) on the south side of the road, including William Goodenough House. A four storey (including roof storey) plus basement block of flats called

Grayland Court constructed in the 1990's on the site of a former petrol station is located at the eastern end of Heathcote Street.

- 1.5 To the north of the site the Kings Cross Estate comprises blocks of residential flats of varying heights which are mainly outside of the conservation area. These include blocks of seven storeys at Warnham (fronting Gray's Inn Road), a four storey block called Linfield (fronting Sidmouth St), and five storey blocks overlooking Regent Square including St. Peter's Court opposite the site.
- 1.6 The College redevelopment currently forming the northern backdrop to St Georges Gardens was completed earlier this year. This consists of mainly brick-clad 4-storey buildings with set back 5th storey of maximum 21.7m height including roof plant enclosure. These are separated from the current application by a strip of landscaping and a new access Mews running the length of the site from Sidmouth Street to Heathcote Mews. This is closed to vehicular through-traffic at either end by automatic bollards.
- 1.7 There are several generally mature trees within the site boundary. These are on the northern edge of the site adjacent to Sidmouth St (3 x London Plane specimens); along the western boundary with St Georges Gardens (2 x sugar maple specimens); and a single false acacia in the southern corner of the site adjacent Heathcote Street.
- 1.8 The site and the adjoining Westminster Kingsway College is the subject of a UDP Land use Proposal (Site No. 27) with preferred uses stated as being D1 education) or mixed use including residential together with small scale B1 or D2 (leisure/cultural facilities). A Planning Brief providing for development comprising these uses was approved in 2000.

2. THE PROPOSAL

- 2.1 The application proposes two separate residential blocks juxtaposed at right angles: one on an east-west alignment fronting onto Sidmouth Street comprising 23 private and 8 affordable (social rented) flats, and another aligned north-south within the site comprising 21 private flat units. The buildings comprise mainly four storeys of accommodation plus basement, with a fourth storey set-back to the elevation facing St Georges Gardens and a five-storey corner-block element onto Sidmouth Street.
- 2.2 The two buildings flank a triangular-shaped open area of the site which is proposed for private and communal gardens and serving as a buffer between the built part of the development and the listed Gardens.
- 2.3 The proposal will be entirely car free.
- 2.4 Approval already exists for two No. 4 storey residential buildings comprising 25 private and 12 social rented affordable self-contained flats and 19 basement car parking spaces. This was granted as part of the May 2006 planning permission for the wider college redevelopment. However this part of the permission was not implemented as the site (now comprising the current application site) was sold into separate ownership.

- 2.5 The physical form and layout of the proposal is broadly similar to the consented scheme with a slight shifting of the footprint of the northern block south-westwards towards the gardens so that it is approximately 2.0m closer the Gardens on the west side and 0.8m on the south side. This has been done to enable sufficient distance from the north and west boundaries for the insertion of lightwells to basement accommodation.
- 2.6 In terms of massing there is a marginal difference of around 0.4m additional height to the current proposed buildings except for the additional storey element at the corner onto Sidmouth Street where the height exceeds the extant permission by approximately 3 metres. The increase of 846sqm from the 4,731 sqm gross external area previously approved has been achieved wholly on account of the added height on the Sidmouth Street corner. The impacts from these deviations will be examined in the Assessment section of this report with reference to the conclusions drawn by the Planning Inspectors for the various schemes bordering St Georges Gardens which have been the subject of appeals recently. This includes the recent appeal relating to the application site itself (refer to 'History' section below).
- 2.7 A further issue of key relevance to be addressed in the report assessment is the reduced quantum of affordable housing in the current scheme. This has been due in large part to the cessation of virtually all housing grant from the Homes and Communities Agency (HCA) from the start of the new financial year, and to the very different planning and economic circumstances which applied at the time of the previous consent. The application has been accompanied by a viability toolkit, which has been independently assessed.

Revisions

- 2.8 During the course of the assessment it was confirmed that HCA affordable housing grant would not be available to fund the scheme necessitating a revision to the affordable housing content.
- 2.9 The proposed housing mix has been amended resulting in the omission of 6 intermediate units from the scheme which was originally to comprise 38 private (13 x 1-bed, 15 x 2-bed, 8 x 3-bed, 2 x 4 bed flats), 8 social rented affordable (1 x 1-bed accessible, 1 x 2-bed accessible, 2 x 2-bed, 3 x 3-bed, 1 x 4-bed) and 6 intermediate (2 x 1-bed and 4 x 2-bed) flats.
- 2.10 The revised mix now stands at 44 private (15 x 1-bed, 19 x 2-bed, 8 x 3-bed, 2 x 4 bed flats) and 8 social rented affordable (1 x 1-bed accessible; 1x 2-bed accessible, 2 x 2-bed, 3 x 3-bed, 1 x 4-bed) flats.
- 2.11 The drawings have also been revised to show cycle parking fully in accordance with Camden standards.

3. RELEVANT HISTORY

- 3.1 The site was originally constructed as a school and later expanded as a college. The buildings mainly dating from the 1950s and 1970s were cleared in 2007 to

make way for redevelopment of the college along the broad lines of a Planning Brief for the site which was approved in 2000.

- 3.2 Planning permission was granted to Westminster Kingsway College on 05/05/2006 (ref No. 2006/0427/P) for redevelopment of the existing site to provide new part 4, part 5 storey (plus roof plant) college building (Class D1) and two four storey residential buildings comprising 25 private (6 x 1-bed, 14 x 2-bed and 5 x 3-bed) and 12 general needs social rented (6 x 1-bed, 3 x 2-bed, 2 x 3-bed and 1 x 4-bed) self-contained flats, 18 basement car parking spaces, provision of new roadway, associated access and landscaping. This permission was implemented in 2007 but only in so far as the new college buildings, with the residential part of the site being sold into separate ownership.
- 3.3 In 2009 an application was submitted (2009/3215/P) proposing an alternative scheme on the sold off part of the site comprising;” Erection of a part 4/part 5-storey building plus basement to provide 31 affordable homes (12 x 1 bed; 10 x 2 bed; 8 x 3 bed; 1 x 4 bed units) and 114 student accommodation rooms, internal communal amenity areas and kitchens, landscaped garden amenity areas and cycle storage. This was refused by the Council on grounds of the impact of the proposed height, bulk and massing on the listed Gardens and the inappropriateness of high density student accommodation being included within the residential mix. A planning appeal was submitted and a Public Inquiry held following which the Inspector decided to uphold the Council’s reasons and dismiss the appeal. The Inspector’s decision letter dated 04/06/2010 is attached as an appendix to this report.

Summary of 45 Sidmouth Street appeal decision

- 3.4 There are certain points coming out of this appeal decision that may be of interest to Members in as far as they might suggest how an acceptable proposal for 45 Sidmouth Street might relate to the Gardens in respecting their character and setting. The Inspector’s first main issue was to do with the effect on the settings of nearby listed buildings and Grade II listed perimeter wall and railings. In these regards the Inspector decided that the appeal proposals did not have a harmful impact.
- 3.5 The second and third of the Inspector’s main issues concerned the setting of St George’s Gardens and the character of the Conservation Area. The Inspector noted that the Gardens conveyed “a pleasing sense of isolation” but at the same time there was also a need to re-establish a sense of enclosure at their eastern end. The permission granted in 2006 had already achieved this in a sympathetic way taking account of its height, scale and siting. The appeal scheme however, would assume particular prominence in views from St Georges Gardens, appearing intrusive especially when viewed from positions near to the Sidmouth Street and Heathcote Street entrances. This was due to the modelling of the building’s western façade which affect perceptions of its size and scale. Height too was an issue in that whilst there are taller buildings defining the setting of the Gardens these tend to be located to each side of the Gardens’ main east-west axis. In contrast the buildings of the appeal proposal would have the effect of terminating eastward views to the head of the Gardens in a rather abrupt manner. The Inspector felt that

the opportunity to reduce the apparent bulk and scale had been missed by the incorporation of a physical link between the two buildings which the recessed junction would do little to relieve. As such the appeal proposal was considered to harm the setting of the Gardens and hence its contribution made to the character and appearance of the Bloomsbury Conservation Area.

- 3.6 The fourth main issue related to the balance of uses and mix of accommodation. The focus of the Inspector's concern was the impacts associated with the student accommodation so is less relevant to the current proposals given that the scheme is now wholly Class C3 residential.

Other relevant appeal decisions

- 3.7 In addition to the above appeal decision there are two other appeals that are significant, particularly in regard to the issue of overlooking and the nature in which their presence is felt in relation to the Gardens. The approach taken by the respective appeal Inspectors may in some ways seem contradictory but both are relevant:
- 3.8 Coram Community Campus, decision dated March 2006 (2003/1960/P); three-storey plus half-basement building to provide child-care facilities located 2m back from, and 77m along the south-east boundary listed wall of the Gardens –appeal dismissed but found acceptable on conservation grounds. The Inspector noted that the atmosphere of the Gardens is *“one of intimacy, peace, mystery and perhaps slightly eerie in winter... In summer the feeling of seclusion is exaggerated”* The Gardens are already overlooked from some of the buildings bordering the Gardens and would be more so from the proposal. This would reduce the feeling of seclusion but also enhance the security of the Gardens which have been subject to misuse. Acknowledging that the character of the Gardens would be changed and that opinion is divided as to whether public enjoyment would be lessened by the scheme, the Inspector considered that the building would present an improved backdrop from the existing buildings on the site to be seen against the foliage of the Gardens in summer and add warmth from its lights and activity in the winter. This could well result in greater enjoyment of the space for the general public. The Inspector subsequently went on to dismiss the appeal but this was due to its unacceptable impact on daylight levels at adjacent flats at William Goodenough House.
- 3.9 Land at corner of Wakefield Street, decision dated 23rd July 2009 (2009/0105/P); Erection of four terraced dwelling houses on vacant land backing onto St Georges Gardens –appeal dismissed. The dwellings would abut the north boundary wall towards the western end of the Gardens. The Inspector considered that the manner in which the proposed buildings rose to their full height a short distance behind the boundary wall was unlike the upper floors of most of the existing surrounding buildings which are set back and consequently would have an intrusive effect in visual terms on the sense of openness at the western end of the Gardens. Whilst the overlooking from a number of the existing dwellings might give rise to a greater feeling of security for garden users, the tall window openings and balconies of the proposal might well create a greater sense of intrusion and loss of privacy for users of the Gardens than can be experienced from the existing residential properties.

This would be contrary to UDP policy N2B which is opposed to development bordering public open space that would be likely to intrude on the public enjoyment of the space. The setting of the 2m high-listed wall that surrounds the gardens would not be harmed. However, the settings of two adjacent listed buildings on either side would be compromised due to the height of the proposal being 2 storeys higher than one of them and partially obscuring views from the Gardens of the other.

4. **CONSULTATIONS**

[Officer response given in italics where required]

Statutory Consultees

- 4.1 **English Heritage** – Have indicated that the application be determined by the Borough in accordance with national and local policy using in-house specialist conservation advice.
- 4.2 **English Heritage GLAAS** – Commented in response to the previous application that a desk based assessment prepared in relation to the Kingsway College redevelopment has already covered this site and no further work is required.

Non-Statutory Consultees

- 4.3 **Bloomsbury Conservation Area Advisory Committee**
No comments received

Local Groups

- 4.4 **Friends of St George's Gardens** – Put forward the following comments:
 - Scale: The new plans represent a great improvement over the previous proposals which were turned down by Camden and refused on appeal. However there are still concerns over the scale of the buildings, particularly the northern block which will dominate the Sidmouth Street entrance and appear fairly massive. It is noted that the overall number of dwellings represents an increase over the extant planning permission for the site which raises some concern as to additional pressure on the Gardens from having such a high number of new residents living adjacent. *[The design approach/height to the block on Sidmouth Street was neither objected to by the Council nor the Inspector at appeal when the proposals of identical height and bulk were considered. Pressure on open space is addressed by appropriate s106 contributions]*
 - Windows/balconies/roof terraces: Concern about the proposed balconies and roof terraces overlooking the Gardens, as well as the number and size of windows in the southern block also overlooking the Gardens. The previous appeal decision made reference to the 'pleasing sense of isolation' of the Gardens which should be preserved, and (in the case of the original proposals for the 7 Wakefield Street houses) that balconies overlooking the gardens would lead to a greater sense of intrusion and loss of privacy. To some extent the total window area proposed for the south block would have the same effect, especially when taken in conjunction with the new Coram campus building approved on the adjacent southern boundary of the Gardens. *[see paras 6.12-6.13 below]*

- The Friends have met with the developers and understand that the balconies and terraces are needed to comply with policies on outdoor amenity, and suggest that there might be a solution in terms of screening the balconies to reduce their impact and reduce the visual impact of clutter etc stored in these areas. This would be helpful, especially if solid rather than glazed barriers were included. However the Friends would remain concerned about noise breakout from these areas. In the Wakefield Street case the solution was to limit the area of roof terrace. While this may not be feasible in the current instance, a solution should be found. *[see para 6.13]*
- The possibility of reducing the amount of window glazing should also be looked into. *[see paras 6.12 – 6.13]*
- Perimeter planting: Firm plans should be put in place to screen the development's garden areas from St George's Gardens. In addition to the applicants' plan for a hedge, it is considered vital that new perimeter planting should be provided on the Gardens side, both to reduce visibility and noise breakout. Funding for this should be provided by the s106 accompanying any permission. *[to be considered in spending section 106 monies]*

4.5 **Regent Square Residents Association** – Believe that the proposed building is an improvement upon the previous refused application with its residential use and welcome the car-free nature. However two main concerns are outstanding:

- The development should bring appropriate benefit to the existing community. This is especially necessary in view of the impact it will bring in terms of additional density and people pressures on the Square and the dominating northern block which has an even greater extent of visibility onto Regent Square than the previous application. If the Committee feel satisfied that this scale of development can be justified, any approval should be on the condition that appropriate benefit is secured for the community here. As well as contributions towards planting in St Georges Gardens money should also be directed towards planting in Regent Square which is in need of improvement and will be subject to increased use from the development especially given that it lies on the direct route to Kings Cross St Pancras. *[relevant section 106 payments secured]*
- Secondly, the concerns raised by The Friends of St Georges Gardens are echoed in relation to the effect of the proposed balconies of the development overlooking the Gardens and compromising their secluded nature. Consideration to finding ways of screening these is requested such as use of vertical timber louvre blades in place of glazed balustrades and raising the height of these from 1.1m to 1.5m. The design of the balconies should also limit noise breakout as far as possible: As the Inspector for the previous appeal underlined "The Gardens are an oasis of calm in the midst of the surrounding development, giving a peaceful atmosphere..." *[see section 6.12 - 6.13 below]*
- Lastly the Association would like to understand the rationale behind the proposed housing mix for this important site. The proposal falls far short of the 50% affordable housing target and whilst it is understood that social housing is not the only way of meeting the housing needs of the area, it is agreed that family-sized housing is the biggest need given the size of units currently available in the area. Nonetheless a justification for what is offered should be given to ensure the best deal for the area is being obtained. *[see section on Housing and Affordable Housing below]*

4.6 **Met Police Crime Prevention Design Adviser** –The following comments from when consulted on the previous application are relevant:

- It is recommended that the housing meet the requirements of Secured by Design.
- The site is vulnerable to unauthorised access and exit across its rear boundary with St Georges Gardens as well as with Sidmouth Street and Heathcote Street. Parts of the “listed” wall and railings to St Georges Gardens are of insufficient height to prevent persons from easily climbing over them. Since the height of these cannot be raised due to their listed status, an option to be used is “defensive planting” along the base of this boundary treatment.
- Entry from Heathcote Street into the rear communal garden area should also be restricted. At Sidmouth Street this can be achieved by building fencing or wall heights to 2200mm. The closure of the entry point can be made on the most westerly point of the Sidmouth Street elevation. At Heathcote Street a further section of wall or railings should be added to the existing section and returned to a point on the new Mews elevation. It is debateable whether or not it would be appropriate to subdivide the residential gardens of the open space part of the development. *[above issues addressed at para 6.32]*

4.7 **Adjoining Occupiers**

	Original	Revisions
<i>Number of Letters Sent</i>	211	0
<i>Number of responses Received</i>	4	0
<i>Number in Support</i>	02	0
<i>Number of Objections</i>	02	0

4.8 The two objections relate to the following matters:

- Parking pressures on the area arising from the development from not having an underground car park
- Overcrowding of the area exacerbating the people pressures already brought by the development of Westminster Kingsway College
- Traffic generation from residents’ transport and servicing exacerbated by the narrowing of Sidmouth Street in the vicinity of the access to the site
- Noise intrusion from traffic disrupting the pleasant ‘London Square’ nature of Sidmouth Street
- Additional traffic loads will delay ambulances which currently use Sidmouth Street as a short-cut.

4.9 Two representations of support:

- Grayland Court Ltd, which represents the residential block on Heathfield Street welcomes the car-free nature of the development (but would wish for any traffic to be made to use Sidmouth Street rather than Heathfield Street which is inappropriate). Grayland Court also supports any representations made by Friends of St Georges Gardens.
- Residents of 12 Mecklenburgh Square believes the proposal to be a well designed and attractive contemporary building that would provide quality and much needed apartments in this part of Bloomsbury. As regular users of St Georges

Gardens it is pleasing to see that the land will be put to much better use than with the building that formerly occupied the site.

5. POLICIES

5.1 LDF Core Strategy and Development Policies

The Camden Local Development Framework Core Strategy and Development Policies Development Plan documents ("DPD"s) were formally adopted by the Council on 8th November 2010.

This replaces the Camden Replacement Unitary Development Plan in all respects apart from policy LU1 -Land Use Proposals Schedule which will remain current until the formal adoption of the LDF Site Allocations Preferred Approach.

Core Strategy Policies

CS1 – distribution of growth
CS5 – managing impact of growth
CS6 – providing quality homes
CS10 – supporting community facilities and services
CS11- sustainable travel
CS13 – tackling climate change
CS14 – high quality places and conserving heritage
CS15 – parks, open spaces and biodiversity
CS16 – health and wellbeing
CS17 – safer places
CS18 – waste and recycling
CS19 – delivering and monitoring the Core Strategy

Development Policies

DP1 – mixed use development
DP2 – making full use of housing capacity
DP3 – contributions to the supply of affordable housing
DP5 – homes of different sizes
DP6 – lifetime homes and wheelchair housing
DP15 – community and leisure uses
DP16 – transport implications of development
DP17- walking, cycling and public transport
DP18 – parking standards
DP20 – movement of goods and materials
DP21 - highway network
DP22 – promoting sustainable design and construction
DP23 - water
DP24 – high quality design
DP25 – conserving Camden's heritage
DP26 – impact on occupiers and neighbours
DP27 - basements
DP28 – noise and vibration
DP29 – improving access

DP31 – open space and outdoor recreation
DP32 – air quality and clear zone

5.2 Replacement Unitary Development Plan 2006 saved policy LU1 – Land use proposals schedule

- Site 27 – preferred uses D1 or mixed use including residential.

5.3 Supplementary Planning Policies

Camden Planning Guidance 2006- Access for all; Affordable housing; Air quality; Biodiversity; Clear Zone; Conservation areas; Construction and demolition; Contaminated land; Cycle parking and access; Daylight and sunlight; Design; Designing safer environments; Energy and renewables; Facilities for children and young people; Materials and resources; Noise and vibration; Pedestrian movement; Planning obligations; Public open space; Residential development standards; Sustainable design and construction; Transport assessment; Travel plans; Vehicle access/servicing; Waste and recyclables; Water.

Bloomsbury Conservation Area Statement (February 1998)

Kingsway College, Sidmouth Street Planning Brief (May 2000)

Strategic and Government Policy

5.4 London Plan (Consolidated with alterations since 2004) February 2008
PPS1, PPS3, PPG13, PPS5, PPS23.

6. ASSESSMENT

6.1 There are two main issues: -firstly, having regard to the Inspectors' rulings in recent relevant appeal decisions on proposed developments affecting the setting of the grade 2* listed Gardens; a) the appropriateness of the design of the proposed building particularly in terms of its height, scale and siting of the proposed building and b) the extent to which the proposal asserts its presence in terms of overlooking of the Gardens. The second main issue is concerned with the quantum and type of affordable housing and whether Members can be satisfied that the maximum reasonable amount has been obtained for Camden to meet the housing needs of its existing community. In addition there are the other issues of transport, sustainability, residential design standards and amenity to consider. These are addressed under the relevant headings below.

6.2 The principle of residential use as an acceptable land use for this site is not at issue since it would accord with the land use proposal under UDP 'saved' policy LU1 and with the extant permission for this site forming part of the 2006 Westminster Kingsway College planning permission.

Conservation and design

6.3 The proposed design has continued the theme of the previous proposals in taking a modern approach but providing a neutral, refined predominantly brick-clad building intended to be seen as part of the background to the green open spaces of St George's Gardens and Regent Square rather than to assert its presence. The elevation designs have changed to accommodate the shift from student housing to

conventional residential and is reminiscent of the traditional Georgian terraces of the locale in terms of proportions and rhythm of fenestration.

- 6.4 The five-storey corner forms a termination to the “town house” terrace of the predominantly 4-storey Sidmouth Street and Mews elevations, marking the step upwards in scale between the 4-storey terraces of Regent Square and the greater mass of the College buildings adjacent to the east. This relationship and the design approach generally is considered appropriate for Sidmouth Street, and indeed was not objected to by the Inspector in the case of the previous appeal which involved proposed buildings of similar design and almost identical massing to the current proposals on this northern elevation.
- 6.5 The real point at issue concerning the design is the extent to which the remodelling of the western façade of the proposed building has succeeded in breaking down the perceived bulk as will be viewed from St Georges Gardens. The reasons of the Inspector as set out in the decision letter for dismissal of the previous appeal form a key material consideration in this and have already been summarised in the ‘History’ section of this report.
- 6.6 By reference to the western façade the Inspector’s concerns appeared to be focused principally upon the Gardens-facing elevation of the southern (student) block of the appeal proposal and the way it incorporated a link with the northern block to create two physically conjoined ‘wings’ to the development. It is clear from the Inspector’s report that he did not consider the proposed height of development to be an issue on the north and south sides of the Garden’s where this would be peripheral to the line of vision along the Garden’s long east-west axis. The Inspector was also clear that the northern wing’s height and proximity to the enclosing wall of the Gardens and adjacent terrace would not cause any demonstrable harm to the settings of these listed structures. Accordingly the applicant has not altered the height or footprint of the northern block in terms of how it relates to the Gardens. Officers consider this is acceptable and in accordance with LDF policy DP25.
- 6.7 The key changes that have been made to respond to the Inspector’s concerns are therefore to the southern block by; a) detaching it completely from the northern block reinstating a clear gap of over 5.5 metres in the manner of the extant permission; b) setting the building line back level with that proposed in line with that of the extant permission, and c) retaining the third floor set-back to the west elevation but with the addition of insets to the return (north and south) elevations to almost 9m back from the Gardens-facing façade.
- 6.8 It is considered that these three steps succeed in breaking down the apparent bulk and scale of the building when viewed from the Gardens. More particularly the bulk experienced in transient views as one enters the Gardens from the Heathcote Street and Sidmouth Street entrances is lessened by the third floor return elevation set-backs; the separation of the two blocks is perceived most clearly from the Sidmouth Street entrance and head-on views from further into the Gardens; and there is a general lessening in bulk in all views from the Gardens due to the set-back building line as a whole. The remodelling in this way has effectively reinstated the southern block’s siting and massing in line with the extant permission so that

there cannot be any difference in perceived bulk between the current proposals and those already approved.

- 6.9 A difference between the current application and previous proposals (appeal scheme and extant scheme) is the introduction of recessed balconies on the west elevation. Local groups in the area have raised concern about the extent to which the balconies and windows facing onto the Gardens will introduce additional overlooking of the Gardens and erode their private and secluded atmosphere. Whilst the issue of overlooking was not addressed by the Inspector considering the student block previously proposed, the issue has been encountered in two previous appeals on other sites bordering the Gardens, these being Wakefield Streets and Coram Community Campus. The Inspector's findings have been summarised in the 'History' section of this report.
- 6.10 Whilst the Inspector's conclusions in respect of each may seem somewhat contradictory on first looking, it should be borne in mind that these are two different sites each overlooking different parts of the Gardens and one case involves balconies (i.e. Wakefield Street) while the Coram's case does not. In both cases the Inspectors noted that the special character of the Gardens was in some way derived from their feeling of seclusion and intimacy (Indeed this was echoed by the Inspector's description of the Gardens in the case of the Sidmouth Street appeal as being a 'pleasing sense of isolation'). In the Coram's case the Inspector noted that whilst this character may be affected by the windows in the 77m long façade this could well result in a greater public enjoyment of the space in feeling more safe and secure. The Inspector made reference to the Gardens having been subject to misuse in the past. This has indeed been a long-standing problem with intimidating and antisocial behaviour from certain elements having been the subject of considerable expenditure of resources by the Safer Neighbourhoods Team.
- 6.11 In the case of Wakefield Street however, the Inspector clearly felt that the four terraced houses proposed to directly abut the Gardens boundary with tall window openings and balconies went too far. The narrow width of the Gardens and sunny area of grass enjoyed for sitting out purposes directly in front of the proposed windows and balconies may well have been a key influencing factor in this decision but nevertheless it is clear that by fact and degree the loss of privacy to those engaged in quiet contemplation of this public open space can be considered a determining issue in the refusal of planning permission.
- 6.12 In recognition of this, the applicant has met with the Friends of St Georges Gardens to discuss their concerns about overlooking and have agreed to re-think the proposed use of clear glazing for the balcony balustrades. A form of timber balustrading with angled fins has been suggested to retain some visual permeability and sense of lightness which will ameliorate some of the overlooking and also have the advantage of making the 'clutter' that can accumulate on balconies less visually prominent. Officers would support such a change although are of the view that anything further is unnecessary given that the distance of the elevation between 10m and 25m back from the Gardens boundary already significantly mitigates against any potentially intrusive overlooking. In view of the community safety problems that have affected the Gardens it would in any case be unwise to attempt to reduce the opportunity for passive surveillance further, beyond

the natural screening from existing trees that will inevitably occur, and the planting proposals within the site itself.

- 6.13 Local amenity groups have also expressed concern about the impact from noise breakout from the balconies and windows of the development on the Gardens. However again it is considered that any additional measures, such as raised parapet heights to the balconies, or indeed their removal completely would compromise both the appearance of the development and the amenity it provides for its own residents to an unreasonable degree. The proposals for the site are already at a much lower density than would normally be found in a central London location such as this, which is in order to limit the impacts of the development and allow plenty of opportunities for natural softening and screening by planting. Together with the proposed changes to the balcony balustrades, this is considered to provide adequate mitigation to preserve the peaceful character of the Gardens. The balcony balustrade details as referred to above should be dealt with by an appropriate approval of details condition.
- 6.14 On the strength of the above approaches to the remodelling of the proposed buildings it is considered that the proposals are more in keeping with the quiet residential character of Regent Square and the very unique qualities of St Georges Gardens that define their special contribution to the Bloomsbury Conservation Area as a whole. The proposals have focused upon the key elements of the Council's and the appeal Inspectors' reasons for refusing the previous application for the site and offer an acceptable way forward towards the development of this important site.
- 6.15 The design-form, architectural language and the pallet of materials are all considered to be an improvement on the residential scheme approved as part of the Westminster Kingsway proposals, and befitting to the settings of these historic open spaces and the character and appearance of the conservation area generally. Samples of all facing materials and typical sections through key parts of the elevations should be secured by condition to ensure this design quality is followed through to completion.

Landscaping

- 6.16 The open spaces of the development are subdivided into communal and private garden spaces for the units. An accompanying planting plan including provision for two new trees within the garden areas adjacent St Georges Gardens will ensure that these become suitably verdant spaces to serve as a buffer to the development and provide valuable habitat for wildlife. The planting plan includes hedge screening to the gardens. The subdivided nature of these gardens will make it necessary to control the subsequent erection of boundary fencing by condition as this may have a potential impact on the setting of St Georges Gardens, at least in the first few years while the hedge screening becomes established.

Housing and Affordable Housing

- 6.17 The proposed housing mix entails 44 private units and 8 affordable units for general needs social rent. There is not currently an identified social housing provider for the

scheme although it is understood that the applicant is engaged in discussions with one or more providers.

- 6.18 The full LDF DP3 sliding scale target for this 52 unit scheme would be 50% affordable housing. The quantum of affordable housing proposed (20% by gross external floor area) is expectedly lower than was proposed alongside the high value use of student accommodation in the previously refused scheme. Nevertheless it is appreciated that 20% affordable housing is a far lower level than Members have been accustomed to seeing in most residential schemes of this size. The reasons for this are to do with a combination of factors, but in essence the viability of providing affordable housing has become considerably compromised by the constricted availability of finance making it more expensive to fund schemes, now compounded (as from the new financial year) by the cessation of government-funded affordable housing grant on all developer-led schemes.
- 6.19 Even without these financial constraints the relatively low density of development required on this site next to St Georges Gardens is likely to pose a challenge to providing sufficient cross subsidy to meeting the Council's target levels. The 2006 permission proposed 12 affordable units (32%) which was only a minor part of a much wider development and it was noted in the committee report at the time that a higher quantum of affordable housing was being achieved in conjunction with the college development than would have come forward in a stand-alone scheme. Therefore while the permission remains extant it can almost certainly be assumed to no longer be viable given the changed planning and economic circumstances. Nevertheless the current proposal still succeeds in offering more family sized affordable units of 3 or more bedrooms than the extant scheme (i.e. 4 units compared with 3) and in a building that is considered to be of an improved quality of design, both of which entail additional cost.
- 6.20 Finally, a further factor that must be taken into account in the viability of schemes is alternative use value. If the residual value in a standard costs appraisal comes to below the expected land value for an alternative acceptable use (assumed in this case to be a residential care home) then it is reasonable to assume that a scheme will not come forward. It is no longer the case that class C3 residential is so often the highest value use, particularly in central London, and other types of residential use such as care homes are becoming an increasingly close second on sites such as this one.
- 6.21 Such an appraisal has been submitted by the applicant in the accepted form of a GLA Toolkit. This appraisal and the assumptions behind it have been independently verified by viability consultants BPS acting under the instruction of the Council. The Council's consultants have confirmed that the viability appraisal is robust and the assumptions made around development costs and private unit sales values considered reasonable. However, as always in dealing with such appraisals there is considerable leeway and speculation involved and a movement either way in some of the key inputs can have considerable consequences in terms of overall scheme viability.
- 6.22 The viability toolkit process and negotiations around this is considered to have secured the maximum offer of affordable housing units likely to be possible within the reasonable deviations of the toolkit assumptions. All the units accessible at the

ground and garden floor levels of the north block have been secured as affordable leaving the stair core to serve as separate access for the private units on the floors above –the maximum without a re-design of the scheme being necessary. All of the units would be designated as social rented affordable which is considered to be the priority in the Borough, and is particularly valued where family units can be provided with direct access to outside space as in this instance.

- 6.23 However with the level of affordable provision being so far short of the Council's 50% target, the question remains as to whether changing circumstances in the future might lead to a better offer being possible. In the light of this the applicant has indicated their willingness in principle to proceed with their scheme finances being made available to the Council on an 'open-book' basis, so that if the profitability increases beyond that expected, an additional sum will be paid into the Council's affordable housing fund. In proceeding with such a clause it may be borne in mind that there are already precedents in certain other London Borough's for this type of deferred payment arrangement to be pursued, however the success of such clauses has yet to be fully proven. The priority therefore should be to seek to maximise the quantum of affordable housing provided on site, which is considered to have been achieved in this case.

Unit size, mix and internal standards

- 6.24 The proposal includes mix tenure in the northern block fronting Sidmouth Street and all private accommodation in the southern block facing the Gardens. The 8 social rented units comprise 1 x 1-bed accessible; 1x 2-bed accessible, 2 x 2-bed, 3 x 3-bed and 1 x 4-bed flat and are all located at ground or garden level with the units of 3 or more bedrooms all having access to private gardens. The 23 private units on the upper floors of the northern block are serviced by a separate stair core to facilitate good management practice. The southern block will provide a further 21 private units.
- 6.25 The overall mix of units provides a good spread of smaller and larger size accommodation for a variety of household types including families in housing need. This is supported by Camden's Housing Needs and Access Division of HASC and is acceptable in terms of development policy DP5 (homes of different sizes). A table of the proposed accommodation mix is provided below to assist in clarity:

TENURE	1 Bed 1P	1 Bed 2P	2 Bed 3P	2 Bed 4P	3 Bed 6P	4 Bed 6P +	TOTAL	Floor space (GEA sqm)	Floor space (NIA sqm)
GN Social Rented		1*	1	1 + 1*	3	1	8 (15%)	1099 (20%)	763 (19%)
Market housing	5	10	9	10	8	2	44 (85%)	4478 (80%)	3319 (81%)
TOTAL	5	11	10	12	11	3	117	5577	4082

* Wheelchair accessible units

- 6.26 All units in the affordable and market accommodation are either slightly above or substantially above the CPG minimum space standards. They provide well proportioned accommodation internally with good natural daylight and outlook, and access to open spaces. The scheme has been prepared in close liaison with Camden's Housing Needs and Access Division and is considered to meet with the requirements of the Council's partner registered providers, one of which will be selected to take on the delivery and management of the affordable housing along with the long lease-hold interest of this part of the scheme.

Lifetime homes and wheelchair standards

- 6.27 Development policy DP6 (lifetime homes and wheelchair housing) requires all units to meet Lifetime Homes standards and 10% of homes to meet wheelchair housing standards or be easily adaptable as such. Two of the units within the affordable housing have been designed to be fully wheelchair accessible and a further four units within the private housing which represents over 10% of the development in total thus meeting with these requirements. The applicants have stated that the units have been designed to meet Lifetime Homes standards. Whilst the scheme appears to be practically capable of meeting the 16 relevant lifetime home standards, no drawings/detailed information have been submitted in this regard. This should be secured by condition.

Amenity issues and security

Amenity and public open space

- 6.28 The general level of amenity within the scheme is considered favourable, with the site offering an attractive quality of environment for a central London location by virtue of the adjacent open spaces and quiet tree lined streets in the immediate surroundings.
- 6.29 The scheme is also provided with a significant amount of on-site open space in the form of both private and communal gardens. The section 106 agreement that had been negotiated in connection with the previous (appeal) scheme involved a contribution of £47,000 to offset the additional pressures likely on public open space in the area. The current application would not justify the same level of payment as it does not include any high density student accommodation. The CPG standard of 9sqm per person is almost met through on-site provision alone in the current scheme -being calculated as approximately 7 sqm per person based on the total on-site amenity space of 750 sqm divided by the overall number of bedrooms (105) within the scheme. However the applicant acknowledges the need to contribute more than would normally be required due to the need for additional planting along the site boundary to soften the appearance of the development from the Gardens. It is also recognised that there will be pressures arising on the open space of Regent Square due to its location directly on the desire line between the development and the stations and other amenities of Kings Cross St Pancras. The applicant has therefore agreed to provide a payment of £30,000 to be split between St Georges Gardens and Regent Square.

Daylight, sunlight and privacy

- 6.30 Impacts on neighbouring residential occupiers in terms of sunlight, daylight and privacy are considered to be little different from the previous residential scheme

approved as part of the Westminster Kingsway development. Whilst the height of the northern block is increased at the Sidmouth Street corner this will have negligible impact on light or privacy for any neighbouring occupiers. Indeed the applicant's submitted daylight and sunlight report finds virtually no change in terms of loss of light impacts to adjacent properties between the situation pertaining with the former college buildings and the proposals now submitted.

Crime and antisocial behaviour

- 6.31 The majority of concerns raised by residents relating to amenity raised in consultation on the previous (appeal) scheme were about the potential for the student residential element to exacerbate the problems already experienced by St Georges Gardens from mis-use and anti-social behaviour, mainly by young people. These concerns do not arise in connection with the current proposals.
- 6.32 However the isolated nature of the Gardens is still likely to make the rear boundary of the development vulnerable as a possible entry point for break-ins and burglaries. The listed status of much of the existing boundary walls and railings separating the site from St Georges Gardens, means that little can be done to modify these and make them more secure. Instead defensive planting is proposed along this boundary, reflected as reflected in the submitted planting plan for the development. Access into the rear gardens and cycle parking for the development needs to be carefully restricted at the north and south boundaries (western end of Sidmouth Street elevation and adjacent Heathcote Street) by erection of a wall or railings to an appropriate secure design and at least 2200mm height. Details of this should be required by a condition.
- 6.33 From a passive surveillance point of view, the increased habitation of this site can only have a beneficial effect on security. In addition the presence of pedestrians using the Mews as a 24 hour legible route through the development will assist with passive surveillance and security of the area generally. The Mews itself is not part of the application site and was covered by the S106 agreement for the college redevelopment.

Transport and access

- 6.34 The site is located within the Central London transport 'Clear Zone' and has a Public Transport Accessibility Level (PTAL) of 6a (excellent) being located approximately 6-8 mins walk from Russell Square and 180m from the nearest bus stops. To that end, it is considered that the site is suitable for car-free housing and the proposal to make both the market and affordable housing entirely car-free is welcomed.
- 6.35 The application has been accompanied by an interim travel plan. This covers promotion of walking, cycling, car clubs, information packs and appointment of a travel plan co-ordinator to the site management team. This should be secured as part of the section 106 agreement.
- 6.36 Cycle parking is provided on site in the form of 6 covered Sheffield stands between the two buildings and a secure external store containing 50 Josta racks at the southern end of the site. In addition 8 of the ground floor units (including 4 of the affordable units) will have cycle storage space provided in their entrance lobbies.

This conforms to Camden's standard of 1 space per dwelling plus 1 visitor space per every 10 dwellings.

- 6.37 In addition to a travel plan promoting alternatives to private car use, it is considered that the development has potential to add to the strains on public transport and pedestrian facilities in the area. These should be addressed by a financial contribution. The Council has various initiatives and programmes to deal with these cumulative impacts, including way finding ('Legible London'), traffic modelling, cycle priority schemes and environmental improvements to promote walking. A contribution of £30,000 has therefore been negotiated towards pedestrian and environmental improvements in the wider area considered to be in line with comparable recent development proposals and LDF policies CS11, DP16 and DP17.
- 6.38 This contribution is considered to off-set any need for other contributions towards footway improvements or any reinstatement, which in any case would not be significant for this development since construction traffic would be mainly using the new mews to access the site.
- 6.39 The proposals would also need to be subject to s106 clauses requiring a construction management plan. On the basis of this being agreed, together with an acceptable travel plan, car free housing and pedestrian environment improvements contribution, it is considered that the transport related aspects of this application are acceptable.

Sustainability and energy

- 6.40 The application is accompanied by supporting statements prepared by environmental consultants Ramboll, to address energy, Code for Sustainable Homes and sustainability generally.
- 6.41 The proposed scheme has demonstrated a commitment by way of the relevant pre-assessment statements, to achieving a Code level 3 rating. The CPG target of 50% in the relevant subcategories is exceeded in the case of energy (62%) and water (67%) but falls slightly under at 45.8% in the case of materials. However there will be an opportunity to seek to increase this during the design and procurement stage. This should be required by reasonable endeavours as part of a section 106 agreement.
- 6.42 The Energy Strategy for the development employs the usual 3-step approach to carbon reduction in line with the LDF Core Strategy and Mayor of London's energy hierarchy through energy efficient design (be lean); sustainable sourcing of energy such as through district heating or on-site CHP where appropriate (be clean); and renewable technologies (be green). Proposed energy saving measures include improved U-values (the efficiency of the building elements at retaining heat by measures such as insulation and high performance glazing), low energy lighting and energy efficient plant. These measures alone are expected to reduce CO2 emissions by 21.8% against the 2010 Part L Building Regulations requirement.
- 6.43 In the absence of any existing available district heating system close to the site, the applicant has found it to be feasible to provide a communal heating system served

by two small commercially available micro-scale CHP units. The section 106 agreement should require the applicant to demonstrate the viability of such provision without resulting in wasteful additional heat loads. However on the assumption that this is proven, the provision of predominantly hot water for the site and some electricity from CHP would limit the benefit that could be gained from solar thermal panels on the site. Therefore the proposed inclusion of PVs on the roof is considered appropriate to supplement provision of electricity and according to the applicant's calculations result in a total Part L carbon dioxide emissions reduction of 49%.

- 6.44 Taking into account both Part L and unregulated carbon dioxide emissions (which includes cooking and use of other domestic electrical appliances) the total annual 'site' reduction has been calculated to be 20%. This compares favourably with other developments recently approved by the Council and would accord with Core Strategy policy CS13. This should be secured by s106.
- 6.45 The s106 agreement should also ensure that the scheme is adaptable for future connection to a district heating system for both receiving heat and supplying hot water to such a system should one come on line. This should also be made a requirement within a section 106 agreement.
- 6.46 A condition should be attached to secure an air quality assessment in respect of the pollutants emitted from the CHP.

Water resources and environment

- 6.47 As well as being energy efficient, the scheme will also seek to minimise its demands on water resources. Operational water consumption will be restricted to the level required for CfSH level 3. Measures will include 6/4 litre dual flush toilets, aerated taps, low flow shower heads and reduced bath sizes.
- 6.48 The site is not in an area at risk of surface water flooding. However policy DP23 still requires water runoff from sites to be restricted through retention and reuse on site and other sustainable urban drainage methods where possible. Water retaining biodiversity roofs will be employed within the development which are welcomed. Rainwater harvesting has been considered but has been deemed unfeasible due to lack of available tank storage space in the basement and the inclusion of biodiversity roofs resulting in unfeasible drainage strategies. Therefore a full sustainable urban drainage (SUDS) scheme is not considered appropriate for the site.

Biodiversity

- 6.49 The site has potential significance for wildlife and biodiversity in the Borough since it is located next to St George's Gardens which is a designated local Site of Nature Conservation Importance. The construction management plan to be secured under S106 should ensure that measures are in place to protect existing habitats from harm throughout the works phase in line with Core Strategy policy CS15.
- 6.50 A phase 1 Habitat Survey had been submitted with the previous application by WSP who have written in confirmation that this still remains valid for the current

proposal. The current status of the site is of low overall ecological value having relatively recently been cleared of buildings, although the 6 existing trees on the site do include mature broadleaved species. All of the existing trees will be retained within the development in line with the methodology as detailed in the arboricultural statement also accompanying the application. This meets with the satisfaction of the Council's landscape officers.

- 6.51 The submitted planting plan includes native species which will complement the habitats already provided by the broadleaved trees. Both House Sparrows and Swifts have been spotted in and around St Georges Gardens during recent surveys carried out by the Council. These bird species have come to depend upon the use of buildings as nesting and roosting places in lieu of scarce natural alternatives. Bats have also been spotted in and around St Georges Gardens, indeed several bat boxes have been placed in St Georges Gardens on trees. The applicant should investigate the possibilities for bird and boxes to be integrated within the proposed buildings and a condition should require details of these in advance.
- 6.52 Full details of the biodiversity roofs will also be required by condition with a strong preference being for a brown roof as indicated in the Design and Access Statement due to its biodiversity value and sustainable use of aggregates from the site. The combined effect of the brown roofs, landscaping and other wildlife features should enable the biodiversity value of the site to be increased as is required by Core Strategy policy CS15.

Ground contamination

- 6.53 Records from the previous application on the College site show that the area covered by this application requires remediation as part of the development. Lead, arsenic and other potentially harmful contaminants are known to be present in this area of the site. As such, a site investigation should be undertaken prior to development and a report including any recommendations for remediation submitted. Any required remediation must be agreed with the Council prior to the commencement of any works and a post remediation validation report submitted to document the works and show they have been successful. An appropriate condition should be attached to secure this.

Sustainable Communities

- 6.54 There will be an increase in resident numbers over and above the extant permission. As there wasn't a community facilities contribution required in respect of the 2006 proposals officers have based their approach in seeking such a contribution primarily upon the increase in resident numbers, but have also given weight to the fact that the existing permission was granted as part of a scheme which would have delivered community benefits at the time, e.g. nursery spaces within the college part of the development. A sum of £37,500 has been negotiated which should be secured as part of a s106 agreement.
- 6.55 As previously the s106 would also include clauses for local employment and procurement during the construction phase to ensure that the scheme benefits in this regard are secured for the local economy.

Other S106 matters

6.56 The full list of s106 heads of terms are summarised below for completeness –these include the various developer contributions referred to in previous sections of this report:

- Affordable housing
- Energy Strategy
- Sustainability Plan
- Residential Travel Plan
- Car free residential
- Construction Management Plan
- Local employment plan (construction)
- Local procurement (construction)
- public open space contribution of £30,000
- pedestrian and environmental contributions of £30,000
- community facilities contribution of £37,500
- education contribution of £176,276
- deferred payment towards affordable housing based on an open book viability appraisal at post implementation stage.

7. CONCLUSION

7.1 It is considered that the proposed development is in general accordance with the policy requirements of the London Borough of Camden LDF Core Strategy and Development Plan Policies namely those stated at section 5 of the report above. Furthermore the proposed development presents a sustainable and viable alternative to an approved but unimplemented scheme for the site which provides much needed affordable and market housing within sensitively designed buildings which will preserve the character and appearance of the Bloomsbury Conservation Area and grade II* listed St Georges Gardens. The applicant has entered into a section 106 agreement to ensure that various aspects such as affordable housing, sustainability, energy efficiency, open space, community facilities and transport matters will be addressed in accordance with relevant Council and London Plan policies.

7.2 The scheme succeeds in addressing the fundamental concerns raised by the Council and appeal Inspector in the refusal of the 2009 application by restricting any noticeable impact from the proposal as viewed from St Georges Gardens to within the same limits of extent as the extant permission. The lower level of affordable housing, whilst disappointing is explained by the absence of a cross-subsidising non-residential use present in both the appeal scheme with its student accommodation and the extant Westminster Kingsway College. There is also no longer the availability of any affordable housing grant. The affordable housing offer does nevertheless make a useful contribution, especially the 3 and 4 bedroom family units which make up over half the quantum.

7.3 Whilst the scheme represents an overall increase in resident numbers from the extant permission, this is offset by the car-free nature of the proposals and

contributions made to surrounding community facilities, both of which did not apply in the previous case.

- 7.4 The benefits to be gained from the proposals are combined with a building which limits its environmental impact in terms of carbon emissions and natural resources to accord with relevant LDF and London Plan policies.

7.5 Planning Permission is recommended subject to a S106 Legal Agreement.

- 7.6 In the event that the S106 Legal Agreement referred to above has not been completed within 13 weeks of the date of the registration of the application, the Development Control Service Manager be given authority to refuse planning permission for the following reasons:-

- 7.7 refuse planning permission for the following reasons:-

1. *The proposed development, in the absence of a legal agreement for affordable housing, would fail to ensure the provision of the required amount of affordable housing for the scheme contrary policy DP3 (affordable housing) of the London Borough of Camden Local Development Framework Development Policies.*
2. *The proposed development, in the absence of an energy strategy, would fail to assist in the overall reduction in carbon emissions contrary to policy CS13 (tackling climate change) of the London Borough of Camden Local Development Framework Core Strategy and DP22 (sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies.*
3. *The proposed development, in the absence of a sustainable buildings plan, would fail to ensure a sustainable and resource efficient approach contrary to policy CS13 (tackling climate change) of the London Borough of Camden Local Development Framework Core Strategy and DP22 (sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies.*
4. *The proposed development, in the absence of a travel plan, would be likely to give rise to significantly increased car-borne trips contrary policy CS11 (sustainable travel) of the London Borough of Camden Local Development Framework Core Strategy and DP16 (transport implications of development) of the London Borough of Camden Local Development Framework Development Policies.*
5. *The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policy CS11 (sustainable travel) of the London Borough of Camden Local Development Framework Core Strategy and DP18 (parking standards) of the London Borough of Camden Local Development Framework Development Policies.*
6. *The proposed development, in the absence of a construction management plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to DP20 (movement of goods and materials) and DP26 (impact on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

7. *The proposed development, in the absence of a local labour and procurement agreement would fail to contribute towards the economic renewal of the area contrary to policies CS5 (Managing impact of growth) and CS8 (promoting a successful and inclusive economy) of the London Borough of Camden Local Development Framework Core Strategy.*
8. *The proposed development, in the absence of a legal agreement for securing contributions for public open space, would be likely to contribute to pressure and demand on the existing open space in this area contrary to DP31 (open space and outdoor recreation) of the London Borough of Camden Local Development Framework Development Policies.*
9. *The proposed development, in the absence of a legal agreement securing necessary contributions towards pedestrian and environmental improvements in the area would fail to make sufficient provision in a sustainable manner for the increased trips generated by the development contrary to policies policy CS11 (sustainable travel) of the London Borough of Camden Local Development Framework Core Strategy and DP17 (walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.*
10. *The proposed development, in the absence of a legal agreement securing a contribution towards community facilities, would fail to provide for the needs of the future residents of the development contrary to policies CS5 (Managing impact of growth) and CS10 (Community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy.*
11. *The proposed development, in the absence of a legal agreement securing educational contributions, would be likely to contribute to pressure and demand on the Borough's education provision contrary to policy CS10 (Community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy.*
12. *The proposed development, in the absence of a legal agreement securing a deferred payment requirement would fail to demonstrate sufficient measures to meeting the appropriate 50% affordable housing target contrary to policy DP3 (affordable housing) of the London Borough of Camden Local Development Framework Development Policies.*

8. **LEGAL COMMENTS**

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