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|---|--|-----------------------------------|
| Address: | 13 Britannia Street and 146-146A Wicklow Street London WC1X 9JS | |
| Application Number: | 2010/1382/P | Officer: Jonathan Markwell |
| Ward: | Kings Cross | |
| Date Received: | 17/03/2010 | |
| Proposal: Renewal of planning permission granted on 21/3/07 (2006/5860/P) for (Redevelopment of the site involving the change of use of the land from a commercial car park (Sui Generis) to residential use (Class C3) involving the erection of a part four, part five storey building to provide 23 affordable housing units (6 x 1-bed, 13 x 2-bed, and 4 x 3 bed units), with associated amenity space, landscaping, refuse storage and cycle parking). | | |
| Drawing Numbers: Site Location Plan (F368/L01); 04.283.S1; F368/sk7/001A; F368/sk7/100B; 101B; 102B; 103A; 200B; 201B; 202A; 203A; 204B; 300B; 301A; Supporting Statement (Dated Dec 2006); Design and Access Statement for Full Planning Application; Eco Homes Pre-Assessment Report (Dated Dec 2006); Sustainability Statement (Dated Dec 2006); Energy Strategy (Dated Dec 2006); PPG24 Noise Survey (Report No 2257); Vibration Monitoring (Report No 2257-vib); Report on Daylighting and Sunlighting (Dated Dec 2006); Habitat Survey (Dated Dec 2006); Access Statement (Dated 16/02/2007); Email from Architect (Dated 22/02/2007). | | |
| RECOMMENDATION SUMMARY: Grant Planning Permission subject to a S106 Legal Agreement | | |
| Related Application Date of Application: | 17/03/2010 | |
| Application Number: | 2010/1396/C | |
| Proposal: Demolition works in connection with the redevelopment of the site, involving the demolition of the existing vent shaft to tunnel (reduced to ground floor level), partial demolition of boundary wall on eastern elevation. | | |
| Drawing Numbers: Site Location Plan; F368/sk7/Demo I. | | |
| RECOMMENDATION SUMMARY: Grant Conservation Area Consent | | |
| Applicant: | Agent: | |
| Origin Housing Group St. Richards House 110 Eversholt Street London NW1 1BS | King Sturge LLP 30 Warwick Street LONDON W1B 5NH | |

ANALYSIS INFORMATION

Land Use Details:

| | Use Class | Use Description | Floorspace |
|----------|-----------|---|---------------------|
| Existing | | <i>Sui Generis (Commercial car park)</i> | 1000 m ² |
| Proposed | | <i>C3 Dwelling House (Affordable housing units)</i> | 1955 m ² |

Residential Use Details:

| | Residential Type | No. of Habitable Rooms per Unit | | | | | | | | |
|----------|------------------------|---------------------------------|----|---|---|---|---|---|---|----|
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9+ |
| Existing | <i>Flat/Maisonette</i> | | | | | | | | | |
| Proposed | <i>Flat/Maisonette</i> | 6 | 13 | 4 | | | | | | |

Parking Details:

| | Parking Spaces (General) | Parking Spaces (Disabled) |
|----------|--------------------------|---------------------------|
| Existing | 26 | 0 |
| Proposed | 0 | 2 (both on street spaces) |

OFFICERS' REPORT

Reason for Referral to Committee: The proposal constitutes a Major Development which involves the construction of more than ten new residential dwellings [Clause 3(i)]. Furthermore, it also involves substantial demolition to buildings/structures within a conservation area creation and the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 [Clause 3(vi)] in relation to matters outside the scheme of delegation.

The committee is also advised that the development is categorised as a major development and should therefore be determined within 13-weeks, the expiry of which is 16th June 2010.

1. SITE

- 1.1 The application site relates to an existing commercial 24 hour car park, approximately 0.1 hectares in size with frontages to the south side of Britannia Street and the north side of Wicklow Street. The site is bounded to the west by the open London Underground cutting through which Metropolitan, Hammersmith and City and Circle lines operate. The western part of the site is also situated above a Network Rail tunnel through which Thameslink/First Capital Connect trains operate and Crossrail will in the future.
- 1.2 The site is located within the Kings Cross Conservation Area, and is considered to have a distinct industrial character. The Conservation Area Statement identifies the application site as making a negative contribution to the character and appearance of the conservation area.
- 1.3 To the north east of the site lies an existing three storey light industrial building, known as 7-11 Britannia Street whilst further industrial buildings are also located to the north. On the eastern boundary of the site lies a series of grade II listed residential buildings known as 'Derby Lodge'. The blocks are seven storeys high and like the application site has frontages to both Britannia Street and Wicklow Street.

2. THE PROPOSAL

- 2.1 This application is seeking an extension to the time limit for commencement of development. The application is valid owing to the previous planning permission (2006/5860/P) not being implemented on site and the permission was still extant (up to 21/03/2010) when it was submitted on 17/03/2010. As such, the proposals are identical to those already considered and subsequently granted planning permission by the Council. A site visit undertaken on 11/05/2010 confirmed that the 2006/5860/P permission is yet to be implemented. The applicant remains Origin

Housing Group, a registered social landlord. The applicant has denoted that the scheme is yet to be implemented owing to the downturn in the economy since the original permission was granted.

- 2.2 The proposed development comprises the demolition of an existing vent shaft, a small area of pier (wall) and a proportion of boundary wall located adjacent to Derby Lodge to allow for the erection of a part four, part five storey residential building providing 23 affordable housing units comprising 6 x 1 bed, 13 x 2 bed and 4 x 3 bedroom units with a gross internal area of 1955m².
- 2.3 In addition two disabled car parking spaces are proposed on street adjacent to the entrance on Britannia Street and 30 cycle parking spaces enclosed within a cycle store. A total of 455m² of amenity space, both private and communal, is proposed including an under-fives play area near the Britannia Street frontage. The site would be enclosed by a steel railing fence and would have secure entrances from both Britannia Street and Wicklow Street. Access to the building would be possible via a ramp which would be located along the main frontage of the building. At roof level a number of solar panels have been proposed.

3. RELEVANT HISTORY

13 Britannia Street and 146-146A Wicklow Street (Application site)

- 3.1 Planning permission was granted subject to a section 106 agreement on 12th July 2000 (PS9904306/R2) for the erection of a part 5 storey/part 6 storey building for residential use (Class C3) providing 26 housing units with associated disabled parking bays and landscaping, together with balcony access at first to fourth floor rear and roof terraces at fourth and fifth floor level.
- 3.2 This proposal was also for a 100% affordable housing scheme for Origin Group (formerly known as St Pancras & Humanist Housing Association). The scheme was never implemented owing to technical reasons relating to building over the adjacent tunnel. The current proposal is smaller in height, mass and area than the previously approved building.
- 3.3 Planning permission was granted following the completion of a section 106 agreement on 21st March 2007 (2006/5280/P) for the change of use from a car park (sui generis) to residential (Class C3). All 23 units within the part-four, part-five storey building were affordable units. This is the extant planning permission to which this application is seeking to renew.
- 3.4 Conservation area consent was granted on 9th March 2007 (2008/0017/P) for demolition works in association with the redevelopment of the site. This involved the demolition of an existing vent shaft to the tunnel (reduced to ground level) and the partial demolition the boundary wall on the east elevation. The current conservation area consent application is identical to this permission.

7-11 Britannia Street

- 3.5 Conservation Area consent to demolish the existing 3-storey office building was granted (2004/5482/C) on 6th April 2005.
- 3.6 Planning permission (2004/5482/P) for the demolition of the existing 3-storey office building and erection of a new-5 storey plus basement building to accommodate a restaurant (Class A3) at ground and basement floor levels with associated ventilation plant and eight residential flats was granted following the completion of a S106 Agreement on 12th October 2005. This scheme is yet to be implemented but is extant up to 12th October 2010.
- 3.7 An application (2005/1972/P) for a six storey and basement scheme, incorporating ten residential units (6x1, 1x2 and 3x3 bed) above a basement and ground floor restaurant (Class A3). Planning Permission was refused on 15th August 2005 and the scheme was subsequently dismissed at appeal (Appeal ref: APP/X5210/A/06/1188255) on 4th May 2006.
- 3.8 A further application (2005/3801/P) on the site was submitted for a six storey and basement scheme, incorporating ten residential units (7x1 & 3x3 bed) above a basement and ground floor restaurant (Class A3). Planning permission was refused on 2nd December 2005 but the scheme was subsequently allowed on appeal (Appeal ref: APP/X5210/A/06/1197447) on 4th May 2006. This scheme has not been implemented and is now beyond three years (the implementation period) old.
- 3.9 Planning permission (2006/5281/P) was granted on 23rd March 2007 for the refurbishment of the building for office use, also including a ground floor rear extension, balcony areas at rear first and second floor level, new front entrances and air conditioning units.

4-26 Britannia Street

- 3.10 Planning permission 2005/3376/P was granted on 12th June 2006 for amendments to a partially implemented permission (PSX0205355) for a gallery (Class D1) at ground floor level, office (Class B1) at first floor level and nine residential units (Class C3) on the upper floors of this building.

4. CONSULTATIONS

Statutory Consultees

- 4.1 English Heritage has commented that they do not wish to offer any comments on the applications. Moreover, it is advised that the applications are determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 4.2 Network Rail were formally consulted on the application but have not provided any comments to date.

Conservation Area Advisory Committee

- 4.3 King's Cross CAAC comments as follows: "No comment (we are not familiar with the permitted scheme and no drawings are available to the committee)".

Adjoining Occupiers

| | |
|---|-----|
| <i>Number of letters sent</i> | 114 |
| <i>Total number of responses received</i> | 8 |
| <i>Number of electronic responses</i> | 4 |
| <i>Number in support</i> | 0 |
| <i>Number of objections</i> | 8 |

- 4.4 A site notice was erected on 24/03/2010, expiring on 14/04/2010. A press notice was displayed in the Ham and High on 25/03/2010. A total of eight responses were received from occupiers of: 7-11 Britannia Street; Flats 1 and 5, 26 Britannia Street; No's 30, 40, 88 and one unspecified number Derby Lodge; and, Apartment 4, 27 Swinton Street. A summary of the issues raised are as follows:

- Loss of car park, "which is highly valued by visitors" and an important local amenity. Associated implications are also noted, such as increase in parking capacity problems in the local area. One objector specifies "we do not have enough parking permit spaces in this area to support a building with another 23 flats which could have the potential of another 23-50 cars coming to the street;
- Two objectors raise concerns over the size and design principles of the scheme. One objector states that the building would be a "red-bricked monstrosity" that will overshadow and dominate other buildings to the detriment of the character and gentrification of the area. Suggestion that the scale is reduced and design modernised to better fit the local area. Another objector states that the east elevation would create "a harsh and austere feature ", the building in general would dwarf No. 7-11 Britannia Street and fronting onto Wicklow Street the all brick building would overshadow the existing recreational ground and low lying buildings. In summary it is considered that given other recent examples in King's Cross Conservation Area, the design should be revised to create one which is bolder in style to that presently proposed.
- Increased traffic (on Britannia Street and Wicklow Street)/disturbance from construction will increase levels of pollution in an area where air quality is "already well below acceptable";
- Loss of privacy for neighbouring occupiers within Derby Lodge caused by potential overlooking;
- Loss of daylight and sunlight to neighbouring buildings No. 7-11 Britannia Street, flats within Derby Lodge (explicitly ground floor flats), courtyard space within Derby Lodge are specifically referred to;
- Loss of an open "air space" leading to an increased sense of enclosure to occupiers within Derby Lodge;
- Potential for "loss of airflow during summer causing 'cooling' problems and increased cooling expenses" for Derby Lodge occupiers;

- Noise, dust and dirt disturbance to neighbouring buildings, both during construction and after construction (for example noise disturbance from amenity space). One objector notes this could cause “years of misery”;
- Concern over the loss of safe access to No. 7-11 Britannia Street;
- Potential for crime opportunities from proposed cycle parking area. Another objector states that the proximity of development to London Underground is unsafe;
- Concern over the closeness of building to party wall of No. 7-11 Britannia Street and associated access to this party wall;
- Use of heavy machinery during construction – impact on traffic, disruption to the local area (for example blocking off Britannia Street) and possible damage to the fabric of No. 7-11 Britannia Street. Another specific concern is over methods of construction and construction times;
- Potential for waste storage to attract vermin. Another objector implies it would exacerbate an existing problem;
- Query over whether additional refuse collections would occur as a result of the development.
- Concerns that the proposed development will be detrimental to the rental / capital value of a property within 26 Britannia Street;

5. POLICIES

5.1 Replacement Unitary Development Plan 2006 (RUDP)

| | |
|------|--|
| SD1 | Quality of life |
| SD2 | Planning obligations |
| SD3 | Mixed use development |
| SD4 | Density of development |
| SD6 | Amenity for occupiers and neighbours |
| SD7 | Light, noise and vibration pollution |
| SD8 | Disturbance |
| SD9 | Resources and energy |
| SD12 | Development and construction waste |
| H1 | New housing |
| H2 | Affordable Housing |
| H7 | Lifetime homes and wheelchair housing |
| H8 | Mix of units |
| B1 | General design principles |
| B6 | Listed buildings |
| B7 | Conservation Areas |
| N4 | Providing public open space |
| N5 | Biodiversity |
| N8 | Ancient woodlands and trees |
| T1 | Sustainable transport |
| T3 | Pedestrians and cycling |
| T4 | Public transport |
| T7 | Off street parking, city car clubs and city bike schemes |
| T8 | Car free housing and car capped housing |
| T9 | Impact of parking |
| T12 | Works affecting highways |
| C3B | Play facilities |

5.2 LDF Core Strategy and Development Policies

As the draft LDF Core Strategy and Development Policies documents have now been published they are material planning considerations particularly where they directly stem from and accord with national policy. However, as a matter of law, limited weight should be attached to them at this stage because they cannot override the Council's legal duty to determine planning applications in accordance with its existing development plan unless material considerations indicate otherwise. At the present time it is likely to be difficult to justify refusal of any application based solely on draft LDF policies and members should always seek specific officer advice before considering voting for refusals on this basis.

Core Strategy Proposed Submission

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

Development Policies Proposed Submission

| | |
|------|--|
| 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 |
| DP16 | The transport implications of development |
| DP17 | Walking, cycling and public transport |
| DP18 | Parking standards and the availability of car parking |
| DP19 | Managing the impact of parking |
| DP20 | Movement of goods and materials |
| 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 |
| DP28 | Noise and vibration |
| DP29 | Improving access |
| DP32 | Air quality and Camden's Clear Zone |

5.3 **Other Relevant Planning Policies**

The London Plan Consolidated with Alterations since 2004 (February 2008)
Camden Planning Guidance 2006 (CPG)
PPS23 – Planning and Pollution Control (Published 3rd November 2004)

5.4 **Supplementary Planning Policies**

King's Cross Conservation Area Statement (Adopted June 2004)

6. **ASSESSMENT**

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

- Principle of development
- Quality of residential accommodation
- Design
- Amenity
- Sustainability
- Transport
- Other matters

6.2 First to reiterate, this planning application is for the renewal of planning permission (2006/5860/P) granted on 21st March 2007 to allow a further time period for implementation. The original application was considered against the same Camden UDP policies as this application will be. As such, there has not been a change in the local policies since the application was first approved in 2007. Thus the officer report for permission 2006/5860/P has been included as an appendix to this report for reference purposes. However, in the intervening period the London Plan (Consolidated with Alterations since 2004 – dated February 2008) has been adopted. As such, this has been given consideration.

Principle of development

6.3 The principle of the loss of the car park (Sui Generis) use at the site has already been established. The policy climate in the intervening period has not altered (there remain no specific policies which protect existing car park uses) and thus no policy issues are raised.

6.4 Turning to the proposed use, again the principle of residential accommodation has already been established and considered appropriate at the site. Policy 3A:11 of the London Plan (Consolidated with alterations since 2004 – February 2008) denotes that affordable housing should be sought for schemes of 10 dwellings or more. This supersedes the RUDP policy (which the original application was considered against) of 50% affordable housing being sought in schemes of 15 dwellings or more (although the rest of SD2 remains extant). The proposal is for 23 dwellings, all of which are sought as affordable housing. Therefore it remains the case that the proposed scheme is appropriate within this context.

- 6.5 In terms of tenure split, this should normally be 70% social rented and 30% intermediate housing. Paragraph 2.18 of RUDP policy H2 states that, if the scheme is led by affordable housing, schemes may exclude social rented or intermediate housing where this is warranted. The tenure mix of 100% social rented is considered to be appropriate in the context of the locality and has already been accepted as such by permission 2006/5860/P. The thrust of the policies in this specific regard have not altered since the original permission and is thus considered appropriate. The units being secured as affordable will be done so via a S106 Legal Agreement.

Quality of accommodation

- 6.6 The 23 residential units proposed remain unaltered in size from those already approved by permission 2006/5860/P, where it was established that each unit was fully self-contained and complied with the Council's minimum floorspace standards outlined in CPG. Given the context has not changed since this decision, the quality of accommodation is considered to be acceptable.
- 6.7 With regards to lifetime homes, it was previously accepted that owing to the complexity of the buildings setting, that not every lifetime homes standards would be able to be met. However, it was outlined that around 90% of the units would comply and over 10% would also be wheelchair accessible. This is considered to be acceptable. In terms of housing mix, one two and three bed units would be provided, as outlined above. Such a mix is considered appropriate and acceptable.

Design

- 6.8 The Council's design policies have not changed since the original planning permission was granted in 2007. Moreover, it is also considered that the site context has also not significantly in the intervening period, without permissions in the locality which have implications for the proposed development. Within this context, the proposed demolition works and the proposed building, are considered to be acceptable. More specifically, the height, bulk and massing of the proposed building is considered to be appropriate given the context of the site and thereby preserve the character and appearance of this part of the conservation area and not harm the setting of nearby listed buildings.
- 6.9 It is acknowledged that there are a number of site constraints, which dictate the orientation and some key design elements of the proposals. For example, it is regretted that an active frontage at ground floor level is not able to be achieved. However, a balanced judgement is required owing to the other benefits the scheme will provide. Thus, on balance, the scheme is considered to be acceptable in design terms.

Amenity

- 6.10 Similarly, the Council's policies in respect of amenity impact have not been revised since the 2007 approved scheme at the site and the site context has not changed significantly in the time elapsed. Thus it is not considered that the Council would have sufficient grounds to refuse the application on this basis. It is however

acknowledged that a number of concerns have been raised in respect of amenity matters from the public consultation process. In terms of sunlight/daylight matters, the local context has not changed significantly to alter the findings of the assessment submitted as part of the 2007 permission, which concluded that any loss of daylight to the neighbouring Derby Lodge would not be outside those levels permitted by BRE guidelines. Existing boundary treatments would reduce the impact of overlooking between neighbouring buildings to a certain degree, which would mean any overlooking would be at a high level, significant distance and in many instances at an acute angle. The setbacks proposed will also mitigate any impact of outlook/sense of enclosure concerns raised.

- 6.11 Given the site and surroundings, noise and disturbance is also an important consideration. A full noise survey was submitted at the time of the original application and the site context is not considered to have changed significantly since this point in time to alter the conclusion that the site is developable providing necessary precautions (such as suitable glazing) are taken. Such conclusions remain valid and further details are recommended to be secured via condition.

Sustainability

- 6.12 Since the original permission was granted in 2007, the London Plan (Consolidated with alterations since 2004 – February 2008) has been published. Policy 4A.7 denotes a target for a 20% reduction in carbon dioxide emissions from on-site renewable energy generation from developments. This updates RUDP policy SD9, which required 10% of the site's energy needs to be generated on-site from renewable technologies. The proposed scheme achieves a 12% saving by virtue of solar thermal panels at roof level, which would meet 50% of the hot water demand for the building. It is considered that there is scope for renewable savings to be improved if additional energy efficiency measures are introduced. There is considered to be sufficient scope for the energy efficiency of the building to be improved; this is considered to be certain if the scheme is to comply with updated Part L Building Regulations, which would need to achieve a 25% improvement beyond the 2006 Part L regulations the original application was based on. Thus a better energy efficiency performance would improve the renewable energy technologies rating of the building. Given the context of the nature of the application, the on-site constraints and the other benefits the scheme would bring, it is considered that this approach is acceptable.
- 6.13 In the intervening period since the original application, Ecohomes Assessments have been replaced by the Code for Sustainable Homes in new build housing schemes. Therefore any new housing scheme, such as this development, is required to meet Code Level 3 of Sustainable Homes, where 50% of the necessary Energy and Water credits must be met and best endeavours made to meet 50% of the Materials category credits. In this instance the applicant has indicated a willingness to meet the Code Level 3 standard and this is recommended to be secured via a S106 Legal Agreement. Given the nature of this application (as a renewal of planning permission) the provision of a Code for Sustainable Homes assessment has not been submitted. However, the conclusions of the Ecohomes Assessment (which were considered appropriate previously) are considered to be sufficient in this instance, together with the recommended S106 obligation. In

addition, a condition is recommended seeking for a biodiversity appraisal to be submitted prior to the commencement of any development. This will explore the possibility of providing green/brown roofs on all flat roof areas, which it is considered would assist in the Code for Sustainable Homes assessment.

Transport

- 6.14 The original permission at the site included a condition concerning cycle parking and S106 obligations relating to car-free development, a financial contribution for a Car Club parking space, a residential travel plan, a highways contribution and a construction management plan (CMP). The Council's policies have not changed in the intervening period since the original permission, but it is acknowledged that in some areas the precise way the Council applies such policies has altered slightly. Therefore each consideration is again discussed in turn.
- 6.15 With regard to cycle parking, 30 spaces are indicated to be provided within a storage area. However detailed design proposals have not been submitted. This number of spaces accords with the standards for cycle parking in Appendix 6 of the RUDP. Thus it is recommended that a condition is added which specifically refers to 30 cycle spaces being provided to the Council's specifications.
- 6.16 With regard to off-street parking, each of the 23 units proposed are to be secured as 'car-free', meaning occupiers will not be able to apply for on-street parking permits. This is necessary owing to the parking stress levels in the area and follows the approach taken in the original application.
- 6.17 The supporting information for the original permission also denotes that two on-street disabled parking spaces are proposed. The original permission secured these spaces as part of the S106 Legal Agreement. Since this point in time the Council has experienced difficulties elsewhere in the borough in securing this on-street. Highways only provide such spaces following the successful application of a resident that meets the criteria for requiring a dedicated disabled bay. Thus the provision of such bays cannot be tied to a development owing to there being no guarantee that they will be required once the scheme is implemented and residents move in. In order to overcome this issue it is thus recommended that a S106 obligation is secured for £4,000 (£2,000 per bay) to be held as a bond in the event that future occupiers complete successful applications for up to two dedicated on-street parking bays for disabled drivers. The Council would then use the money to implement the bay. Such an approach has been employed before and is considered to be an appropriate and satisfactory arrangement.
- 6.18 The original permission also secured a residential travel plan. It is now considered for a scheme of this relatively limited size and within an area with a Public Transport Accessibility Level of 6b (excellent), the effectiveness of such a travel plan is likely to be limited. Within this context, a travel plan is no longer considered to be necessary.
- 6.19 Previously a £4,000 contribution was secured for the provision of an on-street City Car bay, mitigating the transport effects of the development on the surrounding environment. It would also enable future occupiers to live without a car as it

provides an opportunity to provide cost effective access to a car for short journeys. In the intervening period the costs associated with creating such a space have increased to £6,000. Thus a contribution of £6,000 is recommended to be secured via the S106 Legal Agreement.

- 6.20 With regards to highways works, the original permission secured a financial contribution for removing the existing crossover on Britannia Street and reinstatement to pavement. It appears that the original transport observations inadvertently omitted what is now considered to be necessary requirements to remove the Wicklow Street crossover and reinstate this with pavement and extend the on-street resident's parking bays following the removal of crossovers on both Britannia Street and Wicklow Street. Such works are considered to be necessary to tie the development in with the surrounding urban environment and mitigate the impact of increased trips the development may generate. Another benefit would be an increase in on-street parking provision (some of which may be in the future used for disabled occupiers within the proposed development).
- 6.21 Consistent with the original permission at the site, a CMP is still considered to be necessary in order to minimise traffic disruption and avoid dangerous situations for pedestrians and other road users. This is required owing to the Central London location of the site, the character of the nearby streets and the scale of the proposed development.

Other matters

- 6.22 A financial contribution of £4,843 is required for the improvement of open space in the area in lieu of the total required provision required so a development of this size. It is acknowledged that 455m² of amenity space is proposed; there is however a shortfall which the financial contribution seeks to cover, in accordance with policy N4.
- 6.23 The application site is located at an identified site of potential for contaminated land. It appears that issues relating to contaminated land were not raised within the original application. However, the site is identified as having the potential to include contaminated land given the former engineering and lead works known at the site. As such, it is advised that a comprehensive site investigation is carried out, with the results provided to the Council prior to the development commencing on site. Following on from this a remediation scheme will then be agreed between the Council and applicant, with the remediation measures implemented in accordance with the recommendations of the report. This is considered to be required in order to protect the amenity of future occupiers and neighbours and is recommended to be secured via condition. This is in accordance with the requirements of PPS23.

7. CONCLUSION

- 7.1 The proposed development seeks to renew a planning permission (2007/5860/P) granted by the Council on 21st March 2007. This scheme was considered appropriate and in accordance with RUDP policies. The current scheme is considered within the same local policy context as the original application. Thus the principle of the redevelopment of the site for residential purposes continues to be

considered appropriate. Similarly the design is considered acceptable, taking into account the various constraints of the site, including the setting of nearby listed buildings and the character and appearance of the conservation area. Moreover, the provision of affordable housing will contribute to the Council's housing need targets. It is acknowledged that the London Plan has been updated since the original permission at the site. It is considered that the scheme is consistent with the principles of the updated policies, with the S106 Legal Agreement securing relevant sustainability, transport and open space contributions, in addition to securing the site for affordable housing.

- 7.2 There are no issues raised with the relatively minor demolition works involved in the conservation area consent application; this application is identical to a previous application (2007/0017/C) that was granted consent on 9th March 2007.

8. **LEGAL COMMENTS**

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

9. **RECOMMENDATION**

- 9.1 Conservation area consent is recommended to be granted subject to conditions.
- 9.2 Planning permission is recommended to be granted subject to a Section 106 Legal Agreement to secure the following:
- 100% of the new residential units will be 'affordable', and supplied by an RSL as approved by the Council;
 - Car-free housing for the twenty-three residential units being created;
 - A financial contribution for Highways works to repave the footway adjacent to the site, remove the redundant vehicular crossovers on Britannia Street and Wicklow Street and the extension to on-street residents' parking bays made possible by the removal of the vehicular crossovers on Britannia Street and Wicklow Street;
 - All buildings works to be implemented in accordance with Level 3 Code for Sustainable Homes via design stage and post construction sustainability appraisal;
 - A financial contribution of £4,000 to be held as a bond in the event that occupants of the development complete successful applications for up to two dedicated on-street parking bays for disabled drivers (£2000 per bay);
 - A financial contribution of £6,000 towards a Car Club parking space;
 - A financial contribution of £4,843 for the improvement and maintenance of public open space within the Borough, in-lieu of direct provision;

- A Construction Management Plan.

9.3 In the event that the applicant fails to conclude the Section 106 within the 13-week period, the Development Control Service Manager shall be given authority to refuse planning permission for the following reasons: failure to enter into an undertaking for the provision of affordable housing, open space, car free housing, highway works, car clubs, sustainability initiatives, travel plan and construction management.

APPENDIX

Officer Report for Planning Permission 2006/5860/P & 2007/0017/P

| | | |
|---|--|------------------------------|
| Address: | 13 Britannia Street and 146-146A Wicklow Street, London, WC1X 9JS | |
| Application Number: | 2006/5860/P | Officer: Stuart Minty |
| Ward: | Kings Cross | |
| Date Received: | 20/12/2006 | |
| Proposal: | Redevelopment of the site involving the change of use of the land from a commercial car park (Sui Generis) to residential use (Class C3) involving the erection of a part four, part five storey building to provide 23 affordable housing units (6 x 1-bed, 13 x 2-bed, and 4 x 3 bed units), with associated amenity space, landscaping, refuse storage and cycle parking. | |
| Drawing Numbers: | Site Location Plan (F368/L01); 04.283.S1; F368/sk7/001A; F368/sk7/100B; 101B; 102B;103A; 200B; 201B; 202A; 203A; 204B; 300B; 301A; Supporting Statement (Dated Dec 2006); Design and Access Statement for Full Planning Application; Eco Homes Pre-Assessment Report (Dated Dec 2006); Sustainability Statement (Dated Dec 2006); Energy Strategy (Dated Dec 2006); PPG24 Noise Survey (Report No 2257); Vibration Monitoring (Report No 2257-vib); Report on Daylighting and Sunlighting (Dated Dec 2006); Habitat Survey (Dated Dec 2006). | |
| RECOMMENDATION SUMMARY: Grant Planning Permission subject to a S106 Agreement. | | |
| Related Application | 20/12/2006 | |
| Date of Application: | | |
| Application Number: | 2007/0017/C | |
| Proposal: | Demolition works in connection with the redevelopment of the site, involving the demolition of the existing vent shaft to tunnel (reduced to ground floor level), partial demolition of boundary wall on eastern elevation. | |
| Drawing Numbers: | F368/sk7/Demo I | |
| RECOMMENDATION SUMMARY: Grant Conservation Area Consent Subject to Conditions | | |
| Applicant: | Agent: | |
| Origin Housing Group St. Richards House 110 Eversholt Street London NW1 1BS | King Sturge LLP 30 Warwick Street LONDON W1B 5NH | |

ANALYSIS INFORMATION

| Land Use Details: | | | |
|-------------------|--------------|--------------------------|------------------------------|
| | Use Class | Use Description | Floorspace (m ²) |
| Existing | SG | Commercial Car Park | 1000m ² |
| | Total | | 1000m² |
| Proposed | C3 | Affordable Housing Units | 1955m ² |
| | Total | | 1955m² |

| Residential Use Details: | | | | | | | | | | |
|--------------------------|------------------|---------------------------------|---|----|---|---|---|---|---|----|
| | Residential Type | No. of Habitable Rooms per Unit | | | | | | | | |
| | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9+ |
| Proposed | Flats | - | 6 | 13 | 4 | - | - | - | - | - |

| Parking Details: | | |
|------------------|--------------------------|---------------------------|
| | Parking Spaces (General) | Parking Spaces (Disabled) |
| Existing | 26 | 0 |
| Proposed | 0 | 2 (On Street) |

OFFICERS' REPORT

Reason for Referral to Committee:

The proposal is defined as a 'major' application comprising more than ten residential units. The proposal also involves the substantial demolition to buildings/structures within a conservation area. Any grant of permission would also require the conclusion of a Section 106 Planning Obligation relating to, *inter alia*, matters outside the normal scheme of delegation. [Clauses 3 (i), (v) and (vi)].

Members are advised that the application is one that should be determined within 13-weeks, the expiry of which is the 21st March 2007.

1. SITE

- 1.1 The application site relates to an existing commercial car park, approximately 0.1 hectares in size with frontages to the south side of Britannia Street and the north side of Wicklow Street. The site is bounded to the west by the open London Underground cutting through which Metropolitan, Hammersmith and City and Circle lines operate. The western part of the site is also situated above a Network Rail tunnel through which Thameslink/First Capital Connect trains operate.
- 1.2 The site is located within the Kings Cross Conservation Area, and has a distinct industrial character. The Conservation Area Statement identifies the application site as making a negative contribution to the Conservation Area.
- 1.3 To the north east of the site lies an existing three storey light industrial building, known as 7-11 Britannia Street whilst further industrial buildings are also located to the north. On the eastern boundary of the site lies a series of grade II listed residential buildings known as 'Derby Lodge'. The blocks are seven storeys high and like the application site has frontages to both Britannia Street and Wicklow Street.

2. THE PROPOSAL

Original

- 2.1 The proposed development comprises the demolition of an existing vent shaft, a small area of pier (wall) and a proportion of boundary wall located adjacent to Derby Lodge to allow for the erection of a part four, part five storey residential building providing 23 affordable housing units comprising 6 x 1 bed, 13 x 2 bed and 4 x 3 bedroom units with a gross internal area of 1955m²
- 2.2 In addition two disabled car parking spaces are proposed on street adjacent to the entrance on Britannia Street and 30 cycle parking spaces enclosed within a cycle store. A total of 455m² of amenity space, both private and communal, is proposed including an under-fives play area near the Britannia Street frontage. The site would be enclosed by a steel railing fence and would have secure entrances from both Britannia Street and Wicklow Street. Access to the building would be possible

via a ramp which would be located along the main frontage of the building. At roof level a number of solar panels have been proposed.

Revisions

- 2.3 A demolition plan has been submitted which clearly outlines the extent of the demolition works.

3. RELEVANT HISTORY

Application site

- 3.1 Planning permission was granted subject to a section 106 agreement on 12th July 2000 under planning reference (PS9904306/R2) for the erection of a part 5 storey/part 6 storey building for residential use (Class C3) providing 26 housing units with associated disabled parking bays and landscaping, together with balcony access at first to fourth floor rear and roof terraces at fourth and fifth floor level.
- 3.2 This proposal was also for a 100% affordable housing scheme for Origin Group (formerly known as St Pancras & Humanist Housing Association). The scheme was never implemented owing to technical reasons relating to building over the adjacent tunnel, and results in the current proposal being smaller in height, mass and area than the previously approved building.

7-11 Britannia Street

- 3.3 Conservation Area consent to demolish the existing 3-storey office building was granted under Council reference (2004/5482/C) on the 6th April 2005
- 3.4 A planning application for the demolition of the existing 3-storey office building and erection of a new-5 storey plus basement building to accommodate a restaurant (A3 Use Class) at ground and basement floor levels with associated ventilation plant and eight residential flats was granted subject to a S106 agreement under Council reference (2004/5482/P) on the 12th October 2005.
- 3.5 A further application on the site was submitted for a six storey scheme was allowed on appeal (planning reference 2005/3801/P) on the 04/05/2006. This scheme has not yet been implemented.

4. CONSULTATIONS

Statutory Consultees

- 4.1 **English Heritage** has recommended that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.
- 4.2 The **Crime Prevention Design Advisor** has raised no objections subject to suitable boundary enclosures, video entry access control systems, guarding around the raised walkway, external lighting, and self closing devices on the refuse storage area.
- 4.3 **London Underground** have been consulted, however no comments have been received to date. Any representations received will be reported in the supplementary papers.

Conservation Area Advisory Committee

- 4.4 The **Kings Cross CAAC** have been consulted, however no comments have been received to date. Any representations received will be reported in the supplementary papers.

Local Groups

- 4.5 No comments from any local groups have been received.

Adjoining Occupiers

| | |
|--------------------------------------|------------|
| <i>Number of letters Sent</i> | <i>124</i> |
| <i>Number of responses received</i> | <i>4</i> |
| <i>Number in support</i> | <i>1</i> |
| <i>Number of objections</i> | <i>2</i> |
| <i>Number of electronic POLICIES</i> | <i>1</i> |

- 4.6 The owner/occupiers of flats **No's 88 and 94 (2 letters) Derby Lodge** have raised the following objections: -

- Detrimental effect on parking as a result of the development
- No details have been provided with respect to parking during the construction period.
- Refuse and cycle parking should be replaced with car parking
- No details have been provided with respect to the demolition of the wall
- The building will affect levels of lights to Derby Lodge and their skyline will be reduced as the proposed building will be above the current boundary wall.

- 4.7 The owner/occupier of flat **64 Derby Lodge** has written to raise support for the application, for the following reasons:-

- Support for affordable housing in the area
- The existing corrugated fence is an eyesore that needs to be removed

- 4.8 The owner/occupier of **Flat 90 Derby Lodge** has stated they have 'no comments' to make on the application.

- 4.9 A site notice was posted around the boundary of the site on the 11/01/2007 (Expiry 01/02/2007). Notice of the application was issued in the Local Press (Ham and High) on the 19/01/2007 (Expiry 09/02/2007).

5. POLICIES

- 5.1 Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

5.2 Camden Replacement Unitary Development Plan 2006

- S1-S3 Strategic Sustainable Development; (complies subject to conditions);
- SD1 Quality of life (complies);
- SD2 Planning obligations (complies subject to S106);
- SD3 Mixed use development (complies);
- SD4 Density of development (complies);
- SD6 Amenity for occupiers and neighbours (complies);
- SD7 Light, noise and vibration pollution (complies subject to conditions);
- SD8 Disturbance (complies subject to conditions);
- SD9 Resources and energy (complies subject to S106);
- SD12 Development and construction waste (complies subject to conditions);
- H1 New housing (complies);
- H2 Affordable Housing (complies subject to S106);
- H7 Lifetime homes and wheelchair housing (Further details to be presented in supplementary papers);
- H8 Mix of units (complies);
- B1 General design principles (complies);
- B2 Design and layout of developments large enough to change their context (complies)
- B6 Listed buildings (complies)
- B7 Conservation Areas (complies);
- B9 Views (complies);
- N4 Providing public open space (complies subject to S106);
- N5 Biodiversity (complies subject to conditions)
- T1 Sustainable transport (complies subject to S106);
- T3 Pedestrians and cycling (complies);
- T4 Public transport (complies);
- T7 Off street parking, city car clubs and city bike schemes (complies subject to S106);
- T8 Car free housing and car capped housing (complies subject to S106);
- T9 Impact of parking (complies);
- T11 Alternative use of existing car parks (complies);
- T12 Works affecting highways (complies subject to S106);
- C3B Play facilities (complies);

5.3 Camden Planning Guidance 2006

The following sections of the Camden Planning Guidance are of particular relevance to the application:

- P1 - Access for all
- P9 – Affordable housing & housing in mixed-use development
- P29 – Biodiversity
- P37 – Built form
- P41 – Car free and car capped housing
- P49 – Conservation areas
- P53 – Construction and demolition
- P61 – Cycle parking and storage
- P63 – Daylight and sunlight

- P67 – Designing safer environments
- P71 – Design
- P103 – Lifetime homes and wheelchair housing
- P117 – Noise and vibration
- P121 – Overlooking and privacy
- P133 – Planning obligations
- P171 – Public open space
- P195 – Residential development standards
- P217 – Sustainable buildings

5.4 **Other Supplementary Planning Guidance**

Kings Cross Conservation Area Statement (Adopted June 2004)

6. **ASSESSMENT**

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

- Land use – The principle of the development
- Size, mix and quality of the residential accommodation
- Design related issues, townscape, impact on the Conservation Area and the adjacent Listed Buildings
- Sustainability - resources and energy
- Impact on amenity
- Transport, access and parking
- Other Matters

Land use – The principle of the development

The loss of the car park

6.2 The current use of the site is as a private car park (sui generis). There are no UDP planning policies to retain this use, and therefore its loss is considered acceptable in land use terms.

The principle of residential accommodation

6.3 The Council's UDP policies support increases in residential accommodation on sites, providing an acceptable standard of accommodation can be achieved. Housing is the priority use within the UDP and is supported by policies H1 and SD3.

Affordable housing

6.4 Adopted policy H2 expect schemes containing 15 dwellings or more of residential development sites of 0.5ha or more to make a contribution to the supply of affordable housing. A guideline of 70% as the proportion of social rent and 30% intermediate will be sought. (London Plan definition - affordable to households with incomes of £40,000 a year or less at 2004). The proposal is for 23 housing units, 100% for social rent and as such complies with these policies.

Size, mix and quality of the residential accommodation

Residential space standards

- 6.5 Whilst there are no policies within the replacement UDP relating to residential space standards, Supplementary Planning Guidance suggests that new self-contained dwellings should have a minimum floor area of 32m². All proposed units are self contained and between 45.6m² and 85.1m² and are thus considered acceptable. All habitable rooms in the development have external windows, and therefore an adequate level of amenity in this respect would be achievable.

Lifetime homes/Wheelchair housing

- 6.6 Replacement UDP policy H7 requires all residential developments to meet lifetime homes standards and include 10% housing that could be occupied by a person using a wheelchair. Due to the complexity of the buildings setting and the restricted nature of the site, it is not possible for all the proposed units to meet lifetime homes standards or be wheelchair accessible. However, about 90% of the units would meet lifetime homes standards and over 10% of the units would be wheelchair accessible. Officers are still in discussions with the applicant about this issue and further details will be reported within the supplementary papers.

Mix of units

- 6.7 In accordance with Policy H8 the Council will only grant planning permission for residential development that provides an appropriate mix of unit sizes, including large and small units. The most recent Housing Needs Survey (2004) highlights that for a period of 5 years there is a shortage of affordable housing within the Borough. The scheme proposes 6 x 1 bed units, 13 x 2 bed units and 4 x 3 bed units and this is considered a reasonable mix which would contribute towards the Boroughs affordable housing targets.

Design related issues, townscape, impact on the Conservation Area and the adjacent Listed Buildings

Demolition works

- 6.8 Conservation Area consent is sought for the demolition of the existing central vent shaft, the pier area adjacent to the rear of 7-11 Britannia Street, and a limited area of boundary wall adjacent to Derby Lodge located to the south of the site on Wicklow Street.
- 6.9 The works are necessary to ensure that enough space is available for the proposed development. The existing vent shaft is approximately 5 metres high and 15 metres in diameter. The vent is of brick construction and services the Network Rail tunnel below. Its demolition is considered acceptable given it is no longer a functional requirement for the tunnel and holds limited conservation value as a redundant structure.
- 6.10 The proposals to demolish the pier at ground to first floor level at the rear of 7-11 Britannia Street is justified as the pier is no longer structurally necessary and is projecting into the site creating complications with the new boundary of the proposed building. The proposals to demolish a partial area boundary wall which lies adjacent to Derby Lodge is required for structural reasons. Following partial

demolition it is proposed to replace the line of the boundary wall with the eastern exterior wall of the proposed building. The new building's exterior wall will be joined with the existing area of boundary wall and provide separation from the gardens of Derby Lodge and given the aforementioned is thus considered acceptable.

Site layout

- 6.11 The footprint of the building is dictated by the specific site constraints. Its orientation and depth is considered appropriate for the site following the existing building depth of the adjoining buildings, enclosing the Derby Lodge courtyard on the western elevation. The proposal is set back from the rear site boundary to create private amenity space and to minimise amenity concerns.

Access ramp

- 6.12 The building has raised ground floor levels due to the tunnel, and in order to provide a level approach to the dwellings a lightweight external walkway structure at a gradient of 1:20 has been proposed. The ramp, as originally proposed would be 36 metres in length and would provide access to the two cores/entrances on the main elevation (southwest) of the building. A reduced version in terms of ramp length, footprint and bulk has recently been received, and an analysis of the revised ramp shall be reported within the supplementary papers.

Landscaping

- 6.13 The site proposes a total of 455m² of amenity space which includes a secure children's play area on the Britannia Street frontage, private garden space for the some of the ground floor units, and communal courtyard areas to the rear of the building. The majority of the open space is at the front of the building, and whilst appreciating the technical limitations as a result of the Network Rail tunnel which require the construction of a 200-250mm thick concrete slab over the entire extent of the tunnel, officers consider that this space should offer a clear design and function.
- 6.14 Policy B1 requires all developments to provide appropriate high quality landscaping, and whilst there is a limited opportunity for grassed or planted amenity space in this area there is an opportunity for planters, climbers for the wall to the railway cutting and hard landscaping. A condition is recommended to ensure a full landscaping strategy is submitted prior to the commencement of development.

Boundary treatment

- 6.15 A 2.2m high metal fence with a secure entrance is proposed along on the Britannia Street, Wicklow Street and the railway elevations. The existing boundary structure comprises a mixture of brick wall which varies between 1.6 - 2.2 metres in height, and corrugated metal panelling. The principle of a new metal fence is considered acceptable, subject to the gates in the railings having self-closing devices and an access control system. The height of the fence has been negotiated with the Crime Prevention Officer, and is considered acceptable given the site is visually not a gated community.
- 6.16 Detailed drawings have not been submitted, and therefore it is considered reasonable to impose a planning condition to ensure a high quality boundary

treatment. Officers consider that a visually permeable fence would be an appropriate contextual response, allowing suitable visibility of the site. Officers also consider it appropriate for the scheme to incorporate a lighting strategy for community safety and visual interest as well lettering or another method of creating an attractive boundary fence.

Proposed building: height, bulk and massing

- 6.17 The bulk of the building is consistent with the surrounding buildings, and steps up from a ground plus three storeys on the Britannia Street elevation to a ground plus four storeys development on the southern part of the site fronting Wicklow Street. The scheme has been reduced in bulk and height from the previously approved scheme due to weighting and location issues over the Network Rail tunnel, which effectively means the current scheme, is a storey lower.
- 6.18 The building is lower than the Grade II Listed Derby Lodge, and the extant inbuilt scheme at 7-11 Britannia Street. The proposed building is one storey larger than the existing 7-11 Britannia Street building but 1 storey less than the approved building, and is considered to be contextually acceptable. Given the context of the site and the aforementioned development constraints, the scheme is considered acceptable in terms of its impact on the character and appearance of the Kings Cross Conservation Area and the townscape and visual integrity of the site.
- 6.19 Building in close proximity to the side elevations of the existing buildings at 7-11 Britannia Street and Derby Lodge would result in no specific harm as both facades are flank elevations of little interest.

Wicklow Street and Britannia Street ground floor treatment

- 6.20 Officers have concerns over the ground floor treatment to both end elevations, Britannia Street and Wicklow Street. This is due to the non-inclusion of doors/windows and as such it would fail to offer active frontages and be the only building on either street to not have doors and windows at ground floor level facing the street.
- 6.21 This issue has been discussed with the applicant, and the non-inclusion of such measures owes to technical constraints relating to vibration isolation. In order to isolate the buildings structure from the vibration from the tunnel, the two foundation structures require separation by high performance vibration pads. The tunnel is less than 1.5 metres from the existing ground level and therefore this requires the building to have the effect of being raised out of the ground. The ground floor level of the proposed building is therefore approximately 1.2 metres above street level where the four storey section of the building occurs at the Britannia Street end of the scheme and approximately 1.7 metres above street level where the five storey section occurs at the Wicklow Street end.
- 6.22 This creates a fundamental problem when trying to create an active street frontage to the building. The key device for creating an active street frontage is the use of large windows and glazed doors at ground floor level which visually connect the building to the street. In this instance any windows or doors to the building at street level will necessarily have to be 'false' as they would expose the foundations to the building. Although the non-inclusion of such measures is regrettable from an

'urban design' perspective, given the site constraints and overall benefits of the scheme this element is considered to be on-balance acceptable

Materials

- 6.23 The overall design of both the Britannia Street and Wicklow Street elevations in terms of fenestration dimensions, detailing and materials are considered acceptable. The materials of red brick with grey brick elements and metal cladding panels, with metal windows are considered a successful response to the industrial character of the area.
- 6.24 The southwest elevation is the principle elevation and this is generally considered acceptable in terms of detailing, materials and fenestration. However, the blue render is considered incongruous, and further details of colour are to be secured via planning condition to ensure a more appropriate colour to an industrial style building.

Sustainability - resources and energy

Ecohomes and Sustainability

- 6.25 The applicants have undertaken independent BREEAM and EcoHomes pre-assessments. In each case the pre-assessment states the development would achieve a 'Very Good' rating, which would accord with adopted UDP policy SD9. The applicant has submitted an Ecohomes pre-assessment report which relates to the residential dwellings proposed in the development. The report states that the development reaches an Ecohomes rating of 59% which means that the scheme achieves a rating of "Very Good".
- 6.26 In addition to the Council expecting developments to achieve a "very good" rating, the Camden Planning Guidance states that developments achieve 60% of available credits in water and energy and 40% of available credits in materials. In terms of energy the scheme achieves an acceptable amount of credits (70.8%), however the water and materials credits are below what is expected, 50% and 29% respectively. This issue has been discussed with the applicant, and due to financial constraints relating to the delivery of the scheme it is not be possible to improve the material and water credits. On reflection, officers consider that given the scheme meets the 'very good' standard as required by policy SD9, and the strategic benefits associated with the provision of affordable housing, that this element of the scheme would be, on balance, acceptable.

Renewable Energy

- 6.27 Once a satisfactory sustainable design has been achieved adopted policy SD9 requires 10% of the site's energy needs to be generated on-site from renewable technologies. The applicant's energy report has used the London Renewables Toolkit for the development's benchmark energy consumption figures.
- 6.28 A total of 61m² of solar panels have been proposed at roof level, which results in the production of 12% of the site's energy needs. The provision of solar hot water panels would meet 50% of the site's hot water demand and therefore meet the renewable energy requirements of policy SD9. All measures included within the

submitted sustainability pre-assessments are recommended to be secured within the S106 agreement.

Impact on amenity

Daylight/Sunlight

- 6.29 The development raises potential amenity concerns due to its proximity to existing residential development to the east at Derby Lodge. In terms of the developments effect on sunlight to the habitable rooms facing the courtyard, it should be noted that an existing six metre high boundary wall is the main factor determining light levels and therefore any additional light loss to Derby Lodge is considered to be minimal.
- 6.30 The applicants have submitted a 'Daylight & Sunlight' report, which evaluates the impact of the development. This document concludes that there would be some loss in daylight to the Derby Lodge flats adjacent to the new development, however the levels would remain above the BRE guidelines. In terms of proposed windows, the only room that might be considered to be less well lit is a ground floor living room located on the front elevation. This room is shielded by the location of an overhanging projecting element which runs from 1st - 3rd floor level. This room has two principal windows on the front elevation, and the fact that one window does not comply with the guidelines, is not considered material.

Overlooking

- 6.31 The development has been designed to ensure no direct overlooking between existing and proposed residential units. The location of the 6 metre high boundary wall which separates Derby Lodge from the application site, will result in only the central portion of the upper floors having potential to overlook the Derby Lodge shared courtyard, and thus no significant overlooking or loss of privacy would occur as a result of the development.

Noise and Vibration

- 6.32 The close proximity of the underground lines and the Network Rail tunnel dictate the form and location of the new building, and the development has been designed to take account of such constraints. The applicant has submitted a PPG24 Noise Survey and a vibration monitoring report which classed the site within Noise Exposure Category (NEC) C for daytime and nighttime. The site is therefore considered developable providing attention is paid to the noise effects and that noise mitigation be considered. The report recommends that a suitable glazing option should be used, and further details are recommended via planning condition.
- 6.33 The conclusions of the vibration survey recommends that due to the close proximity of the rail cutting and the tunnel, the survey recommends that consideration is given to mitigating the vibration impact on the building based on the levels recorded. In order to isolate the buildings structure from the vibration from the tunnel, the proposals comprise the two foundation structures to be separated by high performance vibration pads.
- 6.34 The Council's Environmental Health officers have raised no objections to the scheme based on the conclusions of these reports subject to the attachment of

planning conditions to ensure compliance with the Councils UDP standards for residential sites adjoining railways (Appendix 1).

Transport, access and parking

Cycle parking/storage

- 6.35 According to policy a minimum of 23 cycle storage spaces should be provided for the residential use. The applicant has identified a storage area for 30 cycles adjacent to the railway line. The accessibility of this area is considered acceptable, and the numbers would exceed the minimum requirements set out in the Councils parking standards (Appendix 6). Detailed design of the shelter have not been submitted, and therefore a condition is recommended to ensure (i) the specified level of parking is maintained (ii) further details on detailed design are submitted.

Works Affecting Highways

- 6.36 This proposal involves both new and altered accesses from the public highway and an active frontage would be introduced to both Britannia Street and Wicklow Street. The existing crossover on Britannia Street at the entrance to the car parking will be removed and reinstated to pavement and two disabled parking bays for general 'orange badge' users would be created on-street. The cost of such works rests with the applicant, and shall be secured via S106 agreement

City Car Clubs

- 6.37 The Council encourages the provision of parking bays for city car clubs as an alternative to off-street and on-street parking and it is recommended that 1 city car club space be provided on or near the site to mitigate the transport effects of the development on the surrounding environment. The applicant is willing to enter into a section 106 agreement to ensure delivery of a Car Club parking space at a cost of £4,000. A location within the area will be suggested at a later date for the car club.

Residential Travel Plan

- 6.38 A travel plan that provides residents with access to a local car club operator, as well as providing all households with a package of information on public transport and walking and cycling routes in the vicinity, is to be secured via S106 agreement. The plan should ensure this information is available to all residents and be submitted and approved by Camden prior to occupation of the development.

Car Free Housing

- 6.39 Given the limited nature of parking within the area, In order to be acceptable in transport terms all new residential units are recommended to be designated car-free, in that occupiers will not be eligible for on-street parking permits. This shall be secured via S106 agreement.

Construction Management Plan

- 6.40 Construction works and construction vehicle movements may disrupt the day to day functioning of Britannia Street, Wicklow Street and the surrounding highway network for an extended period, and will need to be carefully managed to ensure disruptions are kept to a minimum. To ensure any disruptions are kept to a

minimum, a construction management plan (CMP) is recommended to be submitted and approved prior to works commencing, via s106 agreement.

Other Matters

Biodiversity/Ecology

- 6.41 Policy N5 expects schemes to have considered conserving and enhancing biodiversity, including by creating wildlife habitats. The proposal includes a report which makes several recommendations about planting and the inclusion of bat and bird boxes. Whilst there are structural implications regarding weighting, officers consider that it may be appropriate to incorporate a brown roof on the flat roof of the four storey element of the scheme on the northern part of the site. A condition is recommended to ensure a biodiversity appraisal is submitted to include all biodiversity enhancement measures prior to the commencement of development.

Open space financial contributions

- 6.42 The scheme would introduce the creation of an additional 23 units, and whilst a total of 455m² of amenity space has been proposed, a financial contribution of £4,843.00 is required in accordance with policy N4 of the Replacement UDP to improve open space within the locality, in-lieu of the required total direct provision.

7. CONCLUSION

- 7.1 The proposal involves the re-use of an unconventional parcel of land for residential redevelopment. The scale, bulk and massing of the scheme are considered to be an appropriate response to the development potential of this site, when considering the technical and physical constraints imposed by its surroundings, and would both preserve and enhance the character and appearance of this part of the Kings Cross Conservation Area. The use of the site for affordable housing purposes would make a positive contribution to the Councils housing targets and accord with UDP policy. Other conditional/obligation controls are sufficient to address various sustainability, design, parking, landscaping and ecology objectives.

8. LEGAL COMMENTS

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

9. RECOMMENDATION

- 9.1 That planning permission be granted subject to conditions and to the satisfactory conclusion of a Section 106 Planning Obligation covering the following heads of terms:

- 100% of the units supplied by an RSL as approved by the Council;
- A financial contribution of £4,843 towards open space provision within the locality, in-lieu of direct provision;
- All residential units to be designated as car-free;

- A highways contribution for the removal of the existing crossover on Britannia Street and reinstated to pavement and the provision of two disabled parking bays for general 'orange badge' users.
- A financial contribution of £4,000 towards a Car Club parking space
- All building works to be implemented in accordance with the submitted BREEAM and ECOHOMES pre-assessments.
- The submission of a residential travel plan
- A construction management plan.

10. RECOMMENDATION 2

- 10.1 In the event that the applicant fails to conclude the Section 106 within the 13-week period, that it be delegated for permission to be refused on grounds relating to the failure to enter into an undertaking for the provision of affordable housing, open space, car free housing, highway works, car clubs, sustainability initiatives, travel plan and construction management.

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