

**DISCLAIMER**

Decision route to be decided by nominated members on Monday 08<sup>th</sup> March 2010. For further information see

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	16/02/2010
		N/A / attached	<b>Consultation Expiry Date:</b>	3.2.10
<b>Officer</b>			<b>Application Number(s)</b>	
Charles Thuaire			2009/5820/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Land at Corner of Wakefield Street North of St George's Gardens London WC1N 1PG			See decision notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Erection of three basement and 2 storey terraced dwelling houses on vacant land.				
<b>Recommendation(s):</b>		Grant permission subject to S106		
<b>Application Type:</b>		Full Planning Permission		
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice		
<b>Informatives:</b>				



## Consultations

Adjoining Occupiers:	No. notified <b>79</b>	No. of responses <b>07</b> No. Electronic <b>02</b>	No. of objections <b>04</b>
Summary of consultation responses:	<p><u>4 objections</u> from neighbours at 8 Regent Square, Henrietta Mews, 1-3 Handel St-</p> <p>Design lacks architectural merit appropriate to sensitive site, cube-like and chunky, not enhancing existing Georgian style in area; warmer coloured brick needed;</p> <p>Roof terraces could extend in future onto the flat roofs in front, resulting in overlooking; terraces and windows cause loss of privacy and peacefulness to Gardens;</p> <p>Loss of light, privacy and views to open space users and neighbours;</p> <p>No parking onsite resulting in parking congestion; vehicular traffic presents danger to families in street.</p> <p>Overdevelopment; increased height will have detrimental impact on Gardens as well as views from Regent Square; no space for tree planting to diminish its impact; proximity to Gardens will disturb tranquillity and peace of this oasis; developments around gardens is transforming this open space into another town square and changing its character.</p> <p>Eyesore in views from Handel St, in terms of design, layout, appearance and materials; noise nuisance from construction works as well as from terraces.</p> <p>Use of land for housing.</p> <p><u>1 comment</u> from 14 Doughty St-</p> <p>Welcome improvements from previous application- 3 houses and one less storey preferable; prefer use of warm buff brick rather than London stock; sloping roof on south side of proposed roof terraces to deter their use as an extension to these terraces would be welcomed; green wall on eastern flank wall is needed; should not set a precedent for more flat-fronted houses on eastern dairy site in future- current application should be discrete in design terms.</p> <p>2 letters of no objection from Collingham Gardens Nursery and one resident.</p>		
CAAC/Local groups* comments: *Please Specify	<p><u>Bloomsbury CAAC</u>- no response received</p> <p><u>Friends of St Georges Gardens</u>- comment-</p> <p>Welcome improvements to scheme responding to comments by Council, objectors and Inspector; however must bear in mind the following 3 points-</p> <ul style="list-style-type: none"> <li>- materials on south façade must not be overly obtrusive to Gardens and should not be inappropriately contrasting to boundary wall and chapel;</li> <li>- care must be taken on future redevelopment of eastern end of site (ie. Dairy), to prevent an ugly clash of style/size/colour or a solid terrace of new build behind the boundary wall;</li> </ul>		

	<ul style="list-style-type: none"> <li>- roof terraces should be contained by enforceable measures to ensure they do not spread across the southern roof parts.</li> </ul> <p><u>Councillor Simpson</u> comments- slope needed on southern part of roofs to prevent their use as roof terraces; materials needed to better reflect garden wall rather than buildings at rear in Regents Square.</p> <p><u>English Heritage</u>- no comments, can be determined locally.</p> <p><u>English Heritage</u>- archaeological remains are anticipated due to the presence of a Baptist chapel here plus burial ground next door and a proposed basement will damage such remains; thus a condition is required to require a programme of investigation.</p>
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## Site Description

This is a rectangular vacant site approx 22m long and 13m wide, currently laid to tarmac and bounded by hoardings; it was previously used as a carpark forming part of the Dairy depot behind. It is at the corner of Wakefield St and Handel St and immediately adjoins the entrance to St Georges Gardens to the south. It is bounded on the south side by the boundary wall (listed Grade 2) of St Georges Gardens, on the north side by a cobbled accessway to the depot (which is designated as public highway as a spur from Wakefield St), and on the east side by an electricity substation and open yard, forming part of the dairy depot, currently disused. To the north of the accessway is 7 Wakefield Street, a Buddhist centre; to the south are St Georges Gardens, listed Grade 2\* on English Heritage's Register of Historic Parks and Gardens and designated as public open space. Wakefield Street is characterised by large 4 storey blocks mainly in institutional use and Handel Street has 5 storey mansion blocks and Georgian terraced houses. On the other side of the park entrance is a cottage and lodge/chapel, both equivalent to 2 storeys high. Opposite the site at corner of Handel and Wakefield Streets is the Grade 2 listed British College of Acupuncture.

The site lies within Bloomsbury conservation area.

The site originally had 4 large "Ailanthus" trees on its frontage immediately adjoining and overhanging the pavement. These were removed in October 2008 (see history below) and the hoardings relocated to the actual perimeter of the site.

The site is highly visible and sensitive, given its position at the end of Handel Street and adjacent to St Georges Gardens, and its prominence from all directions and adjacent plots.

## Relevant History

2008/2562/P- planning application submitted in July 2008 for erection of 4 terraced dwellinghouses comprising basements, ground and 1<sup>st</sup> floors plus setback 2<sup>nd</sup> floors with roof terraces facing Gardens; it apparently included an application for works to trees in conservation areas involving removal of 4 trees at front.

Trees felled in late October 2008 following no response from Council to tree works application. Planning application withdrawn in February 2009.

2009/0105/P- planning application submitted in December 2008

Appeal lodged against non-determination of this application;

**29.4.09- Council resolved to refuse permission** had an appeal not been lodged, for following 4 substantive reasons, plus 3 additional ones in the absence of a legal agreement-

- 1. The proposed development, by reason of its height, bulk, form and design of the southern elevation, would be detrimental to the openness and setting of Grade II listed St Georges Gardens, to local views to and from this open space and to the character and appearance of the Bloomsbury Conservation Area...*
- 2. The proposed landscaping scheme, by reason of its design and constricted location available for tree planting, would result in replacement trees of inadequate stature and maturity for this important corner site and is likely to result in their longterm failure, which would be detrimental to the character and appearance of the streetscene and Bloomsbury Conservation Area and would be detrimental to the setting of St Georges Gardens...*
- 3. The proposed new houses, by reason of inadequate daylight, sunlight and ventilation to the new basement habitable rooms, would provide substandard living conditions for future occupiers of these houses....*
- 4. The proposed new houses, by reason of the design and size of windows, french doors and unscreened balconies on the south elevation, would be likely to result in actual and perceived overlooking, noise and intrusion to users of St Georges Gardens, which would be detrimental to the public enjoyment and setting of this open space....*
- 5. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking congestion in the surrounding area....*
- 6. The proposed development, in the absence of a legal agreement securing improvements to the highway including construction and adoption of the new footway, would fail to secure the adequate access and safety of pedestrians, cyclists and vehicles...*
- 7. The proposed development, in the absence of a legal agreement securing 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...*

**23.7.09- Appeal dismissed.** The Inspector concluded that “the proposed development would not be contrary to the policies of the unitary development plan in a number of respects, including density, the protection of important views, the protection of trees, and traffic and safety matters. It would not harm the settings of the listed wall, the funerary monuments in the gardens, or the terraced houses on the south side of Sidmouth Street and Regent Square. However it would not preserve the settings of the adjoining registered gardens and the listed mortuary chapel, or part of the setting of the listed British College of Acupuncture, and it would neither preserve nor enhance the character or appearance of the Bloomsbury Conservation Area. It would not accord with the policies of the unitary development plan regarding those matters. The appeal accordingly fails”.

**24.4.09- 2009/1162/L-** listed building consent granted for underpinning works to listed boundary wall.

## Relevant policies

UDP 2006-

SD1,2,4,6,7,8,9;

H1,7,8

B1,6,7,8,

N2,3,5,8

T3,7,8,9,12

E2

CPG 2006, especially chapters 10,14,15,23,29,40

Bloomsbury Conservation Area Statement

## Assessment

### Background-

The site has been subject to numerous pre- and post-application discussions for redevelopment for new housing, plus a planning application for four x 3 storey plus basement houses which was effectively refused by the Council and dismissed on appeal. This latest application follows on from more recent discussions in the light of this appeal decision and guided by the Inspector's useful comments. The appealed scheme was considered by the Council unacceptable for the following reasons- its excessive height and bulk and poor elevational design harmed the character of the historic Gardens and conservation area; its inadequate replacement tree planting proposals did not contribute to the character of the conservation area or streetscene; the houses received seriously inadequate daylight and sunlight to the basement rooms; the excessive use of glazing and balconies harmed the enjoyment of the Gardens through actual and perceived overlooking. The Inspector agreed with the Council in respect of these following 3 issues but not that relating to trees: impact of height and bulk on conservation area, listed buildings and registered St Georges Gardens; perceived intrusion of facade windows and terraces and their impact on character of Gardens; quality of basement floor amenity in terms of light. He further considered that the development would not preserve the setting of adjoining listed buildings including the British College of Acupuncture building opposite. However he felt that the space reserved for tree planting plus a green wall was sufficient to allow adequate and mature landscaping to grow and survive which would preserve the character of the conservation area.

The development has been revised significantly to address the Inspector's concerns- the top storey has been removed and the dwellings reduced in number so that there are now three x 2 storey plus basement houses, with setback staircase hatches giving access to small roof terraces; the elevations have been revised to show differently proportioned windows without balconies or doors; the front building line has been set back further from the listed wall to improve internal daylight and setting of the park. Further design refinements and revised site plans have taken place prior to resubmission to enhance the south facing elevation and roofscape and address the issue of perceived overlooking through windows, and to cover the entire site in the applicant's ownership, ie. including the NW corner of the accessway, by squaring off the corner of pavement on this NW side to allow a more sensibly shaped development and provide a new pavement adjoining it.

### Proposal

The proposal involves the erection of 3 x 2 storey plus basement terraced Class C3 houses, with their front doors facing the access road to the north and windows facing south over the Gardens. The roofs have terraces plus staircase access hatches on their rear sections with flat roofs in front. Each has a basement providing kitchen/diner and storage (under a new pavement), ground floor for living room and study (which can be used as bedroom), 1<sup>st</sup> floors for 2 double bedrooms and bathrooms. All houses are of similar size, with the western house having its entrance directly off Wakefield Street and the other 2 having theirs off the private access road to the north. The south façade facing the Gardens for the whole block is in brick and has almost full width patio doors at basement level, smaller full height windows with louvred screens plus small obscured bathroom window strips at 1<sup>st</sup> floor, and recessed roof terraces with staircase hatches at 2<sup>nd</sup> floor roof level (the western house has its hatch differently aligned to those on the other 2 houses). The excavated basement has a series of sunken patios behind the south boundary wall. Refuse storage is provided on the north side of the western end house. The block is set away from Wakefield Street by a small triangular strip to allow planting of

3 new trees plus a green wall on the western facade. The block is set away from the access road to the north to provide a new 1.8m wide pavement containing glass blocks for the basement rooms below, but has the 1st floor overhanging this in the form of large bays. Due to the site ownership actually including a portion of the northern access road at its NW corner, the existing public pavement and kerbline is extended and squared off at this corner to join with the new private pavement on the north side. The block is set away from the southern listed boundary wall by 2.3m (in contrast to the previous application's 1.5m) to ensure the latter's foundations are not affected.

#### Issues-

landuse; residential standards; amenity, both internally to the proposed houses and externally to the surrounding properties and park; bulk, height and design of the new block; impact on listed structures, Gardens and conservation area; acceptability of tree planting; parking and highway issues.

#### **Landuse issues**

The lawful use of the site is assumed to be Class B8 as it was formerly part of the dairy depot behind. Effectively it has only been used for carparking and the whole site has been vacant since 1986. The application site itself was separated from the main depot some years ago. However according to Council records, the site previously had lock-up garages here in the 1950's related to the church use at no.7 Wakefield Street. Historical evidence shows that the site was previously occupied by a Baptist chapel until the early 20<sup>th</sup> century. Nevertheless it is considered that in the context of the size and location constraints of the site, it is no longer deemed suitable for continued employment use and that new housing is welcomed here as a priority use. Policy H1 seeks the fullest use of underused sites and buildings and this proposal complies with this.

As the scheme is only for 3 houses, it is below the threshold triggering the requirement for affordable housing, for financial contributions for educational and public open space facilities, or for a Code for Sustainable Homes assessment.

The density for the previous scheme was assessed to be 733 Habitable Rooms per Hectare; this was deemed acceptable as it conformed with the range for 650-1100 HRH as considered appropriate for this area according to the London Plan. Accordingly the revised scheme with less habitable rooms, equating to 519 HRH, is also acceptable in density terms alone. However policy SD4 also refers to the need to consider other criteria such as character and scale of surrounding area- the impact on the bulk and height of this downscaled proposal is now considered acceptable and, unlike the previous scheme, not overdevelopment in terms of its impact on the surrounding conservation area- this matter is discussed further below.

The mix of all 2 bedroom 4 person units is acceptable and the option exists for each study on the ground floor to be used as a single bedroom (in compliance with lifetime home standards) so that the opportunity exists for at least 2 houses to be 3 bedroom 5 person family units if necessary. The houses all amply comply with CPG space standards. A Lifetime Homes assessment has been submitted which shows how all 16 relevant criteria are met, particularly showing how the ground floor can accommodate wheelchair accessible living and bedroom space. The scheme thus now complies with policy H7. Refuse storage is provided in a dedicated store on the northern façade, to accommodate 1 Eurobin and 3 recycling boxes in compliance with Street Environment Services standards. This is acceptable; the doors opening out onto the pavement is also acceptable as the



northern access will remain in private ownership.

The site was previously used for industrial uses which may have had the potential to leave contamination. It is consequently advised as a precautionary measure that a condition should be attached to any planning permission to address potential land contamination issues.

The development has been designed with sustainable principles in mind, with use of good insulation and energy and water efficiency measures. However constraints of the site and of the number of dwellings proposed means that renewable energy features, such as communal systems (CHP, biomass, heat pumps), wind turbines and solar panels, are not feasible here. Nevertheless the possibility of brown roofs on the houses should be explored as there appears to be sufficient space and scope for such a feature on the front roof parts. A green wall is proposed for the western flank wall facing Wakefield Street and this is welcomed as an interesting and valuable feature in both biodiversity and streetscape terms.

### **Amenity issues**

#### *Internal amenity*

The new houses are designed to receive most of their daylight and sunlight from the south as the north elevation faces a 2 storey building only 6 metres away. Hence, with the exception of the north-facing second bedrooms, all houses have their principal habitable rooms facing south and receive adequate daylight, sunlight, outlook and ventilation above (although only marginally so for the basement floor –see below). Amenity space is provided via setback roof terraces and small basement patios which are acceptable in the context of this confined space, especially as the residents can also use the public Gardens next door.

The previous scheme was criticised by both the Council and Inspector in terms of the basement floor kitchen/dining room not receiving adequate daylight and ventilation according to CPG guidance as well as the BRE document “Site Layout Planning for Daylight and Sunlight” 1991. Essentially the proposed large rooms receive very little daylight or sunlight due to their basement location and the enclosing effect of the listed boundary wall to the south. Outlook is also seriously compromised due to this wall. It was considered that the standards were clearly not met and the basement rooms (which provide the only kitchen/dining space for the houses and thus are not secondary spaces) were uninhabitable.

The scheme has been revised by setting back the house further from the boundary wall by 0.8m, by reversing the layout of the rooms so that the kitchen units are next to the patio windows rather than at the rear and by redesignating them as joint living/dining rooms with kitchens. A daylight assessment has been carried out for these basement rooms which provides the following figures, cross-referenced to the minimum BRE recommendations:

<i>All figures given as %</i>	<b>minimum</b>	House 1	House 2	House 3
VSC daylight	<b>27%</b>	6.97	6.1	4.78
ADF-kitchen	<b>2%</b>	2.05	1.92	1.69
ADF-living room	<b>1.5%</b>			
VSC sunlight	<b>25%</b>	10	11	7

It confirms that, although the windows receive very poor daylight according to BRE criteria for daylight using the VSC analysis, they meet the minimum standards for living rooms (1.5%) using the ADF criteria, and for 1 house also meets the more stringent ADF standard for kitchens (2%). In terms of sunlight, the rooms are substandard with very low figures below the 25% minimum recommended by BRE, which is to be expected for basement rooms enclosed by a high boundary wall. No test has been made of ventilation, although as before it still fails according to CPG guidance using the 30 degree angle test.

In the circumstances, it is considered that a reasonable level of internal amenity has been achieved here, bearing in mind the constraints of the site, the fact that other habitable rooms exist on upper floors which have excellent and above-average daylight and sunlight levels as well as outlook over the Gardens, and that if necessary the kitchen can be provided on the upper ground floor room in each houses. It is thus concluded that on balance, the proposal now provides adequate living conditions for future residents; given that the scheme is now acceptable on all other grounds it would be unreasonable to refuse the scheme on grounds of inadequate sunlight and ventilation alone.

#### *Neighbouring amenity*

The new block at 3 storeys high will have no material impact on neighbouring residential amenities (in terms of daylight, sunlight, outlook and privacy) of adjoining properties such as the blocks opposite in Wakefield Street or behind at no.7; notably the latter has a blank flank wall and behind this non-habitable rooms such as stairwell, toilet and secondary office windows.

#### *Overlooking of St Georges Gardens*

Concerns were raised to the previous scheme in respect of actual and perceived overlooking over St Georges Gardens from the south facade Juliet balconies, inset terraces and large windows on 1<sup>st</sup> and 2<sup>nd</sup> floors, and the intrusion of these elements on the character and public enjoyment of this open space.

The scheme has been redesigned to take account of these criticisms- the 3<sup>rd</sup> floor and its associated windows and roof terraces has been totally omitted, the number of houses and associated openings etc has been reduced by one, and the 1st floor windows have been reduced in size by approx 50% from the previous proposal as well as louvred screening introduced. This substantially reduces the possibility of overlooking to the Gardens: there are now no external terraces on the south facade, the 1<sup>st</sup> floor bedroom windows are approx 2m wide and screened by internally-fixed vertical timber louvres (which can be fully shut where necessary) which limit further the opportunities for direct overlooking; the other 1<sup>st</sup> floor windows are obscure glazed serving ensuite bathrooms. The ground floor full width windows are acceptable as they are hidden behind the listed boundary wall. A condition will be imposed to ensure that the louvres are installed and maintained permanently to ensure such privacy is protected in accordance with the original intentions of the scheme.

The roof terraces at the rear are acceptable as they are set back by 4m from the south facade (6m from the Gardens) and bounded by glazed balustrades; due to the angles and distances involved, sightlines from the terraces will prevent any views into the Gardens to the south. However it is possible that some closer views would be possible from the side of the end house's roof terrace southeastwards across the adjoining vacant site and into the Gardens; although these views will not be over the most intensively used part of the gardens and in future would be eventually screened by

new development planned for the adjoining site, it is suggested that a condition requiring a privacy screen on this eastern side would be useful to maintain such privacy in the short term. Subject to detailed design, it is considered that this would not add unwelcome visual clutter at this level. It is also proposed to add a condition to ensure that the flat roofs in front of these terraces are not used as informal amenity terraces in future, to address concerns raised by local people.

It is concluded that the new scheme will respect the character of the area and adjoining gardens and will not result in undue loss of privacy either direct or perceived. This issue is discussed again below in the context of the elevational design and impact on the character of conservation area and historic gardens.

### **Conservation and design issues**

The setting and context of the site is important to establish and is quoted below from the previous officer report.

#### *St Georges Gardens*

To the south of the site is St Georges Gardens, which is Grade II\* listed in English Heritage's Register of Historic Parks and Gardens and designated as public open space. It has a peaceful and relative secluded character and is of significant importance to the area. The character of the gardens varies from east to west.

The eastern part of the garden contains the many tombs, headstones, memorials from when the site was 2 burial grounds, and very tall mature trees. The atmosphere in this part is one of intimacy, mystery and a sense of enclosure which is exaggerated by the overhanging leaves and foliage during the summer. This part of the site is enclosed by buildings located close to the boundary between 2 and 5 storeys in height with consent for a new 3 storey building (replacing 2 storey Gregory House) close to the Heathcote Street entrance of the gardens.

The western part is narrower than the eastern section but is much more open without the large trees, tombstones or a sense of enclosure. This part of the gardens affords views of the sky and borrows space from its surroundings due to the low buildings which immediately surround the garden boundary. Taller buildings create a 2nd tier of depth beyond. The peaceful, contemplative nature of this part of the site is enhanced by the views out, between and above buildings, especially of the rear of the listed buildings to the north.

The perimeter wall, gates and railings to St George's Gardens date from circa 1713 and are Grade II listed in their own right. The Mortuary chapel to the south of the Handel Street entrance to St George's Gardens dates from 1820 and is Grade II listed and a number of the tombs and statues within the Gardens are also Grade II listed.

The application site and Grade II listed lodge building (on the other side of the park gates) flank the entrance to the gardens.

The historical development of the site is described in chapter 4 of May 2008 Heritage Assessment produced by Montagu Evans for the appellants and will not be repeated here.

The site falls within Bloomsbury Conservation Area. A more detailed analysis of the site and its

surroundings in this context is provided in chapter 3 (Historic development of Bloomsbury) of the May 2008 Heritage Assessment produced by Montagu Evans, which the Council agrees with.

#### *Tavistock Place*

To the northeast of the site is the Grade II listed Regents Square terrace of 17 four storey Georgian townhouses c1829. The site affords views of the prominent roofscape of the terrace which adds to the setting of the site, given its historic association with Regents Square, and provides the gardens with an historic setting.

The historic pattern of development of the land to the north of St Georges Gardens is considered to result in a distinct hierarchy of built form. The higher status Georgian terrace is taller than the secondary, lower scale development in the mews. This hierarchy preserves the setting of the listed buildings and allows views from the gardens to their rear elevation. This also adds to the historic quality of the setting of the gardens.

#### *Wakefield Street*

A varied range of brick-built buildings in religious uses can be found north of the site. The buildings range in height from the 2 storey Buddhist centre directly to the north to the 4 storey Church and 1960's Presbytery Chapel on Tavistock Place as well as the United Reform church on the junction with Tavistock Place and Wakefield Street.

The Grade II listed British College of Acupuncture is located on the opposite side of Wakefield Street. The tall 3 storey plus attic red brick building dates from 1900. The 5 storey Handel Mansions block is located to the west of Henrietta mews, overlooking the gardens. Both the college and mansions are considered to form the second tier of built form beyond the immediate boundary of the gardens described above.

#### *Views*

Uninterrupted long views toward the subject site are considered to be particularly important. In particular in views east from Handel Street, the current undeveloped site is considered to improve and enhance the western entrance to St George's Gardens, augmenting the sense of openness and defining the beginning of the gardens in contrast to the densely developed surroundings. This was previously aided by the mature trees that used to be on the site (discussed further below under Trees). The openness of the site also offers the ability to appreciate the large trees beyond as well as the roofscape and chimney pots of the Regents Square terrace of houses which can be viewed from as far back as no.7 Handel Street.

The bulk, height, form and design of the development is assessed below in the light of this context.

#### ***Height, bulk, mass and footprint***

The footprint of the proposed development, as before, is not considered detrimental to the character and appearance of the area or setting of the listed garden or wall. This is discussed under "setting of the listed structures" below.

The steps taken to reduce the overall mass and height of the development from the last scheme have improved significantly the bulk of the scheme and its impact on the surroundings. The appeal

dismissal was clear that 'the upper floors of existing buildings surrounding the gardens are for the most part set back from the boundary walls, with lower development immediately adjoining the walls themselves' and that this was an important characteristic of the setting of the gardens. The revised parapet height of the tallest dwelling would rise 400mm above the height of the ridge of the adjacent Mortuary Chapel and the buildings have been set back from the wall. This is considered to address the previous concerns by satisfactorily aligning the height of the building immediately adjoining the garden and lessening intrusive effect on the sense of openness at the western end of the gardens.

Each dwelling would include a metal standing-seam roof hatch to allow access to the proposed roof terraces fronting Wakefield Mews. Although these would increase the overall height of each dwelling, they are incidental features which would not increase the perceived bulk nor visually intrude on the sense of openness.

### ***Elevational Treatment, Detailed Design and Materials.***

#### ***North elevation***

The proposed contemporary mews design of the north elevation is considered to be simple and rational, relying on the fenestration and projecting first floor to provide visual interest and depth to the elevations.

#### ***Flank elevation***

The elevational treatment has enlivened the west elevation, fronting the Wakefield Street. The east elevation is blank brick work, not in itself unusual or harmful to the character and appearance of the area. Nonetheless as such it would only be viewed in its present form for a limited period, pending the future redevelopment of the adjacent site, when it will be concealed for good behind a new building on the adjoining site. It is considered that the developers may wish to consider some kind of temporary planting scheme to the east elevation which will be clearly visible from the gardens to ensure the flank wall sits more comfortably into its surroundings. The landscaping condition will require such details to be provided for approval.

#### ***Roof terrace***

The terraces have been set back away from the park to prevent a greater sense of intrusion and loss of privacy for garden users than can be experienced from the existing surrounding residential properties. For that reason, the proposal is now considered to comply with policy N2B which is opposed to development bordering public open space that would be likely to intrude on the public enjoyment of the open space.

It is acknowledged that occupiers of the property to the far east of the site will also have oblique views into the park from the roof terrace until such time as the adjoining site is redeveloped. This may cause loss of enjoyment for the users of the park for limited period and it is considered appropriate to require a privacy screen on the eastern flank wall here (as discussed above).

#### ***South Elevation***

The three houses are articulated both in terms of width and height by means of stepping the facade and roofline, as well as clearly revealed openings on the façade, so that the development does not appear as a monolithic block. The proposed vertical pattern of the proposed elevations and glazing would respond to the rhythm of piers and infilling panels of which the boundary wall is constructed.

The amount of glazing has been reduced on the ground and first floor by: reducing the width of the ground floor openings and by introducing timber concertina doors; at first floor level the windows have been reduced in width of the windows; vertical timber louvres have been introduced to the large clear window with solid panel opening sidelights.

The proposed fenestration of the south elevation is considered to respond to the character of the site in a less formal manner than the previous scheme and is appropriate to the setting of the gardens. An additional level of refinement and detail has also been added from the previous scheme, including the reduction in the depth of the lintels and stone banding at first and second floor level. This picks up on the detailing found on the adjoining building and helps the development sit comfortably within its surroundings. The design would respect the need to create a sense of privacy for garden users, whilst still providing adequate living accommodation, as well as visually interesting and contemporary elevations. Details of fenestration at a larger scale would be reserved by condition.

In visual terms the roof hatches would appear as contemporary versions of chimney stacks, a common and interesting feature within the Conservation Area.

### ***Materials***

The simple palette of traditional high quality materials as proposed is considered to preserve the character and appearance of the area. This includes brick, which on photomontages appears to be a light-coloured stock-like brick, although the colour and texture has not been specified- officer's preference would be for it to be similar to the red/brown brick on the listed wall, but details will be confirmed later as part of discharge of conditions. The success of the development would depend on the appropriate use of high quality materials, detailed design and finished appearance. The materials would thus be reserved by condition.

### ***Setting of the listed structures***

Listed building consent for structural works associated with the listed wall has already been granted by the Council. The development would not have any further effect on the structure or fabric of the wall, and there would be no alteration to the railings.

The proposed building would be only slightly taller (400mm higher) than the single storey mortuary chapel building on the south side of the garden entrance. This is not considered harmful to the setting of that listed building.

The reduction in height resulting from the removal of the top floor is considered to be sufficient to allow views of the British College of Acupuncture, a grade II listed building, opposite the Wakefield Street elevation.

In this regards the development would be compliant with policies B6 and N3 regarding the need to preserve the settings of listed buildings and Parks & Gardens of Special Historic Interest.

For the reasons stated above, the application is considered to have addressed the concerns outlined by the Council and Inspectorate during the previous application.

### **Tree/landscape issues**

The site originally had four Tree of Heaven ("Ailanthus altissima") trees on its frontage. They were removed from the site in late October, prior to a TPO being served on them, in conjunction with the

previous application. The Council considered the previous scheme unacceptable on grounds that it could not provide replacement tree planting of an equivalent impact and maturity to those trees that have been removed due to the insufficient soil volume between the building and the pavement edge to sustain growth for the natural life span of these trees.

Nevertheless the Inspector concluded that, "Notwithstanding the Council's views, the tree planting proposed by the appellants, taken together with the other landscaping proposals, would go some way to ensuring the visual interest of the development as seen from the surrounding streets in the conservation area, and to restoring the contribution made by the former trees to the appearance of the area. If planning permission were being granted, a condition could be imposed to ensure the replacement of the former trees on the development site..."

The current scheme remains the same as before in this respect- 3 new semi-mature trees (species yet to be agreed) are proposed as part of group in the triangular strip of land in front of the western flank wall; 2 trees will be 12m high with 1.5m diameter rootballs; the 3<sup>rd</sup> tree will be 8m high with a 1m diam rootball. The landscape statement demonstrates that there will be sufficient soil mass to ensure good growth. In addition a "green wall" is proposed for the end flank wall here, using a stainless wire system to allow plants to climb up the façade from ground level, as well as ground cover planting. A watering system and 2 year maintenance programme is proposed to ensure the planting survives.

The issue of whether there is sufficient soil volume for the sustainable growth seems not to have been considered by the inspector for the recent appeal decision; although unfortunate, the Council accedes that this aspect cannot be pursued any further except to seek sufficient maintenance to mitigate the limiting effects of the planting area.

In terms of the provision, proposed planting sizes 2x 12m semi mature trees and 1x8m semi mature trees and use of ground cover and climbers it is considered that these proposed sizes will provide a reasonable degree of mitigation for trees previously lost. The tree and climber species are not specified. The details of these elements can be covered by a condition.

In order to sustain the growth of these trees to maturity, ongoing management will be required particularly with regard to irrigation to ensure successful establishment and sustained growth. The Landscape document states that a trickle irrigation watering system will be provided and a 2 year maintenance period programme provided. In the tree officer's opinion, this period is insufficient- the initial maintenance period should be extended to at least five years. Any landscape details to be provided should include a maintenance plan for at least a period of five years. In addition it is recommended that the clause in the standard condition relating to replacement planting be extended from 5 years to a period of 10 years. The reason for this is that according to Urban ("Up by the roots" ISA 2009), the minimum establishment period for a tree planted at 8-12m is eleven years.

As a gateway site to St Georges Gardens, the provision of landscaping is seen as a positive enhancement to the area, compared to the current situation of a vacant site with only hard surfacing. In the light of the Inspector's comments, the landscaping is now considered acceptable, subject to conditions requiring submission of details on the species, layout and maintenance regime of the trees and planting.

## **Transport issues**

### Cycle parking

Camden's Parking Standards for cycles states that 1 storage or parking space is required per residential unit; however for larger residential units (3+ beds), the London plan requires 2 cycle parking spaces per unit. The proposal is for 3 two-bed residential units; therefore 3 cycle storage/parking spaces are required. An area within each ground floor study is identified for cycle parking. Although the cycles are shown as being stored vertically, which is normally unacceptable, this is considered acceptable here as these are large single dwelling houses and cycles can easily be stored inside without having to be stored vertically if required.

### Car-free and Car-capped development

Car-free housing should be sought in areas of high public transport accessibility. Therefore, this development should be made car-free through a Section 106 planning obligation for the following reasons:

- The site has a Public Transport Accessibility Level of (PTAL) of 6b (excellent) and is within a Controlled Parking Zone.
- The site is within the "Clear Zone Region", for which the whole area is considered to suffer from parking stress.
- Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. This is considered unacceptable in CPZ's that are highly stressed where overnight demand exceeds 90%. Kings Cross (CA-D) CPZ operates Mon-Fri 08:30-18:30, Sat 08:30-13:30 and 117 parking permits have been issued for every 100 estimated parking bays within the zone. This means that this CPZ is highly stressed.

The applicants have agreed to ensure these houses are car-free by means of a S106 legal agreement.

### Construction Management Plan (CMP)

UDP Policy T12 seeks to protect the safety and operation of the highway network. The development fully covers the site, and much of the work will have to take place from the public highway. Access to the dairy site via Wakefield Street will need to be maintained. The site is also in the Clear Zone region in central London, which is particularly sensitive to traffic congestion. Therefore a Construction Management Plan (CMP) secured via S106 is required in order to make this application acceptable.

### Footway on accessway and highway boundary

As agreed during pre-application discussions, the proposals include a new footway within the application site on the south side of the Wakefield St spur accessway. In the previously refused application, this was all to be adopted as public highway. The current scheme shows the 1<sup>st</sup> floors of the houses overhanging the new footway above the ground level. This causes difficulties as an overhang licence would then be required if the footpath were adopted, and this overhang licence would have to be renewed annually. This would not really be practical.

Therefore, transport officers have agreed with the applicant during pre-application discussion that the new footway would not be adopted but remain private and, as part of the S106, it will be available for the public to use at all times and no obstruction will be erected on it. The S106 must also state that



the footway is well maintained and free of trip hazards at all times. This removes the need for an overhang licence. However, matters are complicated slightly, as noted already above- the site boundary, the highway boundary and the proposed extent of the new footway do not align logically. Therefore a map showing the extent of the public highway and who will maintain what will be required in the S106, similar to the map attached to this report.

#### Highways works immediately surrounding the site

The proposals will change the nature of this end of Wakefield Street from an industrial access road to a residential road. The development will also create a new level change between the site and the road. In addition it has been agreed that the NW corner of the site, where Wakefield Street's highway joins the access spur, will be realigned so that the site is squared off and a new pavement and kerbline created to join the existing pavement with the newly created footway within the site. A financial contribution is required to repave the stretch of access road along the application site frontage, to repave the footway on the north side of this access and to improve street lighting. These works are required to mitigate the impacts of this increase in trips and to tie the new development into the surrounding highway network.

This work, and any other work that needs to be undertaken within the highway reservation, will need to be secured through a Section 106 Agreement. The Council will undertake all works within the highway reservation, at the cost to the developer. An estimate of £26,500 for the cost of this work has been calculated by Highways Engineering.

An added benefit of the highways works is that damage caused to the highway in the area of the proposed highways works during construction can be repaired. This S106 obligation should also require plans demonstrating interface levels between development thresholds and the public highway to be submitted to and approved by the Highway Authority prior to implementation. The Highway Authority reserves the right to construct the adjoining Public Highway (carriageway, footway and/or verge) to levels it considers appropriate.

It should be noted that planning permission does not guarantee that highways works will be implemented as it is always subject to further detailed design, consultation and approval by the Highway Authority.

The neighbouring dairy site to the east has been the subject of pre-application discussions. The owners of this site would like to repave Wakefield Street accessway up to the main roadway in granite setts or even creating a shared surface. This can be considered at the time if and when an application for the dairy site comes in. However, the S106 for this application should be worded as such that financial contributions from the dairy site and this site can be combined if it proves timely.

#### Conclusions

The proposals are acceptable in transport terms subject to:

- A S106 making the residential units car-free. An obligation of the S106 should be that the applicant submits details of the addresses to be made car-free before the new units are occupied.
- A S106 agreement for a Construction Management Plan. The S106 shall state that the CMP shall be approved prior to any works starting on site and the approved plan shall be followed,

unless otherwise agreed with the Highway Authority concerned.

- A S106 requiring a financial contribution (estimated to be £26,500) to repave the stretch of access road along the application site's northern frontage, repave the footway on the north side of this spur and improve street lighting. This S106 should also require plans demonstrating interface levels between development thresholds and the Public Highway to be submitted to and approved by the Highway Authority prior to implementation. The Highway Authority reserves the right to construct the adjoining Public Highway (carriageway, footway and/or verge) to levels it considers appropriate. An informative should also be placed on the planning permission, which states that planning permission does not guarantee that highways works will be implemented as it is always subject to further detailed design, consultation and approval by the Highway Authority.
- A S106 securing the new footway on the south side of Wakefield Street spur as being available for the public to use at all times and that no obstruction will be erected on it. The S106 must also state that the footway is well maintained and free of trip hazards at all times.

### **Conclusion-**

It is considered that the scheme now addresses concerns raised previously by both the Council and appeal Inspector in terms of form, design and amenity, and thus is recommended for approval subject to appropriate conditions and a S106 covering the above transport-related issues-

- its reduced height and bulk and improved elevational design preserves the character of the historic Gardens and conservation area and setting of adjoining listed buildings;
- the houses receive reasonably adequate daylight and sunlight to the basement rooms given their circumstances;
- the revised façade design and setback roof terraces do not harm the enjoyment of the Gardens through actual and perceived overlooking;
- the replacement tree planting proposals along with new landscaping and green wall will contribute to the character of the conservation area and streetscene;
- the revised highway arrangements in terms of new footway and realigned existing pavements as well as repaved public highway will enhance public safety and the environment here;
- a legal agreement to secure carfree housing and CMP will ensure the construction and subsequent use of these new houses will not harm traffic flows and parking.