

Delegated Report		Analysis sheet	Expiry Date:	13/10/2009
		N/A / attached	Consultation Expiry Date:	08/10/09
Officer			Application Number(s)	
Sara Whelan			2009/3187/P	
Application Address			Drawing Numbers	
65 - 69 Holmes Road London NW5 3AN			Please see draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of a part six, part three storey building with three and two basement levels respectively to provide student accommodation comprising 358 self-contained study rooms with ancillary facilities (Sui Generis), storage and distribution use (Class B8) at lower basement and ground floor level and restaurant (Class A3) at ground floor level. (Following the demolition of the existing warehouse building).				
Recommendation(s):		Refuse		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	228	No. of responses	33	No. of objections	18
Summary of consultation responses:	<p>1 Consultation responses</p> <p>A press notice was published in the Ham and High on 24 July 2009 and expired on 14/08/09</p> <p>A site notice was erected on 24 July and expired on 14 August 2009, 24 objections have been received from the owners of the following properties; Flats 10 and 15 at 76 Holmes Road, Flat 415 at 54-74 Holmes Road, Flats 11, 12 and 14 at 55-57 Holmes Road, Flats 1, 3, 13, 16, 18, 21, 23 and 24 at 74A Holmes Road, Flat 3, 74B Holmes Road, 46 and 47 Willes Road, Flat 2nd Floor, 31 Cathcart Street.</p> <p>The following objections have been raised;</p> <ul style="list-style-type: none"> • In the past 10 years three blocks of flats have been built and one halls of residence, this area of Holmes Road is already built up enough • The area will be overcrowded • Holmes Road is overcrowded and dangerous it cannot cope with deliveries to Biomass Boiler • Size and density of the building will have a massive impact upon the existing amenities in the area • The density is excessive many habitable rooms are at basement level with small lightwells • The Council and the area will have many problems with this building in the long term • Loss of daylight, sunlight and privacy of neighbours • Noise nuisance to all existing residents • Huge impact of noise and vibration during construction • Building should be more environmentally friendly • Proposal does not have adequate facilities for storage, recycling and disposal of waste • Sewage and drainage as existing can not cope sometimes • Traffic would be increased to service the development • The buildings would be too high and out of keeping with the surrounding area • The development will impact on the Inkerman Conservation Area because of its height and mass • In this current economic climate jobs should be protected the proposed B8 spaces is a token gesture • The Council have instructed a survey by Roger Tym and partners Industrial and warehousing land demand (Dec 2004) this concluded that there were very few industrial sites left in the borough • The proposal should have a parking permit stipulation • The area will have a transient population with an increased demand of local services but without the benefits of a settled population. Students pay no taxes and usually contribute little to community issues 					

	<ul style="list-style-type: none"> • The area will be transformed into a sprawling student campus • Students are noisier at night than other residents • This would create a student ghetto • Noise impacts from communal gardens will travel upwards • Students will have late night parties the existing halls of residents leads to many complaints • Will be a massive increase in litter in the area • Mess created by fresher’s partying until 5am is very distressing • Impact on privacy of residents in the area • The destruction of yet another cobbled and low quality pavement in Camden • What would happen to the student accommodation in the summer holidays • Affect outlook of my flat removing the view of London skyline and devaluing my flat • Simone House was built specifically for key workers, we all work night shifts and the existing students disrupt us vastly to double the amount of students will have a devastating impact • There are currently over 34 bars and cafes in Kentish Town High Street we do not believe that we need any more • Rubbish will accumulate in the area • The developer has marketed the commercial space at 55-57 Holmes Road – far too highly • Concern that the basement of 55-57 Holmes Road will become a basement for the students of this development <p>One letter of support has been received from Flat 9, 34 Holmes Road, stating;</p> <ul style="list-style-type: none"> • I support a scaled down version of the application with conditions attached • Number of student rooms should be kept to a maximum 200
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<p>CAAC/Local groups* comments: *Please Specify</p>	<p>Inkerman Area Residents Association – Objection</p> <ul style="list-style-type: none"> • Six storeys is too high and out of keeping with the area • High density of student flats would represent overdevelopment of the area • Disproportionate concentration of young people to the area • Imbalance of permanent and temporary residents • Heavy demand on limited parking bays • Delivery trips to feed biomass boiler would be unacceptable • Would be out of scale with the development on Cathcart street • Application does not conform to the Council sustainability strategy
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2 Site Description

The application site comprises an ‘L’ shaped plot of land on Holmes Road. The site is currently occupied by a Magnet Kitchen Showroom and Warehouse with customer car parking to the south west. The site has two vehicular access points. One off Homes Road to the customer car park and one off Cathcart Street for delivery lorries entry. The site is adjacent to the Inkerman Conservation Area, and close to the Grade II listed Westminster Kingsway college.

3 Relevant History

2008/4795/P - Erection of a part six, part three storey building with two basement levels to provide student accommodation comprising 411 self-contained study rooms and ancillary facilities (Sui Generis), restaurant/cafe use (Class A3) at ground floor level, and part change of use of upper basement level of 55-57 Holmes Road for use as ancillary facilities (refuse store, common room) for the student accommodation. (Following the demolition of the existing warehouse building) – withdrawn (27/01/09)

4 Relevant policies

SD1	Quality of life
SD2	Planning obligations
SD3	Mixed use development
SD4	Density of development
SD5	Location of development with significant travel demand
SD6	Amenity for occupiers and neighbours
SD8	Disturbance
SD9	Resources and energy
SD12	Development and construction waste
H1	New housing
H2	Affordable Housing
H7	Lifetime homes and wheelchair housing
H9	Hostels
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
T8	Car free housing and car capped housing
T9	Impact of parking
T10	Public off-street and contractor parking
T12	Works affecting highways
E2	Retention of existing business uses
E3B	Light industrial uses in the Central London and Kentish Town Areas
R1B	Food, drink and entertainment
R2	General impact of retail and entertainment uses
R3	Assessment of food and drink uses and licensed entertainment

Camden Planning Guidance

Assessment

5. Proposal

- 5.1 This application seeks to redevelop the existing site. The existing building would be demolished. A new nine storey building would be located on Holmes Road. Three of the storeys would be at basement levels. A second building would be located in the southern section of the site. This would be a maximum five storeys with two basement levels. The two buildings would be connected on the eastern boundary.
- 5.2 Inbetween the two buildings would be a landscaped communal garden area. This would provide communal outdoor space for the future student occupiers. The buildings would accommodate 358 self-contained student bedrooms. Ancillary communal spaces are proposed at lower ground basement level such as a quiet study room, meeting room, quiet reading area, screening room, gym and social room.
- 5.3 In addition a restaurant is proposed at ground floor level. The restaurant would be part of the mixed use proposal however it would be predominately self contained. The main access would be from Holmes Road and a secondary access may link the lobby area to the restaurant.

- 5.4 A B8 showroom unit is proposed at ground floor level and B8 warehouse space provided at lower ground basement level. The B8 warehouse space would be provided at lower basement level and would have access to a shared loading bay via a goods lift. The showroom space and warehouse space would be unconnected. Both areas would be self contained with no internal connections.
- 5.5 A loading bay is proposed fronting Cathcart Street. This would be the only vehicular access to the site. In order to provide access to the loading bay existing car parking spaces would be relocated from Cathcart Street. The student use, restaurant and B8 showroom and warehouse would all use this loading bay. Pedestrian entrance to the student units would be in the north east corner of the application site fronting Holmes Road. The pedestrian access to the showroom would be from Holmes Road and the access to the warehouse would be from Cathcart Street. The Restaurant would be accessed from Holmes Road.
- 5.6 The two buildings proposed would be a rectangular blocks with the upper levels stepped back. The elevations would be finished in white render; the detailed design would include projecting metal balconies and wire mesh.

6. ASSESSMENT

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

- Principle of loss of employment floorspace
- Quantity and Quality of the replacement employment floorspace
- Impact upon the character and appearance of the area
- Transport and highway issues
- Residential amenity
- Restaurant use

Principle of loss of employment floorspace

- 6.1 Policy E2 makes a general presumption against the loss of business uses where there is potential for that use to continue. The policy sets out considerations relevant to development proposals on business sites, including location, the size of the site, accessibility and servicing potential, demand for business sites and the variety of supply, and the retention of design features that enable flexible use.
- 6.2 Under policy E2, where a site does not have potential for an existing business use to continue, consideration should be given to maintaining on site an alternative business use, with priority given to flexible space for B8 or B1c light industry. Where a site is not suitable for any business use other than B1a offices, the Council may allow an alternative use, and in such cases will seek a change to permanent residential uses (in particular affordable housing), or community uses.
- 6.3 Policy E2 is backed up by the Camden Employment Land Review (June 2008), which notes a buoyant demand for industrial/ warehousing in Camden but a small and shrinking stock due to competition from higher-value land uses.
- 6.4 **Location:** The site is located within the Kentish Town Area. The Kentish Town Industry Area sits immediately north of the Kentish Town Area, and immediately to the north of Holmes Road. The Kentish Town Industry Area is the only part of the Borough that the UDP protects against any development that would prejudice the development of industrial and warehouse uses.
- 6.5 Policy E3B states that the Council will not grant planning permission for development that would prejudice the mixed-use character of the Kentish Town Area through the net loss of premises suitable for light industrial floorspace and local distribution warehousing. Paragraph

7.30 notes that the area is principally residential, but that light industry and local distribution warehousing contribute to the area's mixed-use character and sustainability. The paragraph notes that these activities are under threat from competing higher value uses.

- 6.6 The Camden Employment Land Review states that Holmes Road is an area clearly in transition, and one under immense pressure from residential development. However, it identifies a number of continuing industrial and wholesale activities in the area. The Employment Land Review gives support to protection of the application site through policies E2 and E3B, suggesting that Holmes Road in general, and the application site in particular, could potentially provide for the development of new business units to compensate for losses over the wider area.
- 6.7 **Site size:** The area of the application site is over 2,300 sq m. Paragraph 7.14 of the Councils UDP states that the Council will resist the loss of any employment sites over 1,000 square metres as these provide flexibility for a variety of employment opportunities. There are very few sites of such a size in the Borough, especially in locations which are specifically suited to industrial and warehouse uses. Paragraph 7.5 notes that providing a range of sites and premises across the Borough to suit the different needs of businesses for space, location and accessibility is vital to maintaining and developing Camden's economy. Reserving large sites is particularly important as the scale of modern operations frequently means they cannot be accommodated on sites of a smaller size suited to traditional businesses.
- 6.8 **Access and Servicing:** The applicants have suggested that Holmes Road is not suited to industrial uses. They suggest that the road is particularly narrow, making it difficult for goods vehicles to access the site. The applicants suggest that this makes the application site less attractive to potential warehouse and distribution warehouses. The Council does not accept that the business potential of the site is unduly constrained by the current access and servicing arrangements. The site currently provides off-street servicing from a yard and car park at the corner of Holmes Road and Cathcart Street. The visibility splays and turning areas into and out of the site are more than adequate. Vehicles can enter and exit the site in a forward gear and it is not considered that any danger occurs upon the surrounding road network. Holmes Road is under 6 metres wide to the east of the site, but to the west is 7 metres wide or more. The existing user Magnet, has operated a successful business from the application site for many years.
- 6.9 It is not considered that the width of Holmes Road is a fundamental issue to the viability of the B8 floorspace, and this would seem to be borne out by the applicant's inclusion of replacement B8 floorspace within the proposal. However, even if the width of Holmes Road was restrictive, whilst this may discount larger warehousing or distribution uses, it would not preclude occupation for smaller-scale light industrial activities (Class B1c).
- 6.10 **Demand:** The applicants have also suggested that there is a lack of demand for employment floorspace in the area. The applicants have acknowledged the presence of the Industry Area concentrated on Regis Road, and state that sites on Regis Road are more accessible than the application site. They consider that potential occupiers are more likely to locate in the Regis Road area. The Council acknowledges the success of Regis Road, but does not consider that Regis Road provides a sufficient range of opportunities to provide for all industrial and warehousing needs in the Borough.
- 6.11 It should also be acknowledged that the application site is operational and occupied by Magnet, providing a large showroom space/sales area and large storage/warehouse area. It is noted that Magnet are due to vacate the premises, but this is understood to be due to difficulties in the market, and not due to any perceived inadequacy of the location or site.
- 6.12 UDP paragraph 7.19 indicates that applicants proposing non-business uses should demonstrate there is no demand for a business use through a thorough marketing exercise sustained over at least 2 years. The applicants have not submitted any evidence for this site to

indicate that alternative employment uses would not be forthcoming. No information has been submitted to suggest that there have been any attempts to market these premises in advance of them becoming vacant. The applicants have submitted marketing information for other sites in the surrounding area, but these are considered to be of lower quality commercial floorspace compared to the application site. Many of the sites include commercial floorspace at ground floor and residential above, and this in itself can limit the flexibility of the space to accommodate prospective occupiers. This point is considered in other paragraphs below.

- 6.13 In summary the Council would not support the loss of the existing employment floorspace. The site is located in the Kentish Town Area and is considerably over 1,000 sq m in area. The Camden Employment Land Review indicates that there is business demand for sites and premises of this type. It is therefore considered that the application site provides a large high-quality employment space in a good location with good access. As such is protected by UDP policies E2 and E3B, and should not be redeveloped unless appropriate replacement business space is provided (Reason for refusal no. 3).

Quantity and Quality of the replacement employment floorspace

- 6.14 The applicant has sought to address these concerns by providing for an alternative business activity as part of the development. Policy E2 allows for such an approach, but seeks the retention of space with design features that enable flexible use. UDP paragraph 7.21 states that the Council may consider redevelopment or extension of premises for mixed-use development where this does not involve a significant loss of business space. It goes on to warn that this is unlikely to be appropriate in or near the Industry Area where it is likely to impact on the operation of business uses in the area.
- 6.15 The existing premises at the application site are entirely at ground floor level. They have high ceilings and floor loadings capable of accommodating storage uses. In its current form, the site provides access for tall and wide vehicles, with adequate turning and parking space. As noted above, the visibility splays and turning areas into and out of the site are more than adequate. Vehicles can enter and exit the site in a forward gear and it is not considered that any danger occurs upon the surrounding road network. Delivery vehicles can drive directly into the delivery area. A goods lift is not required on the site as all of the business floorspace is located at ground floor level.
- 6.16 The proposal would include 1,093 sq m of B8 floorspace in the 2nd basement level, ie two levels below ground. The ceiling height is stated to be 3 metres. A show room of 451 sq m associated with the B8 space would be provided at ground floor level on the corner of Holmes Road and Cathcart Street. Pedestrian access to the B8 space would be from Cathcart Street via a dedicated stairwell. Pedestrian access to the showroom would be from Holmes Road. No internal route is shown between the showroom and the basement business space.
- 6.17 Off-street servicing is proposed for all uses in the form of a loading bay on Cathcart Street. A goods lift provides direct access to the 2nd basement. The loading bay is designed to accommodate a 16.5 m articulated lorry, although lorries could only exit in forward gear by reversing in. HGVs would drive into a loading bay so that goods can be unloaded into a service lift and then taken down to the second basement level. Goods and equipment for the showroom would apparently need to be transported along the public pavement, either directly from the loading bay, or via the service lift if retrieved from the sub-basement. It is considered unlikely that this arrangement will be attractive to potential occupiers looking for B8 space in the area.
- 6.18 The floor plans show the two entrances to the loading bay, each 2.8m wide and 4.2m high. However the elevations show one larger entrance at this location. This discrepancy is noted and it is considered that the only viable option is for one larger access to be provided, therefore the Council would ensure that a large access as illustrated on the elevations would be

provided.

- 6.19 Notwithstanding the width of the proposed entrance it would have a maximum height restriction of 4.2m. Once inside the loading bay would have a maximum floor to ceiling height of 5.4m. It is considered that the height of the proposed entrance may limit the size of vehicles able to access the site and reduce the flexibility of the employment floorspace.
- 6.20 In addition the entrance to the loading bay would have habitable rooms directly above it. The submitted transport statement suggests that the application site would on average have fifty deliveries daily. The information suggests that these would be staggered throughout the day between the hours of 5am and 7pm. It is considered that the proposed location and size of the entrance combined with the intensity of use and time that will be taken to unload items onto the goods lift would have impacts of noise and disturbance upon the habitable rooms located directly above the B8 entrance. This may lead to problems of neighbourliness and would not be attractive to prospective industrial occupiers (reason for refusal no. 5).
- 6.21 The Council considers that the disconnected nature of the proposed employment floorspace would seriously compromise its flexibility and potential for letting. The absence of direct internal connections between the showroom and the loading bay or the sub-basement space, and the need for goods to be transported two stories from the loading bay to the bulk of the floorspace, constitute a considerable reduction in the quality of the provision compared with the arrangements at the existing premises on the site.
- 6.22 The basement business space would receive some natural light via three rooflights (4.8m by 1.5m). These rooflights would be set into the bottom of light wells one storey deep along the Holmes Road frontage – the light wells would provide light to student accommodation at the first basement level. In addition a glazed panel would be provided which would look onto a communal garden utilised by students occupying the student accommodation and ancillary communal spaces within the development, also at the second basement level.
- 6.23 The student accommodation proposed at this level would be a student social room, lecture room, quiet study room, meeting room, reading room, bicycle storage and seven bedrooms. It is considered that the student accommodation would be well used on this floor level. The communal garden would be a connecting space to all these different uses and would also be well used.
- 6.24 It is not considered desirable for an industrial use to have a glazed opening looking directly onto a communal space in student use. It would raise issues of security for the commercial use. In addition it may lead to impacts of noise and disturbance upon the businesses use and affect the viability of this employment floorspace. Possible impacts of noise and disturbance from the B8 floorspace may have an impact upon the quality of life of the students. The Council is concerned that such a close relationship with such opportunities for visible interaction between the two uses may raise issues of neighbourliness. It is considered that such a relationship between student uses and the proposed B8 floorspace would be undesirable for both types of occupier, which would limit the flexibility of the B8 space and the potential for it to be let successfully.
- 6.25 The Camden Employment Land Review 2008 discusses the difficulties that can arise when industrial and warehousing space is provided in mixed-use developments. It notes specifically two nearby schemes. Adjacent to the application site is 55-57 Holmes Road, a recently completed scheme of private residential apartments, with 1,700 sq m of commercial space split between the ground floor level and two basement levels. Opposite is a mainly residential development, Simone House, providing key worker shared ownership homes with a 190 sq m ground floor commercial unit. The commercial elements of both schemes remain largely un-let. The Employment Land Review suggests that that the commercial market has great difficulties with such schemes elsewhere because the different uses raise serious problems in terms of marketability, use (access, neighbourliness, etc) and value. The report also notes that mixed-

use developments raise concerns over hours of operation, goods movements, servicing, access arrangements and ceiling heights.

- 6.26 In summary the proposed B8 floorspace is considered to be disjointed and of poor quality compared with the existing provision. It would not be well lit or ventilated, nor would it provide adequate floor to ceiling heights at lower basement level. The shared access and loading bay is not considered to be adequate for a viable industrial business to function and would not attract commercial occupiers (reason for refusal no. 4). The location of the service bay and mixed use occupancy of the building may cause issues of neighbourliness. The existing floorspace is considered to be of good quality and provides excellent access so that delivery vehicles can drive onto the site, entering and exiting in forward gear, and be unloaded on the spot. The application site has been identified in the Camden Employment Land Review as a site that could potentially be developed for small business units and an opportunity to compensate for several industrial sites that have already been lost. The lack of flexibility of the proposed business space is such that there are serious doubts as to whether it will be occupied, and it is not considered to be a viable or meaningful re-provision of the existing floorspace, and therefore the proposal fails against policies E2 and E3B (reason for refusal no. 3).

Mix of housing and student accommodation

- 6.27 Policy E2 is aimed at protecting business sites and seeks initially to test whether there is potential for the existing business use to continue, and subsequently to consider whether flexible space can be retained for an alternative business use. The Council does not consider that the proposal passes either of these tests. However, if it is shown that the existing business use cannot continue, and either suitable alternative business space has been provided, or cannot be provided, policy E2 indicates that the Council will seek a change to permanent residential uses (in particular affordable housing), or community uses. UDP paragraph 7.20 adds that the Council will seek to ensure that any former business sites that no longer have potential for business use contribute to tackling the shortfall of affordable housing in the Borough.
- 6.28 The residential element of the proposal is exclusively for student accommodation. This is considered to be permanent housing, in the sense that it will be let for periods of over 90 days, and the definition of short-stay accommodation given in policy H5 is "accommodation intended for occupation for less than 90 days". However, it is likely to be let for periods of less than a year, and in that sense it does not provide people with permanent homes. Nor is it affordable housing. UDP paragraph 2.19 indicates that student accommodation does not come within the meaning of affordable housing.
- 6.29 The proposed student rooms range in size; however they are approximately 17 sqm each. The rooms would be self contained with a kitchen and en-suite as well as a living/sleeping area. The overall size of the self contained units would be less than 32 sqm which is the suggested minimum in the Camden Planning Guidance for a 1 person unit. However, as the proposals would provide student accommodation and not private residential accommodation this is considered to be acceptable. The student units should only be occupied by students in full or part-time higher education. It is not considered that the proposed units would be suitable for private residential accommodation. In the absence of a legal agreement requiring this, a reason for refusal is recommended (reason for refusal no. 25).
- 6.30 UDP policy SD1A indicates that the Council will seek to ensure that development fosters sustainable communities. Paragraph 1.8 indicates that these should include local businesses employing skilled local people, and communities that provide choice to existing and future residents and their children. Policy SD1A is consistent with Government policy statement PPS1, which states that planning authorities should promote inclusive communities whilst respecting diverse needs and the special needs of particular groups.

- 6.31 The Government's planning policy statement PPS3 was published in November 2006, after the Replacement UDP had been adopted. In this, the Government seeks sustainable, inclusive and mixed communities. PPS3 indicates that proposals for market housing should reflect demand and the profile of households requiring market housing. On larger sites, planning authorities should ensure that there is a mix of households as well as of tenure and price. PPS3 also indicates that planning authorities should ensure that developments reflect the accommodation requirements of particular groups, in particular families and older people.
- 6.32 Policy H8 (Mix of units) is consistent with the PPS3 approach. Policy H8 seeks to secure a mix of unit sizes including small and large units. It also notes that site conditions, the locality and requirements for special needs housing should be taken into account. Although policy H8 is geared to self-contained housing in Use Class C3, in the light of policy SD1A and the Government's PPS1 and PPS3 policy statements, unit mix is clearly a consideration for all residential development.
- 6.33 This application seeks full planning permission for 358 self contained student units (sui generis use). Each unit contains a kitchen area and a shower room/ wc. The vast majority of the units (312) measure approx 17 sq m and provide a single bed space. An additional 44 units have a slightly larger area to provide for wheelchair users. The only other significant variation in the unit types is that there are two units approx 50% larger that provide two bed spaces each.
- 6.34 There is a significant amount of student accommodation in this area. Almost opposite the application site at 54-74 Holmes Road, Mary Brancker House provides accommodation for 142 students. There is another 216 bedroom student block under 400 metres away at Hawkridge House, Weedington Road. New student housing proposals have also recently been approved within one kilometre at Harmood Street (192 units) and Bartholomew Road (54 units). It is noted that the applicant has not established a specific need for additional student accommodation in this area, and has not named any specific higher educational institution in association with the scheme. Given the local context, the proposed development of 358 units, of which 356 would be one-bedroom units, and all would be for students, is not considered to be an appropriate response to PPS1, PPS3 and policies SD1A and H8.
- 6.35 The Council does not consider that the provision of an element of student accommodation on the application site would necessarily be inappropriate. However, in response to the previous planning application 2008/4795/P, the Council advised the applicants that a mix of general needs homes (with affordable housing) and student accommodation would better comply with PPS1, PPS3 and H8. The Council's position has not changed.
- 6.36 UDP paragraph 2.19 indicates that the Council will seek to ensure that student housing costs significantly less than suitable housing in the general market and meets a defined specialist need. This provision allows student housing to be exempted from the general policy H2 requirement for market housing to make a contribution to the supply of affordable housing.
- 6.37 Experience of student schemes elsewhere in Camden suggest that the cost of single-occupancy rooms containing kitchen areas and shower-wc areas is comparable with the cost of small self-contained accommodation in the general market. Consequently, the Council would also favour a mix of accommodation types within the student accommodation. Methods of providing a range of accommodation including lower-priced accommodation could include providing additional units designed for sharing between two students, and providing cluster flats where around 6 study bedrooms share a communal kitchen-diner with a lounge area. Cluster flats can also reduce the risk of crime, and better comply with secured by design standards than long corridors serving many unrelated units.
- 6.38 In summary, the proposal involves a large addition of single-occupancy self-contained student rooms in an area that provides a large amount of existing student accommodation, and where significant additions to the stock of student housing have already been committed. No need has been established with a specific institution for further student housing in this area. Policy

E2 seeks permanent residential uses and particularly affordable housing where redeveloped business sites cannot retain suitable business space. PPS1 and PPS3, and policies SD1A and H8 seek sustainable, inclusive and mixed communities, and a mix of household types on individual sites. It is therefore considered that the proposal would result in an over-concentration of student accommodation, and would fail to provide an appropriate mix of units and an appropriate contribution to the sustainable character of the community (reasons for refusal nos. 1 and 2).

Impact upon the character and appearance of the area

- 6.39 The proposed height of the block fronting Holmes Road is considered to be commensurate with that of recent developments and it is considered that the overall scale bulk and massing of the building would be appropriate for this location. The proposal is considered to be sufficient distance from the Inkerman Conservation Area and Grade II Listed building of Kingsway College to ensure that the character and appearance is preserved.
- 6.40 It is considered that visual interest has been provided through the use of layering and texture in materials and surface treatment. This includes the use of mesh layers, which are considered to enliven the building and streetscene. The projecting canopy will provide a visual break between the ground floor and upper floors and is considered to help ground the building. Slot windows have been introduced on the north-eastern flank elevation. This would provide a view of activity and light behind and by enlivening the blank elevation is considered to provide some visual breakdown and perceived mass.
- 6.41 Holmes Road is considered to be very varied and stylistic. The proposal would include a piece of public art on the flank elevation. It is not considered that the proposed stylistic approach to the building would appear out of place.
- 6.42 In summary the proposed envelope of the building and detailed design of the proposal would be acceptable in the streetscene and would maintain the character and appearance of the wider area. If the planning permission were to be granted conditions would be attached which would require the submission of information regarding the detailed design of the building and the materials to be used.

Transport and highway issues

- 6.43 The application site has good access to public transport (PTAL 4). The proposal would result in the loss of eight on site parking spaces and the relocation of parking bays on Cathcart Street to Holmes Road.
- 6.44 The applicants have submitted a travel plan, however employees of the student part of the development and restaurant do not appear to have been consistently covered by either travel plan. In the absence of a suitable travel plan, a reason for refusal is recommended (reason for refusal no. 15).
- 6.45 The Council generally considers that the appropriate level of cycle parking provision for student accommodation is 1 storage space for every two student units. The proposal is for 358 student units; therefore 179 cycle storage/parking spaces are required for the student units. The actual amount of parking provided on the floorplans is 224 spaces, this exceeds the amount required. However, the stands have not been spaced correctly. A distance of 2.5m is required in front of the stands to allow cycles to be placed in the top tier. There is one row of stands, in the store near the locker which has been spaced correctly.
- 6.46 The floor to ceiling heights are 2.4m. Using a Josta two-tier cycle parking system can accommodate 2 cycles every 0.65m in a row of stands with this head height. The floor plans have spaced the cycles with space of 0.4m apart, which requires a head height of 2.6m. This inadequate spacing would significantly reduce the number of cycle parking spaces that can

actually be provided. Therefore it is considered that the cycle parking provided for the student use is inadequate and would be recommended to be a reason for refusal (no. 12).

- 6.47 For the B8 use, 1 cycle storage space is required for every 250sqm or part thereof for staff and a minimum 2 spaces for visitors. The proposal should provide 7 spaces for staff and 2 for visitors. 9 spaces have been provided for the B8 use and these are considered to be acceptable.
- 6.48 The proposal includes the construction of a basement level within close proximity of the public highway. The distance of the basement wall closest to the highway is less than a distance equal to the height from floor to ceiling of the basement. Therefore the structural integrity of the highway could be jeopardised. If this is the case then the basement wall may collapse, which would be dangerous to both road users and the occupants of the development. Therefore, to ensure that the structural integrity of the highway is maintained; a condition would be attached if permission is granted requiring the proposed plans and structural calculations to be submitted and approved by Camden's highways structural engineers before construction begins on site.
- 6.49 If planning permission were to be granted a Service Management Plan (SMP) and Construction Management Plan (CMP) would be required by a Section 106 Legal Agreement. In the absence of a suitable SMP or CMP reasons for refusal are recommended (reason for refusal nos. 13 and 14).
- 6.50 The applicants have suggested that the proposal would be car free. The Council would also want to ensure that the students units remain car free. In the absence of a submitted car free legal agreement a reason for refusal is recommended (no. 16).
- 6.51 The proposed development would generate an increase in trips to the site. Therefore in order to mitigate the impact of the increase in trips, and to tie this development into the surrounding urban environment, a financial contribution is required to be secured by a section 106 legal agreement to repave the footway adjacent to the site and remove the vehicular cross over on Holmes Road, repave and widen the existing crossover to Cathcart Street, and necessary traffic management order for the relocation of 6m parking bays from Cathcart Street to Holmes Road. In the absence of a suitable financial contribution a reason for refusal is recommended (no. 17).
- 6.52 In addition a financial contribution should be secured for pedestrian and environmental initiatives. This would take account of cumulative impacts on transport infrastructure that are taking place, past and present, particularly given the proximity of the development to Kentish Town town-centre. In the absence of a suitable financial contribution a reason for refusal is recommended (no. 18).

Residential amenity of proposed occupants

- 6.53 The proposed loading bay is anticipated to have 50 deliveries per day. The loading bay would be the only vehicular access to the mixed use development. It would provide servicing for the student use, B8 business, restaurant and refuse collections. The loading bay would accommodate 16.5m articulated lorries at least 8 times a day. These lorries would have to complete a 3-5 point turn in order to enter, unload and exit the site. Student units are proposed directly above the loading bay and existing residential properties are located adjacent to the application site at Azania Mews. It is considered that the proposed loading bay would be intensely used and would have impacts of noise and disturbance upon the occupiers of the student units above and the residential properties adjacent to the application site. It is recommended that this is a reason for refusal (no. 5).
- 6.54 The proposal would provide 487 sqm of open space on site. The Camden Planning Guidance

(CPG) outlines the requirement for open space per development. Based on 358 bed spaces the open space requirement arising from this development would be 3222sqm (358 x 9). Subtracting the garden space proposed on site would leave a requirement of 2734sqm (rounding up the figure on site to 488) to be provided. Considering that the site is constrained within a developed area and that residential properties are adjacent to the application site it is considered that the amount of open space provided is acceptable. A financial contribution would be sought if permission were to be granted the sum would be approximately £228,289, based on the calculations and methodology in the CPG. In the absence of a Section 106 Legal Agreement securing a financial contribution in lieu of open space on site a reason for refusal is recommended (reason for refusal no. 20)

- 6.55 The refuse and recycling storage area for all uses would be located at ground floor level and to the rear of the loading bay. This is the only refuse storage facility for all three uses within the development. It would be accessed at the end of a communal corridor for the student units and in close proximity to the student uses. Considering that the restaurant as well as other uses in the building is likely to use an internal corridor to access the refuse storage area. It is likely that impacts of noise and disturbance would occur upon the student units and residential units in close proximity to the loading bay (reason for refusal nos. 4 and 8).
- 6.56 The proposed communal open space and internal spaces are welcomed by the Council and are considered to provide a much needed outdoor space for the students. However it is important to note that there would be 358 students living in this development at any one time. Therefore the management of the students, building and communal spaces needs to be well considered. A student management plan would be a head of term to any Section 106 Agreement if the Council were to recommend approval. The student management plan should include a 'code of conduct' in line with the provisions of the 2004 Housing Act and shall include details on health and safety standards and procedures; maintenance and repairs; environmental quality; landlord and tenant relationship; student welfare; anti-social behaviour and disciplinary procedures; and administration, accreditation and compliance procedures.
- 6.57 With specific reference to anti-social behaviour, the student management plan should describe a 'student tenancy agreement' including conditions to ensure that students are responsible in their behavior to respect their fellow residents, their neighbours and the building, in order to prevent anti-social behaviour. The management plan should describe that the end provider would enforce the terms and conditions of the tenancy (reason for refusal 19).
- 6.58 The BRE Site layout planning for daylight and sunlight: A guide to good practice (1991) suggest that in order to anticipate levels of daylight received by a window is to project a 25 degree line starting 2m above ground level on the proposed development. The proposed southern block of student accommodation would be located 12m from the northern block. The northern block would be 6 storeys high above ground level and include two storeys below ground floor level. The student units at lower basement level would look out onto a 22.5m high elevation of the northern block of accommodation. The scale and siting of the northern block would by reason of its close relationship to the southern block is considered to result in a sense of enclosure upon all rooms facing north onto the inner courtyard. In addition it is considered that the proposed relationship between buildings would result in a lack of outlook upon all student rooms facing north and looking onto the inner courtyard (reason for refusal no. 6).
- 6.59 The proposed student units would all have a window on an external elevation. This would provide ventilation to all rooms. The windows serving the student windows facing north onto the inner courtyard, and facing south at lower ground floor level onto the inner courtyard and facing south over the enclosed garden at lower ground floor level would not comply with a 25 degree line starting 2m above ground level. This would lead to substandard daylight levels and impacts of sense of enclosure upon these student rooms (Reason for refusal no. 6).
- 6.60 The proposed rooms facing north and on to the inner courtyard would be enclosed by development on all sides. The windows would be located 12m from the elevation of the

adjacent block fronting Holmes Road. The height of this block taken from the communal garden would be 22.2m high. It is considered that this would result in a substandard levels of outlook and dominate the student units facing north onto the inner courtyard (reason for refusal no. 6).

- 6.61 The separation distance between the student units facing south and north onto the inner courtyard would be 12m. The Camden Planning Guidance states that in order to ensure privacy, there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. This guidance provides a minimum requirement and will be applied to proposals for new build developments. The proposed 12m separation distance is considered to result in significant impacts of overlooking between the student units. This would be detrimental to the amenities of future occupiers (reason for refusal no. 10).
- 6.62 The student rooms at basement level, (nos. 1, 7, 10 and 17) would be located directly below glazed links providing pedestrian entrances from Holmes Road to the Restaurant, showroom and student units. The links are proposed to be glazed. Effectively the ceiling of the student units would be used as a footpath by pedestrians. These footways are the only access over the lightwell to the various uses. It is considered that the constant use of the footways directly above the student units would lead to detrimental impacts of noise and disturbance upon the residential amenity of these student units (reason for refusal no. 7).
- 6.63 In addition the student rooms located at basement level, (nos. 1, 7, 10 and 17) would be positioned further towards Holmes Road than the adjacent student units. The windows of these units would be directly adjacent to the windows of the neighbouring units. The orientation and relationship with neighbouring windows would result in significant impacts of overlooking between student units 1, 7, 10 and 17 and the adjacent student units. This would be to the detriment of the residential amenities of future occupants (reason for refusal no. 8).
- 6.64 The proposal would provide 358 student units. The building opposite the site, 54-74 Holmes Road provides 182 student units and the surrounding area provides a mix of uses including industrial and residential (affordable housing). It is considered that the cumulative impact of 540 student units in this corner of Holmes Road would prejudice the industrial character of the area. In addition it should be noted that the adjacent building is currently occupied by Kingsway College therefore increasing the student population during the day further. The over-concentration of student accommodation would be harmful to the established mixed use character and function of the local area and would result in a 'student ghetto' (reason for refusal no. 2).

Restaurant use

- 6.65 UDP policy R1B generally guides food and drink uses and licensed entertainment to Central London Frontages, Town Centres and the King's Cross Opportunity Area. However, UDP paragraph 6.18 notes that small-scale food and drink uses outside centres can be important local facilities. Small-scale facilities are generally less than 100 sq m. The proposed restaurant is slightly larger at 128 sq m in area, and would be immediately adjacent to the lobby of the student accommodation, but would have an independent entrance from Holmes Road.
- 6.66 In the context of this application, the proposed restaurant is welcomed by the Council. It would provide an active frontage and social infrastructure for the proposed 358 additional students to the immediate area. The application has not provided details of the extract ventilation system. Therefore the Council cannot fully assess the potential impacts of noise or disturbance upon the residential amenity of the surrounding area or amenities of the student units (reason for refusal no. 11).
- 6.67 The proposed refuse storage facility for the restaurant use would be to the rear of the loading bay. This could either be accessed by walking down Holmes Road turning left onto Cathcart Street and through the loading bay, or walking through the internal corridor at the rear of the

restaurant past student rooms and into the refuse storage area. All separate uses should have their independent refuse storage area within an acceptable distance. It is considered that either arrangement is unacceptable by reason of the distance travelled, the route being external and the amenities of the student units if an internal route is used. It is recommended that this is a reason for refusal (no. 9).

- 6.68 Notwithstanding the above the Council requires an appropriate extract ventilation system including sound attenuation to be submitted to the Council. If it is considered to be acceptable then the operation of a restaurant use could be controlled to ensure that no detrimental impacts would occur upon the amenities of the surrounding area. A condition could be attached to ensure that the commercial units would be used as a restaurant use only and operate within limited hours of operation. In summary the Council has no objection to the principle of a small-scale restaurant use.

Sustainability

- 6.69 Developments over 1,000sqm must include provision renewable energy on site. The provision of 10% of energy requirements of any new development to be provided through renewable energy sources, as specified in the CPG, has been superseded by further amendments to the London Plan in February 2008. This has specified that new developments should aspire to meet a 20% target.
- 6.70 If any renewable energy technology is proposed the applicant should make sure they have followed the Mayors energy hierarchy (1. use less energy, 2. use renewable energy and 3. supply energy efficiently) to show that renewable energy is not just an 'add-on'.
- 6.71 The proposal would include a biomass boiler. Although the Council is generally not supportive of biomass boilers the applicants have submitted further justification as to why a biomass boiler is the only option for including a renewable form of technology on site. The evidence submitted compares the Nitrogen Dioxide output between CHP and biomass boilers and concludes that in this instance biomass boilers would have less impact upon the air quality of the area. In the absence of an energy strategy and sustainable building plan to be secured by a section 106 legal agreement the proposal would fail to ensure a sustainable and resource efficient approach to the proposed development. It is recommended that this is a reason for refusal (reason for refusal nos. 22 and 23).
- 6.72 A sustainability assessment has been submitted with the application. The assessment concludes that a BREEAM 'very good' rating can be achieved. The indicative overall BREEAM score would be 60.66%. Within this score the targets set within the Camden Planning Guidance (Dec 2006) would be met in respect to the energy, water and materials sections. This score at the pre-assessment stage is welcomed by the Council. However, in the absence of a legal agreement requiring a design stage BREEAM assessment prior to works commencing on site and a post construction review, would fail to be sustainable in its resources. It is recommended that this is a reason for refusal (no. 26).

Other issues

- 6.73 Chapter 33 of the Camden Planning Guidance, Planning Obligations – Area regeneration (paragraphs 33.17 to 33.21) state that the Council will seek to negotiate employment and training clauses in section 106 legal agreements in the case of major developments in order to open up job opportunities for local unemployed residents and support the local economy, in accordance with policy SD1 of the replacement UDP. The proposed development would be over 1000 sqm of commercial floorspace and therefore would fall within the thresholds of employment obligations.
- 6.74 Two heads of terms would be included in the section 106 legal agreement if the application were to be approved. These are firstly, that the applicants would work with Camden Working,

the Council's employment brokerage initiative, in relation to the recruitment of staff to work in the hotel and restaurant after completion and secondly to work with the Council's Local Procurement team to, where possible, procure goods and services from local businesses during the construction of the development. This would enhance the employment and local procurement opportunities within the Borough. In the absence of a legal agreement securing these heads of terms a reason for refusal is recommended (reason for refusal no. 21)

Recommendation

That planning permission be refused

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