

Address:	13 Hawley Crescent & 29 Kentish Town Road London NW1 8NP	
Application Number:	2009/3072/P	Officer: Tania Skelli-Yaoz
Ward:	Camden Town with Primrose Hill	
Date Received:	10/07/2009	
Proposal: Redevelopment of site to provide a mixed use building comprising 1,369sqm of commercial floorspace (Class B1/B8) at ground and basement level and 114 student accommodation units on the upper four levels fronting Kentish Town Road and the upper part four/five levels fronting Hawley Crescent.		
Drawing Numbers: Site Location Plan; HCC-02; 03; 04; 05; 06; 08; 10; 11; 12; 13; 14; 16; 30; 31; 32; 33; 34; 35; 36; 37; 42; 43; 44; 45; 46; 47; 48; 49; 50; 51; 52; 63; 73; 74; 75; 76; 77; BREEAM Multi-Residential 2006 Pre-Assessment; BREEAM Office 2006 Pre-Assessment; Energy Strategy Report; Sustainability Statement; Noise Assessment; Statement of Community Involvement; Transport Statement; BRE - Daylight/Sunlight Report; Marketing Report; Planning Statement; Student Accommodation Product & Design; Design & Access Statement. Letter dated 23/09/09 including appendices A-F		
RECOMMENDATION SUMMARY: Grant planning permission subject to a S106 legal agreement.		
Applicant:	Agent:	
Catesby Regeneration Ltd Morley House 26 Holborn Viaduct London EC1A 2AT	CGMS Limited Morley House 26 Holborn Viaduct London EC1A 2AT	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	B1	Business	3051m ²
Proposed	B1 Sui Generis	Business	1369m ²
		Student accommodation	3552m ²
			4921m ²

Residential Use Details:		
	Residential Type	No. of Bedrooms per Unit

		1	2	3	4	5	6	7	8	9+
Existing	N/A									
Proposed	<i>Studios</i>	114*								

*89 rooms are suitable for single occupancy (ranging between 16-21m² and 25 rooms suitable for duo/shared occupancy (rooms ranging between 22-30m²)

OFFICERS' REPORT

Reason for Referral to Committee: The proposal constitutes a Major Development which involves the construction of more than 1000m² of non-residential floorspace [Clause 3(i)] and involves the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 [Clause 3(vi)] in relation to matters outside the scheme of delegation.

The application is a 'major development' as defined by the Office of the Deputy Prime Minister. The application therefore needs to be determined within 13 weeks from the date of registration, which expires on 26th October 2009.

1. SITE

- 1.1 The application site is "L-shaped" and has street frontages to Hawley Crescent and Kentish Town Road. The site wraps around the existing part 3-/part 4-storey Hobgoblin Public House at no. 33 Kentish Town Road and the recent 5-storey residential development at no. 31 Kentish Town Road.
- 1.2 The existing building is 4-storeys high facing Hawley Crescent and 3-storeys high facing Kentish Town Road. Extensive plant equipment is located on the Hawley Crescent side at roof level, and also on the rear first floor roof level. The site covers approximately 0.1ha.
- 1.3 To the site's western boundary lies The Open University building which presents a part 4-/part 5-storey hard building edge to Hawley Crescent.
- 1.4 To the south of the site are the Hawley Infant and Nursery School grounds, behind a 3-metre high brick wall to Kentish Town Road. The school ranges from 1- to 3-storeys high and is bounded by two terraced houses, 3-4 storeys high, fronting Kentish Town Road.
- 1.5 To the south-west lies a part 4-/part 5-storey building (no. 5-7 Buck Street) used for warehousing and business in connection with the Camden Market, known as the 'Auction Rooms'.
- 1.6 To the north, on the northern elevation of Hawley Crescent, lies a Grade II listed building, known as the 'Elephant House'. To the east, on the eastern elevation of Kentish Town Road, lies a large complex of commercial buildings. Whilst varied in character, a consistent scale and hard building edge is maintained throughout the immediately surrounding streetscape.

- 1.7 The site is not within a conservation area, but faces the Regents Canal conservation area across Kentish Town Road to the east. There are no trees on site.
- 1.8 Current access to the site is provided via Hawley Crescent. The site is vacant at present, and has been so since October 2006 (3-years). Secondary access is provided via Kentish Town Road; however, both are linked internally via a 'maze' of corridors and original and new staircases.

2. THE PROPOSAL

Original

- 2.1 Permission is sought for the redevelopment of the site to provide 1369m² of business space and 114 student accommodation units. The proposal involves the demolition of the existing building on the site and erection of a part 5-/part 6-storey building fronting Hawley Crescent and part 4-/part 5-storey building fronting Kentish Town Road (plus basement). The main pedestrian entrance to the office space and student accommodation is provided at Hawley Crescent. A secondary pedestrian access is provided on Kentish Town Road. No vehicular access is provided onto the site.
- 2.2 The business use which is being provided at ground and basement floors has been offered to be used as flexible studio space and could be converted in a variety of ways to suit different users (ranging from a cellular mode to creative industries studios).
- 2.3 The student accommodation is provided in the form of self-contained studios and has been justified as such to be particularly suitable for graduate students, current market requirements and the location of the site.

Revisions

- 2.4 Discussions between officers and the applicant have resulted in the following:
- Elevational amendments to both frontages;
 - Reduction in height and set-back of top floor at Hawley Crescent;
 - Submission of further detailed Marketing Statement
 - Submission of Statement re student units' mix;
 - Submission of statement re affordability of student housing;
 - Refinement of the Section 106 heads of term and addition of Public Art to be provided on site.

3. RELEVANT HISTORY

- 3.1 **34776** Planning permission for change of use from milk distribution depot to storage and distribution with ancillary offices was granted 04/10/1982.
- 3.2 **36017** Planning permission for change of use of the part of the premises fronting onto Hawley Crescent to a post sound production studio was granted 06/09/1983.

- 3.3 **8601046** Planning permission for change of use including works of conversion at no. 29 Kentish Town Road to form creative production editing and viewing facilities with ancillary offices including the erection of a 1.5m roof extension to accommodate a second floor and the erection of two satellite dishes at the roof level of no. 13 Hawley Crescent was granted 14/08/1986.
- 3.4 **8700840** Planning permission for works of conversion and extension to provide a video studio scene dock prop stalls production dressing-room and ancillary offices was granted 01/10/1987.
- 3.5 **PE9700952R1** Planning permission for the erection of a new second floor as extension including balcony and railings to the existing video studio building to provide additional (Class B1) office accommodation was granted 22/05/1998.
- 3.6 **PE9900985** Planning permission for the erection of a double height spiral stair to the front elevation of the building as a secondary means of escape and increasing roof height by 300mm; (amendments to previously approved scheme dated 22/5/1998 PE9700952/R1 for the erection of a second floor extension including balcony and railings) was granted 01/02/2000.
- 3.7 **2008/2008/P** Pre-application advice provided in respect of a proposal for the demolition of the existing buildings and redevelopment to create B1 office space at ground and basement levels and 107 student rooms arranged as studios.
- 3.8 A public consultation exercise organised by the applicant during **September 2008**; involving the local councillors, Hawley Infant School, the Open University, Camden Town Unlimited, The Hobgoblin Pub and other adjoining residents. A 2-day exhibition was also held in **November 2008**. Following this, the applicant made various design amendments to the proposals.
- 3.9 **2009/1234/P** Planning application for the demolition of existing buildings and erection of a mixed use building comprising 1,370sqm of commercial floorspace (class B1/B8) at ground and basement level and 117 student accommodation units at the upper levels in part three and four levels fronting Kentish Town Road and part four, five and six levels fronting Hawley Crescent was withdrawn in June 2009. The application was withdrawn following advice over the need for revisions to the design details and the submission of further information in respect of marketing of the existing accommodation, and the form/layout of the proposed business and student accommodation.
- 3.10 Informal pre-application advice was given following the withdrawal of the recent planning application; in particular with regards to loss of business use and marketing, sustainability, mix of units and design.

Adjoining sites

- 3.11 The erection of a 5-storey building to provide A2/B1 floorspace at lower ground and ground floor levels and 14 residential units (5 x 1-bed, 6 x 2-bed and 3 x 3-bed) on the upper floors was granted (ref. 2005/0061/P) to **31 Kentish Town Road** on

21/3/05 subject to S106. *[This has been implemented and the development has been completed. However, it is noted that the B1 space is still vacant].*

- 3.12 2009/4129/NEW A pre-application proposal for the redevelopment of **5-7 Buck Street** is currently under consideration.

4. **CONSULTATIONS**

[Officer's response given in italics where appropriate]

Statutory Consultees

- 4.1 Transport for London: Support.
- 4.2 Camden Town Conservation Area Advisory Committee: No reply to date.

Other

- 4.3 Metropolitan Police Design Out Crime Advisor: No objection. Several comments made.
- 4.4 Comments made by Children, Schools and Families Department on behalf of the Hawley Infants School: Concerns expressed over the implications of the proposal on the school as the large development is on a very confined site and is directly adjacent to the school site, which also occupies a very restricted site. Specific issues are raised in respect of:
- The school's grounds allow for limited play and outdoor learning space. Concerns are raised over the implications of the demolition and construction process [i.e. the management of the development] and its impact on the functioning of the school.
 - Concerns are raised over noise nuisance from construction during teaching hours and a suggestion that major demolition takes place during weekends/school holidays.
 - Concerns over safety of pupils during major works along the boundary with the school, and in respect of the rebuilding of the boundary wall.
 - Concerns over safety of pupils during major works by increased access between the two sites during demolition/construction.
 - Concerns over visual intrusion and overlooking from proposed windows into playground.

Following discussion with the applicant over the possible provision of public art on the flank wall of the Kentish Town Road building, facing the school yard, the School has expressed some concerns over this proposal including the issues of maintenance and content of the artwork.

It is also understood that the applicant has entered into discussion with the School to cover issues such as phasing, boundary wall and hoarding decoration and protection during construction.

Local Groups

4.5 Camden Town Unlimited (CTU): Support. The site has been vacant for some considerable time. The previous occupiers, Videasonics, were forced to relocate due to the poor standard of accommodation and lack of flexibility the existing space affords, as well as excessive costs of services in an extremely inefficient building. The current building is an eyesore which is understood not to be capable for refurbishment. As such the building forms blight in the Town Centre, and is a discouragement to regeneration. The new business floorspace proposal falls in line with the CTU aims to promote modern business space within the Town Centre particularly focused on media and smaller business sectors. The provision of new B1 space in the Town Centre is not commercially viable in the current market and can only be provided by being cross-subsidised by other viable uses. The provision of student accommodation will add to the commercial viability and diversity of Camden Town in a predominantly non-residential location and help reduce the pressure on private rented residential accommodation being leased to students in the Borough.

4.6 **Adjoining Occupiers**

	Original
<i>Number of letters sent</i>	33
<i>Total number of responses received</i>	15
<i>Number of electronic responses</i>	1
<i>Number in support</i>	
<i>Number of objections</i>	14

4.7 14 adjoining occupiers have expressed their objection to the proposal, as follows;

i) 62 Highstone, 84 Camden Road, 4, 5, 6 and 12 Bonny Street, 5 and 16 Ivor Street, 13 Lawfords Wharf at Lyme Street, 12 and 13 Jeffrey's Place:

- The three recently built buildings around the site are 3-storeys high, with a 4th storey set back from the façade.
- The site abuts a conservation area, and should respect the general height, scale and character of these.
- The façade of the proposed building is 5-storeys high (plus 6th set back), compared with the height of the Open University building of 3-storeys (plus set back 4th).
- The façade treatment is a mish-mash of materials from London brick, timber, aluminium panels, stainless steel to translucent panels. Even the cladding to the 5th floor is set at some 30-degree angle rather than as conventional standing seam panels.
- The proposal, as revised, is still an over-development of the site.
- If the existing building has a reinforced concrete frame, it could be structurally stable, capable of refurbishment.
- The proposal fails to include substantial green credentials.

A comment was also made about the proposal not complying with the Hawley Wharf Brief. *However, the site lies outside the boundaries in this area (of which the southern boundary is the Regent's Canal).*

The Open University building has a high floor-to-ceiling level. Although the proposed development contains more storeys, it is of an overall comparable height.

The Kentish Town Road elevation is on the boundary of the Regents Canal Conservation Area, which at this point is characterised by the rear elevation of the high-tec styled Sainsbury building. The height of the Kentish Town Road elevation is in-line with its neighbour and comparable to the period town houses which form its setting to the south.

Hawley Crescent has something of an industrial character, with an exuberance and unconventionality expressed in buildings like the former TVAM headquarters (opposite). There is a rich mix of materials within the context area including red and yellow bricks, concrete frames, metal cladding, and glass curtain walling. The use of materials in the proposed development is reflective of the area and is employed to provide hierarchy and articulation in the facades.

ii) Apt. 4 and 6, Lawrence House, 11 Hawley Crescent:

- Concerns over traffic issues
- Loss of privacy
- Noise nuisance
- Family unfriendly proposal

Addressed in 'Amenity' section

5. POLICIES

5.1 Replacement Unitary Development Plan 2006

SD1 Quality of life - complies

SD2 Planning obligations – complies, subject to S106

SD3 – Mixed-use development - complies

SD6 Amenity for occupiers and neighbours – complies, subject to conditions

SD7 Noise/vibration pollution – complies, subject to conditions

SD8a Disturbance from plant and machinery - complies

SD9 Resources and energy – complies subject to Section 106.

SD12b Reuse of construction waste - complies

H1 Housing – complies

H3 Retention of existing housing - complies

H7 Lifetime homes and wheelchair housing - complies

H8 Mix of units – complies on balance

H9 Hostels - complies

B1 General design principles - complies

B6 Listed Buildings (Setting) - complies

B7 Conservation Areas (Setting) - complies

N4 Providing public open space – complies, subject to section 106

N5 Biodiversity - complies

E2 Retention of Existing Business Use – complies subject to section 106

E3d Creative and environmental industries - complies T1 Sustainable transport space - complies
T2c Capacity of transport provision - complies
T3a, b, g, i, k Pedestrians and cycling – complies, subject to section 106
T4c Public Transport and development - complies
T7 Off-street parking, city car clubs and city bike schemes
T8 Car free housing and car capped housing - complies, subject to section 106
T9 Impact of parking – complies, subject to section 106
T12 Works affecting highways – complies, subject to section 106

5.2 **Supplementary Planning Guidance**

Camden Planning Guidance 2006- Access for all; Biodiversity; Construction and demolition; Contaminated land; Cycle parking and access; Daylight and sunlight; Design; Designing safer environments; Energy and renewables; Materials and resources; Overlooking and privacy; Noise and vibration; Pedestrian movement; Planning obligations; Public open space; Residential development standards; Sustainable design and construction; Transport assessment; Travel plans; Vehicle access/servicing; Waste and recyclables; Water.

5.3 **The London Plan (Consolidated with Alterations since 2004) February 2008**

3C.1 Integrating transport and development – complies
3C.17 Tackling congestion and reducing traffic- complies
3C.23 Parking Strategy – complies
Para 3.39-3.42 & SPG Housing section 16

6. **ASSESSMENT**

- Land use considerations: Acceptability of loss of employment space, Acceptability of student housing in principle, Acceptability residential accommodation on the site, the standard of residential accommodation and unit mix; lifetime homes and wheelchair housing;
- Design considerations, impact on surrounding historic setting/open space and Crime prevention/security of area;
- Amenity impacts including student management, light and privacy;
- Transport issues and servicing;
- Sustainability, energy and biodiversity & landscaping;
- Open space and community facilities contribution;
- Other Issues: noise, waste, employment and local procurement
- Section 106 contributions and other matters (including community facilities, open space, construction nuisance, student management and others)

Land use considerations

- 6.1 The lawful use of the application site is for B1 (business use) purposes. The site was most recently occupied in 2006 as office and creative production studios. At the time of the last occupier, Videosonics, vacating the site, it is understood that it was employing 30 people and therefore largely under-utilising the existing floorspace [2750m² of B1 space]. A recent site visit revealed that both buildings, which are currently internally linked, are vacant and are arranged in a traditional office layout [including that part of the site fronting Kentish Town Road, which may

appear to house studios from its external appearance]. The office accommodation also appeared to be of poor quality, requiring updating and refurbishment.

- 6.2 **Acceptability of loss of employment space:** Policy E2 of the UDP has a general presumption against the loss of employment uses where there is potential for that use to continue. In particular, the Council seeks to retain sites that have the flexibility to provide for a range of employment uses within Classes B1c and B8. The existing B1 floorspace of 2750m² is considered to be unsuitable for continued office and industrial activity. The Marketing Statement submitted has demonstrated that the premises have been marketed since September 2008. Whilst this does not satisfy the “at least 2-years” requirement [para 7.19 of the justification for Policy E2], the proposal comprises the re-provision of new business floorspace which will be much more flexible than the existing accommodation, and thus will be more able to meet varying needs than the existing building. Various flexible floorplan solutions have been submitted to demonstrate flexible use in line with policy [para 7.18 of the justification for Policy E2]. This illustrates how small firms and businesses requiring studio space could use the new business accommodation at basement and ground floor levels.
- 6.3 In this regard, it is considered that the loss of employment space can be argued to be acceptable. Notwithstanding, the proposal results in the loss of more than 1000m² (1682m²) of office floorspace and therefore a financial contribution to offset this loss is required in line with policy SD2.
- 6.4 **Acceptability of student housing in principle:** It is considered that there is a case for student housing to be accepted on the site. Student housing is considered as a type of hostel use which falls outside any defined Class in the Use Classes Order (i.e. ‘sui-generis’ use). This is due to the way in which it is provided and managed, being aimed at a particular client group, and because of its traditional non self-contained nature and reliance on shared facilities. Policy H9 (Hostels) supports new hostels where there is no loss of Class C3 housing. Therefore, in the current circumstances, there is no loss of housing and no conflict with policy H3 (protecting existing housing).
- 6.5 The London Plan (para. 3.39-3.42) recognises that student accommodation meets a housing need in London and relieves pressure on other housing sectors. The London Plan goes on to say that *‘student housing should not be considered as a form of social housing, as it is not permanent housing...’*. It also states that it should not be counted against targets for the provision of social or intermediate housing. The London Plan also states that *‘it would not be appropriate for the Borough to seek social housing provision through a planning obligation’*. Nevertheless, it would contribute to the Council’s Housing targets in line with policy H1 (New Housing), falling into the category of a House in Multiple Occupation ‘HMO’ for monitoring purposes. There remains an under-supply of all types of housing within Camden, including those forms of housing generally sought by students. On top of this, the number of students coming in to London, particularly from overseas, is expected to increase. Moreover, the site is not a designated site under the Schedule of Land Use Proposals of the UDP.

- 6.6 In addressing policy SD3 and the lack of permanent residential housing [Class C3] with an affordable element as appropriate [i.e. if the proposed floorspace or unit numbers trigger the need to consider this]; the Mayor's SPG on Housing states that, whilst student housing should not be considered equivalent to social housing (as it is not permanent housing and is only provided on the basis that an individual is a member of a specific institution), where a development is solely for student housing, it would not normally be appropriate for the Borough to seek affordable housing as part of the scheme, as mentioned earlier.
- 6.7 The difficulty in directly applying policies such as H2 and SD3 to student accommodation is that the London Plan does not give Boroughs scope to treat it as a form of housing requiring an affordable housing contribution. It places emphasis on the importance of facilitating Higher Education growth in London. The aspiration to seek affordable housing contributions in student schemes is therefore based on the argument regarding National Housing Targets (PPS 3) and mixed communities and policy H8 on mix of units, as discussed below. In this instance, it is considered that, on balance, the proposal and its mix is acceptable given the size of the scheme and its location, as explained below.
- 6.8 **Acceptability of residential accommodation, standard of accommodation and unit mix:** The application site is located adjacent to busy roads and a school. Noise/vibration pollution from traffic and potentially schools can have a major affect on amenity and health and therefore on quality of life in general. Policy SD7B and Appendix 1 state that planning permission will not be granted for development sensitive to noise/vibration levels in locations that have an unacceptable level of noise/vibration. Residential development is considered to sensitive to noise/vibration levels.
- 6.9 The applicant has submitted a PPG 24 noise impact assessment prepared by Sharps Redmore Partnership, dated March 2009. The report was prepared following fieldwork to establish ambient noise and vibration levels at the site. The report has been considered by the Council's Environmental Health Service. The assessment established that noise levels at the site fell within Noise Exposure Category C, as defined by PPG 24, during the day and night-time period. In such locations, planning guidance recommends that planning permission should not be granted unless conditions can be imposed to ensure an adequate level of protection against noise. The noise levels measured 1m from the proposed façade do not reach the thresholds outlined in Appendix 1 where it states planning permission should not be granted; however, they do exceed the thresholds above which it states mitigation measures are required.
- 6.10 In order to mitigate against the noise levels, the report recommends that acoustic double glazing be installed to windows serving the habitable rooms together with acoustic ventilation systems where necessary. It is considered that further details of the proposed noise mitigation measures and ventilation should be submitted to the Council for approval prior to the commencement of development; this should be secured by condition as should their implementation.
- 6.11 The proposal involves the provision of 114 student bed spaces which, compared to other student schemes, is not excessively large. The proposed accommodation of

self-contained studios averaging between 16-30m² in size has the ability to cater for single, shared/twin or double occupancy use. However, units are not proposed in clusters. Notwithstanding, the form and layout provides flexibility to enable clustering, and also means that the units could be converted into family dwellings if required at some time in the future. The applicant has justified the mix and layout as (i) the accommodation is mainly aimed at postgraduate students, who prefer self-contained accommodation; and (ii) a study by Savills shows that cluster blocks only become cost effective in blocks of at least 200 units due to 'clusters' being more management intensive. It is therefore considered that, in this case the proposed mix of units is acceptable.

- 6.12 The site's location, being close to Camden Town Station, and in an area characterised by a wide mix of land uses, many of which are commercial and entertainment/leisure orientated, is considered appropriate for the accommodation of student housing, subject to local amenity and design considerations. This site is in close proximity to Camden Town Centre, which is within walking distance of various long standing educational establishments and halls of residence in Central London.
- 6.13 The student accommodation will be operated by a management company, CRM Students, which is a specialist firm dealing with student accommodation. There is no intention currently for the accommodation to be allied to any specific named institution; however the applicant has agreed to enter into a Section 106 legal agreement to ensure that the hostel is occupied for no other purposes than as housing for students in full time higher education within Camden or adjoining Boroughs. It is therefore considered that student housing is in line with housing policies and meets with relevant land use policy objectives.
- 6.14 **Lifetime Homes and Wheelchair Housing:** Policy H7 requires that 10% of the dwellings are suitable for wheelchair users and that all new dwellings be designed in accordance with Lifetime Homes standards. Although Lifetime Homes standards do not apply to student accommodation, the requirement for 10% of housing within any development to be made wheelchair accessible is relevant. The applicants have indicated that 10% of the units have been designed to be capable of becoming fully wheelchair accessible, and this is considered acceptable in the context of this policy.

Design and conservation considerations

- 6.15 **Design considerations:** The current proposal has addressed earlier concerns, in particular with regard to the height of the Hawley Crescent elevation and the detailed design of the Kentish Town Road elevation. The Hawley Crescent elevation is a similar height to the existing building on the street edge, with a minimal zinc clad attic storey set back to an effective distance above. The proposed materials are considered appropriate for the site. The scale and interest have been addressed thoughtfully through oriel windows to each of the student rooms.
- 6.16 The Kentish Town Road elevation responds well to the recently executed scheme at no. 31 Kentish Town Road adjacent, in materials and proportion. With its more geometric plan and elevation form, it is also considered to address its role as a

termination to the terrace and begin a dialogue with the period terraces south of the school.

- 6.17 **Impact on surrounding historic setting/open space:** concerns have been raised over the height of the proposed building and that it results in an over-development of the site. However, it is considered that the proposed height is in context with the adjoining building, in close and more distant proximity, excluding the low-rise school to the rear. However, given the open area and distance between the two sites, it is considered that the height and mass of the proposal is not overbearing on any of the frontages.
- 6.18 In particular, the proposal is not considered to be detrimental to the setting of the opposite Grade II listed building or the adjoining conservation area which in itself comprises mainly tall and industrial buildings on the Kentish Town elevation.
- 6.19 Accordingly, it is considered that the proposal for redevelopment on both sites complies with policies B1, B6 and B7.
- 6.20 **Crime prevention/security of area:** measures have been incorporated into the design of the proposed development to promote personal safety and security and to reduce crime and the fear of crime, in line with the Secure by Design principles. The measures are considered acceptable and comply with policy SD1 and B1.

Amenity Issues

- 6.21 Policy SD6 of the UDP (2006) seeks to ensure that the amenity of occupiers of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, outlook and loss of privacy. Local residents have raised objection to the proposed development on the grounds of loss of privacy, noise nuisance and increased traffic generation.
- 6.22 **Daylight & Sunlight:** An assessment has been carried out to consider the impact of the proposed development on daylight & sunlight to neighbouring residential properties. Consideration has been given to the potential impact on daylight to nos. 31 Kentish Town Road, Lawrence House at no. 11 Hawley Crescent and the Hawley Infant School. The two tests undertaken as part of the daylight analysis were Vertical Sky Component (VSC) and Average Daylight Factor (ADF); these are explained below:
- 6.23 Vertical Sky Component (VSC) test (Potential light distribution within a defined room area). The percentage of sky visible from the centre of the window is known as the Vertical Sky component. Where the VSC is reduced to less than 27% and is less than 0.8 times its former value there will be a noticeable loss of light. The BRE state that these are guidelines, not mandatory, and should be applied flexibly.
- 6.24 Average Daylight Factor (ADF) (Actual light distribution within a defined room area). The average daylight factor is more reliable than the VSC because ADF test takes into account a range of variables which the other tests do not (e.g. size or amount

of windows in a room). The BRE recommended ADF values are 1% bedrooms, 1.5% living rooms and 2% kitchens.

- 6.25 All of the windows of the properties analysed passed the VSC test with the exception of the balcony windows at no. 31 Kentish Town Road. The properties which passed the VSC test will not suffer a loss of daylight as a result of the proposed development. However, no. 31 Kentish Town Road is subdivided into flats and has four balcony windows (serving bedrooms) at 1st to 4th floor levels on its rear elevation facing into a lightwell. This rear elevation and lightwell of no. 31 Kentish Town Road faces directly onto the rear flank elevation of the proposed development; a flat roof and lightwell. However, the subject balcony windows face south, towards the school. The existing Kentish Town building currently extends to the rear, and partly blocks views from these balconies to the south; however, the proposed building will set this rear elevation back and therefore allow direct views south from the subject windows. The reduction of the daylighting levels in this area by 0.9% (where 0.8% is the maximum recommended) is considered minimal and acceptable in this site where residential windows have been located 3m away from an adjoining site; thereby potentially placing a burden on the development of the subject site.
- 6.26 Only windows that face within 90 degrees of due south receive sunlight. BRE guidelines recommend that a room has a good level of sunlight where it receives 25% or more of annual probable sunlight (APS) with 5% of those being received during the winter months (September to March). A reduction to below these levels would be noticeable to the occupants.
- 6.27 No loss of sunlight is likely to any of the adjoining windows according to the measurements that have been carried out.
- 6.28 **Privacy/Overlooking**
Policy SD6 of the Unitary Development Plan (2006) requires that new development does not cause unreasonable overlooking of neighbouring properties to the detriment of their occupiers. Camden Planning Guidance (2006) recommends that a distance of 18m be maintained between facing habitable windows to ensure that privacy is maintained.
- 6.29 There is a distance of approximately 14 metres between the application site and the adjoining no. 31 Kentish Town Road and some 10 metres between the application site and the residential flats at the top floor of Lawrence House (no. 11 Hawley Crescent). No. 31 Kentish Town Road has windows directly facing the development. This distance is considered to be acceptable in an urban environment and the provision of the student accommodation windows as partly translucent and partly angled will avoid direct overlooking into other student accommodation, as well as the residential units on the adjoining site. Other windows at the ground level office space as proposed will be facing directly into the approved commercial space at the rear of no. 31 Kentish Town Road.
- 6.30 The windows of habitable rooms of Lawrence House do not face directly onto the development site. Nevertheless, the communal room window facing Lawrence House has been made translucent to secure this further.

- 6.31 The relationship with Infant Hawley School is established with a brick boundary wall varying between 3 and 6.5 metres in height with the rear elevation of Hawley Crescent some 26 metres away. The proposed development will mostly maintain this relationship, with the rear infill of the site setting a 4-storey building in much closer proximity to the school, at some 7m distance from the school buildings. The boundary wall is however, to be lowered to range between 3 to 5 metres. Nevertheless, despite the additional building with its blank rear elevation at closer proximity to the school; due to the open area around the school and the slight set back of the building from the boundary wall it is not considered oppressive or overbearing and has not resulted in any objections from the school. Furthermore, it is proposed to benefit from vegetation at roof level and a 2 metre timber trellis with climbing plants is also proposed at the top of the brick boundary wall.
- 6.32 The flank wall of the Kentish Town Road building is currently proposed to be decorated with textured brickwork, but following discussions will be provided with public art to be agreed at a later stage, and secured via a Section 106.
- 6.33 There is unlikely to be any increase in traffic generation, as the development is to be made car-free and the frequency of delivery and service vehicles is unlikely to be higher than would be the case for the existing building.
- 6.34 With regards to noise nuisance, it is considered that students generally require a noise free environment for studying. The Communal Room at the top level is not considered large and the lack of cluster units may suggest the students' behaviour may be more controlled. In any case, this is further addressed under 'Student Management' below.
- 6.35 Concerns over overlooking from the new building into the school yard have been raised. However, given the lack of windows on both the rear elevation nearest to the school and the remainder of the rear elevation some 35 metres away together with the provision of the 'green' trellis; this concern cannot be supported and is considered to be unlikely to be realised. Accordingly, it is considered that the school would not suffer from loss of outlook or overlooking as a result of the development and the proposal therefore complies with policy SD6.
- 6.36 Existing windows to the building at nos. 5-7 Buck Street and the site's potential redevelopment have also been taken into consideration, and windows on the western elevation of the site have been made partly translucent where facing the Open University and nos. 5-7 Buck Street. Accordingly, it is considered that the amenity of all adjoining residents and occupiers will be protected in line with policy SD6 and no loss of privacy, loss of outlook, overlooking or noise nuisance will occur.
- 6.37 **Student management:** The possible impacts on the surrounding area arising from the student residents of the development can to a large degree be mitigated by sound principles of management and adherence to a code of practice. Privately owned and managed student residential buildings are governed by a national code of practice set by the DCLG and regulated by the Accreditation Network UK (ANUK). Signing up to this code of practice (Code of Practice for Student

Accommodation Managed by Undertakings Subject to HMO Licensing) enables private suppliers of student accommodation to be exempt from licensing as an HMO under the Housing Act 2000.

- 6.38 Complimentary to this will be a scheme of management secured via a Section 106 in the form of a Student Management Plan. The student management plan requires that a site management team is appointed and defines some of its main duties in relation to site maintenance. It also requires that a student warden system be set up to cover out-of-hours arrangements. With regard to the latter, one of the main roles of the student warden will be to provide a point of contact for students and neighbouring residents about security and other issues; to ensure good neighbourliness to local residents, respond to alarms and monitor any antisocial behaviour. An on-call security company would be available to respond to any serious issues which could not be dealt with by the Warden.
- 6.39 The Student Management Plan would also extend to the move-in/move-out process which would involve issuing allotted time slots for loading and unloading of private vehicles to ensure that congestion and other stresses on the surrounding area do not occur. Additional staffing support would be provided on move-in weekends to assist with unloading.
- 6.40 The Student Management Plan will ensure that the management of the student accommodation will be carried out to an acceptable standard and is capable of being monitored to a sufficient degree so as to address the major concerns of residents that have been raised in this regard.

Transport issues and servicing

- 6.41 The site fronts both Kentish Town Road and Hawley Crescent. There is no car-parking proposed on site and all servicing is proposed to take place on-street from Hawley Crescent. A Transport Statement (TS) has been submitted and it is of the acceptable detail and standard for a development of this size and type in this location.
- 6.42 A Student Travel Plan is recommended to be secured via a Section 106 and must be agreed with the Council prior to occupation of the development to comply with policy T1 of the UDP.
- 6.43 The London Plan states that 0.5 storage or parking space is required per student room. The proposal is for 114 student units; therefore at least 57 cycle parking spaces are required. The applicant has provided a cycle parking store for the students in the basement using Josta-two cycle parking racks, to accommodate 78 bikes. These are to be accessed via a large lift. This cycle parking arrangement is acceptable and no further detailed approval is required.
- 6.44 For the commercial floorspace, 1 space per 250m² or part thereof is required plus at least an additional 2 for visitors. The floor area of the B1/B8 is 1369m²; therefore at least 8 cycle parking spaces are required. The applicant has proposed 12 spaces, using Sheffield stands on the private forecourt facing Hawley Crescent.

This arrangement is acceptable and no further detailed approval of this cycle parking is required. This complies with policy T3 of the UDP.

- 6.45 Car free: Policy T9 states that the Council will not grant planning permission for development that would harm on-street parking conditions or add to on-street parking where existing on-street parking spaces cannot meet demand. Given that The London Plan Consolidated with Alterations since 2004 (February 2008) should be taken into consideration as well as the UDP, car-free developments should not only be sought for housing but also for developments in general and should be ensured by Boroughs 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 6a (excellent) and is within a Controlled Parking Zone.
 - The site is within the designated town centre of Camden Town as described in the London Plan.
 - Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. Camden Town (CA-F) CPZ operates Mon-Fri 08:30-18:30, Sat-Sun 09:30-17:30 and 116 parking permits have been issued for every 100 estimated parking bays within the zone. This means that more parking permits have been issued than spaces available.
- 6.46 The applicant states that they are willing to enter into a Section 106 agreement making the whole development car-free (both student accommodation and commercial floorspace).
- 6.47 Demolition and Constriction Management Plan (DCMP): The site is constrained and a lot of work will have to take place from the street. The work also involves complete demolition of the existing buildings on site. Some details of construction, such as an indicative programme, are given in the submitted Design and Access Statement. However, more detail will be required by the Section 106 agreement.
- 6.48 A DCMP outlines how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users. The applicant has agreed to enter into a Section 106 agreement secure a DCMP. It should be noted that any agreed DCMP does not prejudice further agreement that may be required for things such as road closures or hoarding licences.
- 6.49 Highway works: Policy T2(c) states that the Council will only grant planning permission for development where it considers that all forms of travel associated with the development can be accommodated by additional capacity and/or demand management measures directly related in scale and kind to the development, to be funded by the developer, and designed to cause minimum environmental harm.
- 6.50 Policy T3 (a) states that the Council will only grant planning permission for development that it considers to make satisfactory provision for pedestrians and

cyclists. In assessing development, traffic management and highways alterations, the Council will consider improvements to the conditions for the convenience and safety of pedestrians and cyclists, the walking and cycling environment, including design, access and security.

- 6.51 Policy T3(b) states that the Council will only grant planning permission for development that it considers to make satisfactory provision for pedestrians and cyclists. In assessing development, traffic management and highways alterations, the Council will consider the need for developments to cater for the walking and cycling demand they create on- and off-site where it cannot be accommodated by the capacity of existing and planned provision.
- 6.52 Policy T3(i) states that the Council will only grant planning permission for development that it considers to make satisfactory provision for pedestrians and cyclists. In assessing development, traffic management and highways alterations, the Council will consider the need to thoroughly reinstate all highway surfaces following works to the highway or damage from construction work.
- 6.53 Policy T3(k) states that the Council will only grant planning permission for development that it considers to make satisfactory provision for pedestrians and cyclists. In assessing development, traffic management and highways alterations, the Council will consider planning obligations that secure measures directly related in scale and kind to the development
- 6.54 Policy T12 states that the Council will only implement or grant consent for works that affect or create highway land where it considers the proposals; prioritise road safety; minimise accident risks; comply with the recommendations of a safety audit; maximise travel benefits; minimise harm to the environment; and avoid harm to the road network.
- 6.55 In order to mitigate the impact of the increase in trips this development will generate, and to tie the development into the surrounding urban environment, a financial contribution should be required to repave the footway adjacent to the site on both Kentish Town Road and Hawley Crescent, remove the redundant vehicular crossovers and widen the footway on the south side of Hawley Crescent between its junction with Kentish Town Road and the site. An added benefit of doing this is that any damage caused to the highway during construction can be repaired. 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. This Section 106 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.

Sustainability, energy and biodiversity & landscaping

- 6.56 **Sustainability:** In accordance with the requirements of the London Plan (Consolidated with Alterations since 2004) 2008 and Policy SD9, the application is accompanied by supporting statements prepared by environmental consultants 'Environment Perspectives LLP', to address energy, BREEAM multi-residential – for the student housing, and BREEAM Office for the B1/B8 space. The submitted

statements set out a package of measures to minimise energy consumption, supply energy more efficiently and use renewable energy.

- 6.57 The proposed scheme has demonstrated a commitment by way of the relevant pre-assessment statements, to achieving an “excellent” rating in both BREEAM assessments, which exceeds policy targets and is welcomed. Furthermore, it is demonstrated that the expected performance in terms of the relevant CPG sub-category targets for energy and water is that they would all be met, i.e. 60% and 60%. The scheme currently only achieves 25% on materials, and is to be secured to make best endeavours to meet 40% in materials in the Section 106 agreement.
- 6.58 The Energy Statement demonstrates that U-values are very good, air permeability has been improved since the previous application and internal solar shading is included. Solar reflective systems, efficient ventilation systems, low energy lighting and heating controls. This is considered welcome and exceeds Building Regulation standards. The lack of windows on the southern-most elevation is regrettable but has been designed as such for amenity reasons. All other measures are according to best practice and considered welcome. All measures are to be secured as part of the s106.
- 6.59 CHP has been accepted not to be viable over a 15 year period on site.
- 6.60 Renewables: the inclusion of solar thermal and PVs is considered welcome. The applicant has confirmed that the site would be occupied over the summer to ensure the efficiency of this equipment, in order to be used when there is the most sun which makes them efficient and viable.
- 6.61 Future proofing: the applicant has confirmed that the communal system will enable the site to connect to a district heating system in the future. This would need to be secured through the Section 106 with regards to space in the plant room and space for future pipe work.
- 6.62 Water: As well as being energy efficient, the scheme will also seek to minimise its demands on water resources. The scheme meets maximum hot water demand by a solar-thermal system and includes a grey-water recycling system that would meet 100% of the toilet flushing demand.
- 6.63 Overall, the proposed technologies will result in a 12.6% reduction in CO₂ emissions beyond the 2006 Building Regulations. The site could have achieved 20% reduction if biomass was included (as originally proposed) but this was excluded for air quality reasons. This is considered to be generally in line with other developments and considered to accord with SD9(c) and the London Plan.
- 6.64 **Biodiversity:** Policy N5 seeks to ensure that new development conserves and enhances wildlife habitats by greening the environment. The building incorporates green and brown roofs into its design along with other planted amenity space and green walls, all of which contribute to both the biodiversity and sustainability profile of the building. This complies with policy N5.

- 6.65 **Landscaping:** Soft and hard landscaping has been proposed to front elevations, the boundary with Hawley Infant School and the communal top floor terrace. This is considered to contribute to the biodiversity and visual amenity of the proposal as well as the amenity of future occupiers and visitors. This is acceptable, subject to conditions.

Open space and community facilities contribution

- 6.66 **Open Space:** Policy N4 states that developments providing 1000m² or more of floorspace where such developments increase the resident, worker or visitor populations are required to make contributions to public open space, in line with the standard provision of 9m² per person. The proposals would provide 114 bedspaces, therefore a contribution equating to the provision of 1053m² of open space should be sought. The amount of communal space within the development is extremely limited, particularly for such a use as student accommodation. It is therefore considered reasonable to seek the full financial contribution for open space in order to off-set the impact the development will have on open space in the area in line with calculations and the methodology within the CPG.
- 6.67 **Community facilities:** the top floor of the student accommodation provides a 97m² communal room for students. Paragraph 34.2 of the Camden Planning Guidance states that the Council will seek an appropriate level of provision or contribution considering factors such as the likely increase in demand for sports and community facilities resulting from a development, the level and standard of existing provision and the costs of providing additional facilities to mitigate for any shortfall resulting from the development.
- 6.68 The proposed development is a relatively dense development comprising 114 student bedsits with very limited on-site community facilities of the type that are often provided in traditional student accommodation elsewhere in the Borough such as, for example, indoor sports facilities, meeting rooms, computer and study facilities etc. and so is likely to result in increased pressure on existing community facilities in the area. Taking these factors into account, it is considered appropriate to require a financial contribution towards the improvement of local community facilities. The Talacre Sports Centre in Prince of Wales Road is approximately 800 metres from the development. This is within the guideline (1.2km) for walking distance from a development to the nearest formal recreation area suggested in CPG. This facility has been suggested as suitable for the use of the aforementioned contribution. The funding could be used to provide a new studio space which would be used for dance, exercise classes, aerobics and self-defence classes.

Other Issues (including S. 106 matters)

- 6.69 Plant is proposed entirely within the basement floor. It has been confirmed that no further applications for additional plant are likely. No noise nuisance is therefore anticipated as a result of the development, and no conditions required. However, it should be noted that any additional external plant would require the separate grant of planning permission.

- 6.70 Waste storage and recyclables: storage is to be provided to the front elevation at Hawley Crescent for the commercial element and at basement level for the student accommodation element. This is considered acceptable in principle. The details of the refuse and recycling stores need further consideration, and this requirement should be imposed as a condition.
- 6.71 There will be one collection point, at Hawley Crescent for transport reasons due to Kentish Town Road being a classified Red Route – and therefore no deliveries/collections are desirable from this site. This is acceptable to the Council's Street Environmental Services.
- 6.72 Employment and Local Procurement: UDP policy SD2 and Camden Planning Guidance state that the Council will seek to negotiate employment and training clauses in Section 106 agreements in the case of major developments including those involving more than £2 million in construction costs or 1,000m² commercial space. This is in order to open up job opportunities for local residents and to support the local economy. This application is above the required threshold. As such, should the application be approved it is recommended that the Section 106 agreement includes clauses so that the developer: a) works with Kings Cross Construction, the Council's construction training centre in Kings Cross, to ensure that 15% of employees working in the construction of the development are recruited from Camden's resident population and b) 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.
- 6.73 Public art: As mentioned previously, the 13 metres (wide) x 10 metres (high) flank wall of the Kentish Town Road building has been identified as having good potential for the incorporation of public art. An artwork could be largely visible when approaching the site, from the south, on Kentish Town Road. The artwork could also be largely visible from the Hawley Infant School yard. Subsequently, the applicant has agreed to dedicate this wall for public art and this is to be secured via a Section 106 to be provided prior to implementation and include the consultation of local councillors, local residents and occupiers and the Hawley Infants School.

7. **CONCLUSION**

- 7.1 The proposed redevelopment of this site to provide a modern high-quality building with a good mix of small and large self-contained student units. All the accommodation is appropriately sized and will be built to lifetime homes standards, with a proportion of it being fully wheelchair accessible. The development, on both facades, is considered to be in keeping with the general varied form and scale of the built environment in the immediate area and forms a good relationship with its neighbours. The buildings have been designed to ensure that loss of privacy to neighbours is kept to a minimum and the school's setting and outlook respected. The inclusion of energy saving measures seeks to ensure that the building is as sustainable as possible.
- 7.2 Planning Permission is recommended subject to a Section 106 Legal Agreement covering the following Heads of Terms:-

- Travel Plan;
- Contribution towards Community Facilities of £50,600;
- Local employment and procurement clause;
- Employment and Training Contribution £49,000;
- A financial contribution to cover Highway Works £14,000;
- Energy efficiency and renewable energy strategy;
- Water Efficiency and Surface Water Management Plan;
- Demolition and Construction Management Plan;
- Provision of Public Art;
- Public Open Space contribution £77,572;
- Car free development; and
- Student Management Plan

- 7.3 In the event that the S106 Legal Agreement referred to above has not been completed within 13 weeks of the date of the registration of the application, the Development Control Service Manger be given authority to refuse planning permission for the following reasons:-
- 7.4 **The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policies T7 (Off-street parking), T9 (Impact of parking) and SD2 (Planning obligations) of the Camden Replacement Unitary Development Plan 2006.**
- 7.5 **The proposed development, in the absence of a legal agreement to secure submission and implementation of a Demolition and Construction Management Plan, would be likely to contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users, and be detrimental to the amenities of the area generally, contrary to policies T12 (Works Affecting Highways) and SD8B (Disturbance form demolition and construction) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.**
- 7.6 **The proposed development, in the absence of a legal agreement to secure contributions to highway works would be likely to harm the Borough's transport infrastructure, contrary to policy SD2 (Planning Obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.**
- 7.7 **The proposed development, in the absence of a legal agreement requiring an energy efficiency and renewable energy strategy (including a post construction report) setting out a package of measures to be adopted by the Owner in the management of the Development with a view to reducing carbon energy emissions beyond Part L of the Building Regulations 2006 would be contrary to Policy SD9 (Resources and Energy) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in Camden Planning Guidance 2006.**

- 7.8 The proposed development, in the absence of a legal agreement requiring a water efficiency and surface water management plan including a post construction review securing the incorporation of sustainability measures in the carrying out of the Development in its fabric and in its subsequent management and occupation and to be recognised by an independent verification body in respect of the Property would fail to be sustainable in its use of resources, contrary to Policy SD9 (Resources and Energy) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in Camden Planning Guidance 2006.
- 7.9 The proposed development, in the absence of a legal agreement securing a community facilities contribution, would be likely to contribute unacceptably to pressure on the Borough's educational facilities and fail to provide for the needs of the future residents of the development contrary to policies SD1 (Quality of life) and SD2 (Planning obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 7.10 The proposed development, in the absence of a legal agreement securing a employment community facilities contribution, would be likely to contribute unacceptably to pressure on the Borough's educational facilities, contrary to policy SD2 (Planning Obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 7.11 The proposed development, in the absence of a travel plan, would be likely to give rise to significantly increased car-borne trips contrary to policies T1 (Sustainable transport) and T2 (Capacity of transport provision) of the Camden Replacement Unitary Development Plan 2006.
- 7.12 The proposed development, in the absence of a local labour and procurement agreement would fail to contribute towards the economic renewal of the area contrary to policies SD1 (Quality of life) and SD2 (Planning obligations) of the Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.
- 7.13 The proposed development, in the absence of a legal agreement for securing contributions for public open space, would be likely to contribute to pressure and demand on the existing open space in this area contrary to policies N4 (Providing public open space) of the London Borough of Camden Replacement Unitary Development Plan 2006.
- 7.14 The proposed development, in the absence of a legal agreement securing a student management plan, would fail to protect the amenities of the surrounding area contrary to policies SD6 (Amenity for occupiers and neighbours) and H9 (Hostels) of the Camden Replacement Unitary Development Plan 2006.
- 7.15 The proposed development, in the absence of a legal agreement securing a employment and training contribution, would fail to address the Borough's

employment and training needs and result in an acceptable loss of employment space contrary to policies E2 (retention of existing business uses) and E3 (Specific business uses and areas) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.

8. LEGAL COMMENTS

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