

<b>Address:</b>	39 and part 40 College Crescent London NW3 5LB	
<b>Application Number:</b>	2008/5896/P	<b>Officer: Max Smith</b>
<b>Ward:</b>	Frognal & Fitzjohns	
<b>Date Received:</b>	05/12/2008	
<b>Proposal: Change of use and redevelopment involving the erection of a 3-storey building comprising 6x dwellings, plus basement, following the partial demolition of No.39 College Crescent (work shop, Class B1) and western wing of No.40 College Crescent (known as Palmers Lodge).</b>		
Drawing Numbers: PL01, PL02, PL03A, PL04A, PL05A, PL06A, PL07A, PL08A, PL09A, PL10A, PL11, PL12A, PL13A, PL14A, PL15, PL16, PL17, PL18, PL19, PL20, PL21, PL22.		
Planning Statement; Conservation Area Approval Booklet; Desk Study Assessment; Report on Sunlight and Daylight to the Surrounding Properties; Sustainability and Renewable Energy Plan; Transport Statement; Planning Stage Structural Design Statement; Arboricultural Constraints Report; Heritage Assessment; Planning Application Booklet; Listed Building Consent Booklet;		
<b>RECOMMENDATION SUMMARY: Grant Planning Permission subject to conditions and a S.106 agreement.</b>		
<b>Related Application Date of Application:</b>	08-01-2009	
<b>Application Number:</b>	2009/0042/L	
<b>Proposal: Demolition of the western wing of No.40 College Crescent (known as Palmers Lodge) in association with erection of a 3-storey building comprising 6x dwellings, plus basement.</b>		
As shown on drawing numbers; CA01, CA02, CA03, CA04, CA05, CA06, CA07.		
<b>RECOMMENDATION SUMMARY: Grant Listed Building Consent</b>		
<b>Related Application Date of Application:</b>	08-01-2009	
<b>Application Number:</b>	2009/0043/C	
<b>Proposal: Partial demolition of southern elevation No.39 College Crescent and 2 free standing walls in association with erection of a 3-storey building comprising 6x dwellings plus basement.</b>		
As shown on drawing numbers; LB01, LB02, LB03, LB04, LB05, LB06, LB07, LB08, LB09, LB10, LB11, LB12.		
<b>RECOMMENDATION SUMMARY: Grant Conservation Area Consent</b>		
<b>Applicant:</b>	<b>Agent:</b>	

Central Securities c/o Agent	Montagu Evans Clarges House 6-12 Clarges Street LONDON W1J 8HB
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### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C2 B1	(Hostel accommodation) Business	130m <sup>2</sup> 140m <sup>2</sup> of building remains.
Proposed	B1 C3 C2	Business Dwelling House (Hostel accommodation)	112m <sup>2</sup> 1480m <sup>2</sup> 35 m <sup>2</sup>

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette									
Proposed	Flat/Maisonette				2	4				

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	Some informal parking associated with the B1 use.	N/A
Proposed	5	1

### OFFICERS' REPORT

**Reason for Referral to Committee:** The proposal consists of the erection of a building containing more than one single dwellinghouse [Clause 3(ii)] and would also require a Construction Management Plan, secured through a S.106 agreement [Clause 3(vi)].

#### 1. SITE

- 1.1. The site incorporates no. 39 College Crescent and a 1930s annexe attached to the western elevation of no. 40 College Crescent. It has an area of approximately 0.13 hectares.

- 1.2. No. 39 College Crescent, formerly stables and ancillary buildings attached to no. 40 College Crescent but now a separate planning unit, is identified as being a positive contributor to the Fitzjohns/Netherall Conservation Area. The building was damaged by a fire in 1998, and recently the most affected sections were demolished. The main section of the building fronting onto College Crescent is relatively intact, alongside two freestanding gables. This building has historically been in Class B1 use, most recently as a car-washing centre and previously as an industrial garage. It is currently vacant and in a somewhat dilapidated state following the fire.
- 1.3. No. 40 College Crescent is Grade II Listed and was previously in use as a nurses home owned by the Royal Free Hampstead NHS Trust. In 2004 the building was refurbished and the applicants state that the building is now in use as a backpacker's hostel, with the 1930s annexe vacant.
- 1.4. The site is bounded to the north by College Crescent, to the west by a block of residential flats at College Court, and to the east by the remainder of No. 40 College Crescent. To the south are shops fronting onto Finchley Road.

## **2. THE PROPOSAL**

### **Original**

- 2.1. The proposed development would see the demolition of the 1930s annexe to the Listed 40 College Crescent, the demolition of the two free-standing gables and the making good of the remainder of no. 39 College Crescent. Six houses would be constructed on the space created to the rear of 39 College Crescent. This has required the submission of the three linked applications: listed building 2009/0042/L for the works to the Listed Building, conservation area application 2009/0043/C for the demolition of the free-standing gables and planning application 2008/5896/P for the erection of the new building to provide six houses.
- 2.2. The six houses would be three storeys in height plus basement/lower ground floor and would be arranged in a horseshoe formation around a central courtyard. Vehicular access to this courtyard is proposed. Four of the houses would be 5-bedroom units and two would be 4-bedroom units. Parking for six vehicles would be at basement level, along with general storage areas and cycle parking. Five of the houses would also have additional accommodation at this level, four accessing gardens at the rear of the site and one looking out onto a sunken garden at the front.
- 2.3. The carpark would be accessed via the existing roller shutter doors at No. 39 College Crescent, through that building and down a ramp. The remainder of no. 39 College Crescent would be retained and restored

for use as a small B1 industrial unit. The ramp would be concealed beneath a terrace at 1<sup>st</sup> floor level, providing outdoor amenity space for one of the houses.

- 2.4. The houses would have flat roofs, completed with green and brown roof systems and the walls would be completed in re-constituted stone.

### **Revisions**

- 2.1. Concerns about the scheme as submitted were raised with the developer, who submitted amended plans showing the following revisions.
  - 1) The basement has been reduced in size and re-designed to address concerns that the original would have allowed more than 6 vehicles to park there, although only 6 spaces were marked.
  - 2) The 1<sup>st</sup> floor terrace to Unit 1 has been reduced in size, following concern about its impact on the visual appearance of the retained part of no. 39 College Crescent.

### **3. RELEVANT HISTORY**

- 3.1 PWX0002813. Demolition of existing garage and erection of four dwellings. Withdrawn 15-02-2001
- 3.2 PWX0002815. Demolition of existing garage and erection of offices (class B1). Withdrawn 15-02-2001.
- 3.3 PWX0202732. The erection of a basement and 3 storey building to provide office accommodation (805m<sup>2</sup>) within Class B1 (a) of the Town and Country Planning (Use Classes) Order 1987, together with a two storey residential dwellinghouse with integral garage. Refused, appeal subsequently dismissed 24-06-2003.
- 3.4 PWX0302099. Redevelopment of eastern block and yard, to provide a new basement and 2 storey building for use for purposes within the B1 Use Class with off street carparking, and alterations to and conversion of the western block to provide a 3 bedroom dwelling house with off-street carparking. Granted 17-10-2003.
- 3.5 CWX0302100: Demolition of south east stable block and adjoining yard enclosures. Granted 17-10-2003.
- 3.6 2007/6393/P (and associated Listed Building and Conservation Area applications 2007/6395/L and 2007/6396/C). Erection of a 5 storey building, plus basement, and change of use to provide 12x residential units (Class C3) (7x 2-bed and 5x 3-bed units) on the upper floors and fitness centre on ground floor (Class D2), following the demolition of No.39 College Crescent (work shop and residential) and western wing

of No.40 College Crescent (now vacant, previously used as nurses accommodation). Refused 09-06-2008, appeal currently pending.

- 3.7 2008/4447/P. Change of use and redevelopment involving the erection of a three storey building comprising 6x dwellings, plus basement, following the partial demolition of No.39 College Crescent (work shop, Class B1) and western wing of no.40 College Crescent (now vacant, previously used as nurses accommodation). Withdrawn.

#### 4. **CONSULTATIONS**

##### **Statutory Consultees**

- 4.1.1 English Heritage comment that they do not wish to raise any issues and are content for the application to be determined by the Local Planning Authority. They note that the impact of the scheme would be greatly influenced by the quality of the use of facing materials and would advise that samples of these are approved by the local authority as part of any consent.

##### **Conservation Area Advisory Committee**

- 4.2 Fitzjohns/Netherall Conservation Area Advisory Committee object. The following points are raised:

1. The application addresses one objection raised on the previously submitted scheme in that there would be some additional planting at the front. However, the remainder of the front courtyard will clearly be intermittently used for car parking.
2. In terms of materials, fenestration and massing, this proposed development does not accord with the surrounding buildings that determine the character of the Conservation Area.

##### **Local Groups**

- 4.3 The Belsize Residents' Association objects on the following grounds;
1. The basement car park is an unnecessary and objectionable feature. Camden's policies on car use ought to prevent further off-street parking on a site well served by public transport.
  2. The houses would be out of scale with surrounding properties, especially No.39, an outstanding example of Arts and Crafts architecture. Flat roofs and large areas of frameless glazing are out of context.

3. Stone cladding is out of context. Why not brick to match no.39? Pretentiousness of this sort is not wanted here.

### **Adjoining Occupiers**

	<b>Original</b>
<i>Number of letters sent</i>	67
<i>Total number of responses received</i>	1
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	1

- 4.4 One letter of objection has been received from the 33 Military Intelligence Company (Volunteers), based at 1 Fitzjohns Avenue. They are concerned that the height of the building would have an adverse impact on privacy and light to the caretaker's residence in their building. They are also concerned that the development would result in increased traffic, pollution and associated noise.

## **5. POLICIES**

### **Replacement Unitary Development Plan 2006**

- 5.1 S1/S2/S3/S8 Sustainable Development  
 SD1 Quality of Life  
 SD2 Planning Obligations  
 SD3 Mixed Use Development  
 SD4 Density of Development  
 SD6 Amenity for occupiers and neighbours  
 SD7 Light, noise and vibration pollution  
 SD8 Disturbance  
 SD9 Resources and energy  
 H1 New Housing  
 H2 Affordable housing  
 H7 Lifetime homes and wheelchair housing  
 H8 Mix of units  
 B1 General Design principles  
 B6 Listed Buildings  
 B7 Conservation Areas  
 B9 Views  
 N4 Providing open space  
 N5 Biodiversity  
 T1 Sustainable transport  
 T3 Pedestrians and cycling  
 T7 Off-street parking, city car clubs and city bike schemes  
 T8 Car free housing and car capped housing  
 T9 Impact of parking  
 T12 Works affecting highways

Appendix 6: Parking Standards.

## 5.2. **Other Relevant Planning Policies**

Camden Planning Guidance is also considered relevant.

## 5.3. **Supplementary Planning Policies**

Fitzjohns/Netherall Conservation Area Statement.

## 6. **ASSESSMENT**

### 6.1 **Main Issues**

The main issues relating to this application area considered to be as follows:

- The Principle of the Proposed Development
- Transport
- Design
- Affordable Housing
- Lifetime Homes
- Mix of Units
- Neighbourhood Amenity
- Sustainability
- Education/Open Space Contributions
- Resources and Energy
- Trees and Landscaping
- Contaminated Land
- Refuse Collection

### 6.2 **Principle of Proposed Development**

6.2.1 Loss of B1 Floorspace: The development would result in additional residential units at the expense of B1 floorspace. As such, it should be assessed against Policy E2 of the UDP, which seeks to prevent the loss of employment uses unless it can be demonstrated that the space is not suited to flexible B1c/B8 (light industrial/warehousing) purposes.

6.2.2 It is noted that the access to the site is constrained, with College Crescent being a one-way street unsuitable for significant movements of goods vehicles. The applicant furthermore advises that the site has only been used on an ad-hoc basis by a hand car washing business since 1999. Whilst it would be preferable for details of the marketing of the site over recent years to have been submitted; given the above facts, the present condition of the site, and the improved B1 facilities provided under the proposed scheme, it is considered that the loss of

some B1 floorspace could not constitute a sustainable reason for refusal in this instance.

- 6.2.3 Also in support of the application, the amount of new residential floorspace proposed would result in the residential element of the scheme becoming the site's 'primary' use. This is welcomed in the context of policy SD3, which encourages mixed use developments. Policy H1 also seeks the re-development of underused sites for housing and it is evident that the scheme would be of an acceptable standard for the purposes of this policy.
- 6.2.4 Principle of Proposed Works to Listed Building: The 1930s extension to the side of 40 College Crescent has little historical or architectural significance and its removal is considered acceptable. A smaller extension proposed in its place matches the 30's extension in detail and retains some of its structure. It uses a similar brick to the historic building, in English bond, and a similar window pattern.
- 6.2.5 Permission was previously granted in 2003 (PWX0302099 and associated conservation area consent CWX0302100) to demolish and rebuild much of the fire damaged part of the building, retaining it as a B1 use. The demolition works permitted under this permission have already been completed; the two freestanding walls, formerly gable end walls of a section of no.39, are retained as they were to have been incorporated into the approved scheme.
- 6.2.6 The current proposal would see the demolition of the two free-standing walls. This is considered acceptable since, whilst they did form part of the original no. 39 College Crescent, they are not considered to have the same level of architectural or historical interest as the section to be retained. As the Planning Inspector noted in an appeal decision on a previous scheme on the site (ref: PWX0202732), *"The easternmost gabled element of the street frontage differs in design from the remainder and seems to be somewhat later in date than the elements to the west; it is simpler and lacks the red brick panelling and detailing which raise the other elements above mere decent plainness"*.

### 6.3 **Transport**

- 6.3.1 Parking Provision: The applicant intends to excavate an underground car park with spaces for 6 cars, including one disabled space. At one space per dwelling, this would be at the upper limit of what is permissible under Camden's parking guidance.
- 6.3.2 The site is in an area which has excellent public transport access, with a PTAL rating of 6A, and is close to a wide range of shops and services along Finchley Road. A car free development would therefore be the preferred, and arguably most practical, solution for the site. However, the applicant is unwilling to revise the scheme to reduce the



level of parking further and, given current policies, it is considered that the application could not be refused on parking grounds.

- 6.3.3 The applicant has indicated that they would be willing to enter into a S.106 legal agreement to prevent future occupants of the houses being issued with parking permits i.e. car capping the scheme. This is considered appropriate given existing parking pressure in the local CPZ.
- 6.3.4 Concerns were raised with the applicant that the courtyard would be used for additional parking. Although it is not laid out into parking bays, there is space on the hardstanding for several vehicles to park. The applicant states that the courtyard would be used for servicing vehicles and as a setting down and picking up area for residents. They argue that parking in the courtyard would be prevented by the Management Company for the site and furthermore could be controlled by a planning condition. However, it is not considered that controlling parking in this way would be possible as the Council could not be expected to regulate the day-to-day comings and goings of vehicles at the site.
- 6.3.5 The use of the courtyard for further parking, which is considered likely in the circumstances, would increase off-street parking at the site to unacceptable levels, encouraging additional car use in an area supremely well served by public transport. Therefore, a condition has been attached requiring details to be submitted showing the courtyard vehicular access deleted from the scheme. College Crescent is a one-way street of reasonable width with a limited traffic volume, and the occasional service or delivery vehicle using the highway to unload would not raise any significant highway safety issues.
- 6.3.6 Cycle Parking: Three Sheffield stands are located in the basement car park, providing the required 6 cycle parking spaces. Residents would also be able to store any additional bicycles in general storage areas in the basement.
- 6.3.7 Works Affecting Highways: The site is located in a highly constrained area in regard to transport as it is very near Finchley Road town centre. Given that demolition, rebuilding and substantial excavations are involved, there will be a high number of construction vehicle movements to and from the site having an impact on the surrounding road network and the Finchley Road area. A Construction Management Plan, outlining how construction work will be carried out, will need to be secured under a S.106 legal agreement.
- 6.3.8 The proposals also involve the removal and relocation of vehicular crossovers. A S.106 for highways works will be required to repave the footway in front of the site and carryout the necessary changes to the crossovers.

## 6.4 **Design**

- 6.4.1 PPG15 paragraph 2.14 states “In general it is better that old buildings are not set apart, but are woven into the fabric of the living and working community. This can be done, provided that the new buildings are carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials”.
- 6.4.2 The proposal reflects this guidance. Its design is informed by and responds to the wider site’s varied building forms and building lines. It also has an undulating landscape quality to its stepped terraces, which work well with the sloping landscape of the site and provides interest and visual depth. It makes use of the retained positive contributor coach house building as a vehicle entrance to the site. It is also set back from the front boundary and floor levels are further stepped to limit the impact on the setting of the listed building. This setting back, as well as the quality of the design, is a marked improvement on the previously approved scheme.
- 6.4.3 The proposed elevations have storey height modulations which break down the mass and respond well to the modulated façade, rhythms, proportions and vertical/horizontal emphasis of the listed building while bringing legibility and an expression of human scale. Both the proposal and the listed buildings have depth and shadow in their massed compositions.
- 6.4.4 The proposal provides a recessive backdrop to the retained part of no. 39 College Crescent, providing perspective and allowing views deep into the site. Furthermore, the proposal creates its own sense of place and sensitively balances an expression of individual properties with that of a strong collective identity. Although some lower elements of the proposal sit in front of the building line of the listed building, this is considered not to cause undue harm, but instead mediates between nos. 40 and 39. A previous approval, PWX0302099, permitted the placing of a new building in the character of no. 39 towards the front of the plot, much further forward than the listed building.
- 6.4.5 The materials of a successful proposal should aim to work well with the brick and terracotta of the listed building and the white stucco of its other neighbour. The proposed natural limestone, with its off white colour, natural texture, weathering characteristics, aesthetic mass and firmness should find a balance with the varied surrounding contexts. As a minimal contemporary building, the quality of materials and details are key to the value of this proposal. These should be tightly controlled through conditions, especially in relation to the stone wall construction and its interface with openings, roof etc and the balcony/window details. Vitrocsa windows or similar are shown on the drawings and are considered essential to the architectural quality of the proposal.

## 6.5 **Affordable Housing**

- 6.5.1 Whilst the proposal is for a development of six units, the site is of such a size that ten or more units could be provided. As such the development falls to be considered under London Plan Policy 3A.11, which requires the provision of affordable housing.
- 6.5.2 The applicants have submitted a Viability Statement in order to demonstrate that the provision of affordable housing on site is not appropriate. It is argued that, due to the affordable units being subject to high service charges (towards maintenance and management of services and communal facilities) their occupation would be unviable, whilst separating the affordable units from the private units would undermine the viability of the scheme.
- 6.5.3 It is also contended that it would not be practical to make physical provision of affordable accommodation at a nearby off-site location. This is on the grounds that land values in reasonable proximity to the site would be prohibitive for new build social housing. Also, the management of an isolated independent affordable unit is not likely to be cost effective for a Registered Social Landlord. Instead, the applicant has offered a payment in lieu of £375,000 towards affordable housing, to be ring fenced within the affordable housing budget for local wards.
- 6.5.4 An initial assessment of the £375,000 contribution indicates that it would appear to be a reasonable figure, based on the data supplied by the applicant. However, the information that has been submitted by the applicant is currently being reviewed in detail by an external surveyor on behalf of the Council. In the event that this scrutiny alters the position, further details, including whether the level of contribution will need to be amended, will be reported to the Committee as an addendum to the report on the Supplementary Agenda.

## 6.6. **Lifetime Homes and wheelchair housing**

- 6.6.1. Policy H7 requires new housing development to be accessible to all. The applicants have demonstrated that the units meet the necessary Lifetime Homes criteria, and as such the proposals are acceptable in the context of this policy. One of the units would be fully wheelchair accessible, which would also be consistent with this policy.

## 6.7. **Mix of Units**

- 6.7.1. The application proposes 4 x 5-bed units and 2 x 4-bed units as part of the scheme. Policy H8 seeks to secure a mix of unit sizes, including large and small units, on new residential development. However, the Camden Housing Needs Survey has identified a shortfall in the amount of family sized accommodation within the Borough. On the basis that the financial contribution towards affordable housing will secure other

housing requirements within the Borough, the proposed mix of units is considered acceptable in this particular instance.

## **6.8 Neighbourhood Amenity**

- 6.8.1 The application site is flanked to the west by flats at College Court and to the east by the hostel at no. 40 College Crescent. The impact on the former is of most concern, with the development being built very close to the common boundary. A daylight/sunlight study has been submitted which demonstrates that there would not be a significant impact on College Court, and this is assisted by the south facing aspect of that property. Windows on the side elevation of College Court look out onto the application site, of which two are understood to be to habitable rooms. Therefore there is some potential for overlooking towards College Court from roof terraces proposed at houses 4 and 5. To remedy this, a condition is proposed to require privacy screens to these roof terraces.
- 6.8.2 To the south of the site is College House, a building which has residential units on its upper levels. Given that the proposal is located to the north of College House, there would not be any significant loss of light to this property. A distance of approximately 16m would separate proposed windows and those on the rear elevation of College House. Whilst BRE guidelines recommend 18-35m between residential windows to ensure the maintenance of privacy, on balance it is not considered that this limited separation would be so detrimental as to warrant refusal. It is also noted that no objections have been received from the occupants of College House. As College House is to the south of the application site, no sunlight/daylight issues are raised, as confirmed by the sunlight/daylight report.
- 6.8.3 Roof terraces on the eastern side of the development would overlook the landscaped area to the rear of no. 40 College Crescent. However, it is considered that this would not significantly harm the residential amenities given that this building is in use as a hostel. The Daylight/Sunlight report again confirms that there would be no significant loss of light to this property.
- 6.8.4 Turning to consider the objection of the 33 Military Intelligence Company (Volunteers), the Daylight/Sunlight Report has not considered the potential impact on the caretaker's flat in the TA Centre. However, this building is located on the opposite side of College Crescent, from which the proposed development would be set back by 12m. Part of no. 39 College Crescent previously occupied the space along the footway of College Crescent immediately opposite the TA Centre. It is therefore considered that no significant harm would occur to the amenities of the caretaker's flat given the distance between it and the development. In any event, until recently the site was occupied by development much closer to the TA Centre. It is furthermore

considered that privacy would not be adversely affected over this distance.

- 6.8.5 Extensions and alterations to the houses under permitted development rights may have the potential to cause unacceptable loss of light or overlooking however. On this basis, it is recommended that the relevant permitted development rights be withdrawn by condition.

## 6.9 Educational and Open Space Contributions

- 6.9.1. Educational Contributions: As the scheme provides for 6 new units, educational contributions should be sought. Based on the calculations within the CPG a sum of £82,074 should be sought towards a contribution to educational infrastructure.
- 6.9.2 Provision of public open space: Policy N4 requires the provision of 9sqm of open space per person for residential developments providing 5 or more additional dwellings. The large areas of private amenity space provided as part of this development are sufficient to meet the requirements of this policy, and thus no additional contribution is sought.

## 6.10 Resources and Energy

- 6.10.1 The applicant has submitted a Code for Sustainable Homes Assessment (CfSH) which shows that the development can meet Code Level 3 and would achieve 60% or more of the credits available under the Energy section. As such the development would comply with policy SD9 “Resources and Energy” and the relevant requirements in Camden Planning Guidance. The CfSH shows that the development would also achieve more than 50% of the available credits in the ‘Water’ sub-section, but not in the ‘Materials’ sub-section. This shortfall could not constitute a reason for refusal under current policy guidance however.
- 6.10.2 An Energy Statement accompanying the CfSH assessment reveals that 68sqm of solar water heating panels would be installed. It is claimed that these would reduce the development’s annual carbon emissions by just over 20% compared to an equivalent development without solar water heating. A condition would require further details of the location of the panels of the roof, whilst a clause in the S.106 agreement would enable monitoring of the 20% carbon reduction.
- 6.10.3 Green roofs are also proposed for the sections of the buildings’ flat roofs than aren’t required for solar heating panels. A condition has been added requiring further details of these to be submitted.

## 6.11 Trees and Landscaping

6.11.1 The submitted Arboricultural Constraints Plan is considered to be acceptable in terms of demonstrating that the proposed development can be constructed without damage to two Plane trees at the rear of the site and a Horse Chestnut adjacent to the site. Any planning permission should be conditional on the submission and approval of a method statement for the protection of trees to be retained during the construction period.

6.11.2 Also proposed is a tree planter in the courtyard overlooked by the 6 dwellings. This is intended to contain a new tree to replace a TPOed Ash tree previously on the site. The TPOed Ash was in a hazardous condition, and was felled on the condition that a replacement tree would be incorporated into the development of the site.

6.11.3 The planter is considered acceptable in principle, although concerns remain that it is not sufficiently large enough to support a tree of sufficient stature to replace the Ash. Whilst there is ample depth for the replacement tree (with a column of earth descending through the basement car park), the planter as currently designed would not allow for lateral root growth. The courtyard is large enough to accommodate a wider planter, which could be slightly raised to allow a comfortable soil depth without encroaching onto the car park. Further details will be sought as part of the landscaping details by condition.

## 6.12. **Contaminated Land**

6.12.1 The site is identified as having previous uses with the potential to leave contamination. As such, the Council's Environmental Health Department has recommended that a condition requiring details of a programme of ground investigation prior to the commencement of development to be attached to the planning permission.

## 6.13 **Refuse Collection.**

6.13.1 The applicant proposes that residents store refuse in a dedicated area within the basement area. This would be transferred to the kerbside by a Management Company on the relevant collection days. This approach is acceptable in principle and a condition has been added to require details to be submitted for the storage and removal of rubbish.

## 7. **CONCLUSION**

7.1. The proposed development would enable the provision of family sized housing in the borough, whilst also restoring the remaining intact part of no. 39 College Crescent for B1 business use and respecting the setting of the adjacent listed building at no. 40 College Crescent.

7.2. The sustainability of the scheme is enhanced by the inclusion of green roofs and solar water heaters, although it is regrettable that the applicant has chosen to include a basement car park given the

accessibility of the site to public transport. However, under current Planning Policy guidance, it is not considered that this could form a reason for refusal.

7.3. Planning Permission is recommended subject to a S.106 Legal Agreement, with the following Heads of Terms:

1. Off-site affordable housing contribution.
2. A construction management plan.
3. A financial contribution towards educational facilities
4. Highways contribution.
5. A sustainability plan, including post construction review.
6. An on-site energy plan.
7. Car capped housing for all six residential units.

## 8. **LEGAL COMMENTS**

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