

iAddress:	Guinness Court St Edmund's Terrace London NW8 7QE	
Application Number:	2009/0135/P	Officer: Bethany Arbery
Ward:	Swiss Cottage	
Date Received:	05/01/2009	
Proposal: Erection of two buildings (4-storeys and 6-storeys) to provide 73 (36 private and 37 affordable) residential units (7 x 4-bedroom, 9 x 3-bedroom, 20 x 2-bedroom, and 37 x 1-bedroom) with 30 car parking spaces (20 underground and 8 surface level), 93 cycle parking spaces, and associated landscaping (following demolition of all existing buildings on site).		
Drawing Numbers: 12167_02_00-PA; 01-PA; 02-PA; 10-PA; 11-PA; 12-PA; 13-PA; 14-PA; 15-PA; 16-PA; 17_PA_A; 18-PA; 20-PA_A; 21-PA; 22-PA; 23-PA; 24-PA; 30-PA; 31-PA; 32-PA; 33-PA; 34-PA; 35-PA; 36-PA; 40-PA; 41-PA; 90-PA; 91-PA; 2998; 12167_15_A1/1.1_PA; A1/1.2_PA; A1/1.3_PA; A1/2.1_PA; A1/2.2_PA; A1/2.3_PA; A1/2.4_PA; A1/2.5_PA; A1/3.1_PA; A1/3.2_PA; A1/4.1_PA; A1/4.2_PA; A1/4.3_PA; 12167_15_A2/1.1_PA; A2/1.2_PA; A2/1.3_PA; A2/1.4_PA; A2/1.5_PA; A2/1.6_PA; A2/1.7_PA; A2/1.8_PA; A2/3.1_PA; 12167_15_B1/1.1_PA; B1/2.1_PA; B1/2.2_PA; 12167_15_B2/1.1_PA; B2/2.1_PA; B2/3.1_PA; B2/4.1_PA; Plant Noise Emissions Report by Alan Saunders Associates dated 16/12/08; Daylight and Sunlight Impact Assessment by RYB: KONSULT Revision I dated December 2008; Daylight & Sunlight Report: Response Note by RYB KONSULT dated April 2009; Energy Statement by RYB: KONSULT Revision G dated December 2008; Sustainability Statement by RYB:KONSULT Revision E dated December 2008; Planning Statement by BDP dated January 2009; Transport Statement by MVA Consultancy dated December 2008; Arboricultural Implications Assessment by Broad Oak Tree Consultants Limited dated 04/09/08; Statement of Community Involvement by BDP dated January 2009; Addendum to Statement of Community Involvement dated 23/02/09; Design & Access Statement by SPRUNT dated 19/12/08; Report on Financial Modelling by KSA dated December 2008; Letter from BDP dated 23/02/09; Schedule of Accommodation dated 05/01/09; and 6 X A3 Photomontages.		
RECOMMENDATION SUMMARY: Grant conditional permission subject to a S106 agreement		
Applicant:		Agent:

The Guinness Trust	Building Design Partnership 16 Brewhouse Yard Clerkenwell London EC1V 4LJ
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ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	Class C2 Class C3	<i>Residential Care Home</i> <i>Residential (Affordable Housing)</i>	1511sqm 929.7sqm
			2440.7sqm
Proposed	Class C3 Class C3	<i>Residential (Affordable Housing)</i> <i>Residential (Private Housing)</i>	2474sqm 2495sqm
			4969sqm

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flats/Bedsits	55								
Proposed	Flats	37	20	9	7					

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	6	0
Proposed	30	9

OFFICERS' REPORT

Reason for Referral to Committee: The proposal constitutes a Major Development which involves the construction of more than 10 residential units [Clause 3(i)]. Furthermore, it will involve 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.

1.0 SITE

- 1.1 The application site is Guinness Court which is located off St Edmunds Terrace and is bounded to the east by Broxwood Way. The site slopes from the north-east to the south-west. There is a level change of approximately 2m from Broxwood Way to the west boundary of the site.
- 1.2 The site was originally a very substantial garden plot which formed part of 14 Avenue Road. It was redeveloped in the mid to late 1960s to provide a purpose built 32-bedroom elderly persons home (Class C2) plus warden accommodation and a block of Class C3 general needs housing (social rented) providing 11 bedsits and 12 x 1-bedroom flats.
- 1.3 Guinness Court, prior to partial demolition, consisted of buildings which varied in height between 2 to 4-storeys set around a central square. The residential care home consisted of two buildings which formed the east and south side of the development. There was a 4-storey brick building with a pitched roof, projecting bays and inset balconies which was adjacent to, but set back from, Broxwood Way (east) and a 2-storey brick and timber clad block to the rear of 27-28b St Edmunds Terrace which provided warden accommodation (south). These blocks were both demolished in 2007. The blocks located to the west and north of the site both remain in place and are currently occupied, they are both 3-storeys in height with pitched roofs. The buildings are not listed and are not located within a conservation area. The central square provides a communal green space which was accessible to residents in the former elderly persons care home and the remaining social rented accommodation. There are also grassed areas to the north and west of the site. There are a number of trees located on the site, none of these have TPOs.
- 1.4 The area surrounding the application site is characterised predominantly by large blocks of flats which vary in age, height, bulk, elevational detailing and materials. These are interspersed by short terraces of Victorian and more contemporary houses. Barrie House, which is 8-storeys, and Kingsland which is 3-4 storeys, are located north-east of the site on the opposite side of Broxwood Way. North of the site is Avenue Close which is characterised by 4-storey blocks of flats. West and south-west are a number of residential properties which front onto St Edmunds Terrace and Avenue Road and range between 3 and 4-storeys in height. South-east of the site are houses fronting onto St Edmunds Terrace and Tichfield Road which range from 4 to 6-storeys in height. Immediately south is a modest 3-storey terrace dating from the 19th Century which fronts onto St Edmunds Terrace. The rear building line of the terrace sits hard on the southern boundary of the application site.
- 1.5 Land to the south of St Edmunds Terrace falls under the jurisdiction of City of Westminster. North-west of the site is the Elsworthy Conservation Area. To the north and east is Primrose Hill which is designated as Metropolitan Open Land.
- 1.6 The application site is a 2-5 minute walk from the open spaces of Primrose Hill and Regents Park. Local shops, cafes, banks and restaurants are located on St John's Wood High Street and in Primrose Hill Village which are a 10-15 minute walk.

2.0 THE PROPOSAL

- 2.1 It is proposed to demolish the north and west wings of the existing building which remain on the site. The proposed demolition is permitted development by virtue of Class A, Part 31, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. The applicant will need to apply to the Council for a determination as to whether prior approval is required in respect of the method of demolition and any proposed restoration of the site (see condition A.2 (b) of the Order).
- 2.2 The proposed development comprises two parallel blocks set to the east (Block A) and west (Block B) of the site. Block A which fronts onto Broxwood Way comprises basement, plus 5-storeys with a 6th storey set back from the parapet line of the main building. Due to the level changes across the site Block A reads as a 4-storey building with a 5th floor set back when viewed from Broxwood Way. Block B is 4-storeys in height.
- 2.3 Block A has two cores, one is accessed from the St Edmunds Terrace elevation and the second is accessed from the internal courtyard. Block B also has two cores both of which are accessible from the courtyard. The ground floor level units within the Blocks have their own separate entrances off the courtyard. Vehicular and pedestrian access to the site is from the existing access point off St Edmunds Terrace. The entrance to the underground car park (a double car lift) is located on the south-east elevation of Block A.
- 2.4 The proposal includes the provision of 30 car parking spaces. 10 of the car parking spaces are at surface level, including the 2 car club bays. 4 of these bays are wheelchair accessible. 20 car parking spaces are to be provided at basement level, including 5 wheelchair accessible bays. The proposal also includes the provision of 93 cycle spaces. 80 of the cycle spaces are located internally within the two blocks and 13 external cycle spaces are located to the rear of Block B in the south-west of the site.

3.0 **RELEVANT HISTORY**

3.1 **11520**

Planning permission was granted on 16/03/48 for conversion to a residential home for women, subject to the use being entered into within six months from the first day of March 1948.

3.2 **6831**

Planning permission was granted on 21/10/48 for conversion and use as a residential club for old people.

3.3 **5411**

Planning permission was granted on 02/08/63 for redevelopment of the site by the erection of an old people's home, houses and flats.

3.4 **9200584**

Planning permission was granted on 12/10/92 for the erection of a single-storey ground floor extension to provide WC with disabled access for the existing residential home.

3.5 **9700469**

Planning permission was granted on 01/08/97 for the erection of a two-storey extension to the front of the former caretaker's house and a two-storey rear escape staircase and enclosure on the rear elevation and alterations to the reception at ground floor level.

4.0 **CONSULTATIONS**

4.1 **Councillor Andrew Marshall and Councillor Don Williams**

Object to this application on the grounds of bulk and height.

4.2 **City of Westminster**

No objection.

4.3 **Avenue Close Residents Association:** Object on the following grounds:

- Overdevelopment;
- High density incompatible with site which is not easily accessible by public transport;
- Inadequate provision of car parking;
- Lack of provision of parking permits will add to on-street parking problems on Broxwood Way;
- Concern that construction vehicles will make use of Broxwood Way for loading and unloading;
- Shared access to the site for pedestrians and vehicles will compromise pedestrian safety;
- Increase in overlooking to residents in Avenue Close from Block A;
- Loss of daylight and sunlight;
- Overshadowing of gardens in Avenue Close;
- The impact of the previously demolished care home on Avenue Close should not be relied upon to justify the potential impact of the proposed development;
- Potential noise disturbance from plant room on ground floor of Block A;
- Noise disturbance from the children's play area;
- Loss of tree adjacent to the boundary with Avenue Close; and
- A section 106 agreement should be used to require the adoption of Broxwood Way and the imposition of traffic and parking controls on this land.

4.4 **12 Avenue Road Management Limited:** Object on the following grounds:

- Overdevelopment;
- Block B should be reduced in height to match that of 26 and 27 St Edmunds Terrace;
- Block A should be the same height as the previous building or lower;
- Increased traffic (vehicles, pedestrians and cycles) on St Edmunds Terrace;
- Refuse vehicles will have to reverse into the site;
- Inadequate access point for vehicular, pedestrian, cycles and servicing;
- Impact on amenity of neighbouring properties in terms of light, outlook and privacy;
- Location of the bin store is unacceptable because of its proximity to other residential properties;

- Cumulative impact of developments proposed in local area is not sustainable;
- Changes the character of the street for commercial gain; and
- Loss of 3 mature spruce trees which help stabilise the land.

4.5 **Adjoining Occupiers**

	Original
Number of letters sent	109
Total number of responses received	43
Number of electronic responses	17
Number in support	1
Number of objections	42

A site notice was displayed from 18/02/09 to 11/03/09 and the application was advertised in the local press (Ham & High) on 26/03/09.

- 4.6 41 letters of objection have been received from the occupiers of Guinness Court and the neighbouring properties (Avenue Close, 14e-14h Avenue Road, Barrie House, Kingsland, 25, 26, 26B, 26C, 27, 28, 28B, 29 and 35 St Edmunds Terrace) on the following grounds:

Land Use Issues

- Loss of residential care home for the elderly; and
- Overdevelopment – the density is too high.

Design Issues

- Too high, incongruous and bulky;
- Opposed to the scale and design;
- It is dull, dark, depressing and unattractive;
- This is an eyesore, it stands out like a skyscraper;
- Should build on the same footprint as the original building;
- Unsightly; and
- Does not reflect and enhance the local area.

Transportation Issues

- Increase in traffic on Broxwood Way & St Edmunds Terrace;
- Increased traffic congestion in local area;
- Lack of public transport facilities for new residents;
- Lack of on-site car parking for residents;
- Impact on on-street car parking;
- Why are there no parking restrictions on Broxwood Way?
- There should be no access from Broxwood Way;
- Why is Broxwood Way not being maintained properly? and
- Refuse vehicles will have to reverse in.

Amenity Issues

- Loss of daylight;
- Loss of sunlight;

- Loss of privacy;
- Increased sense of enclosure;
- Loss of view;
- Noise disturbance from plant;
- Noise disturbance from children's play area;
- Change in character of occupants on this site - increased noise disturbance;
- The refuse store will cause odour and attract vermin;
- Bin store is too close to other properties;
- Car club spaces are too close to neighbouring properties;
- The flats should be built in the centre of the site to minimise impact on those around; and
- Disturbance and disruption from traffic, noise and dust during construction.

Other Issues

- An outrageous infringement of rights to the existing people of St Edmunds Terrace;
- The children's play area is not needed given the proximity to Primrose Hill;
- Unnecessary;
- Impact on trees;
- Increased pressure on local services e.g. doctors, schools and transport;
- Impact on security;
- Impact on structure of neighbouring properties;
- Impact on drainage;
- Who owns the land to the rear of 27 St Edmunds Terrace?
- More people will walk through Avenue Close;
- Guinness Trust is trying to change the character of the street for commercial gain;
- Other significant developments (Parkwood and Barrow Hill Reservoir development) due to take place in the local area, their collective impact is not sustainable; and
- No. 26 St Edmunds Terrace has permission to install windows on rear elevation.

4.7 1 letter of support has been received from an occupier of Guinness Court on the following grounds:

- The existing accommodation is old and in a disgusting condition providing substandard living conditions.

5.0 POLICIES

Set out below are the UDP policies that the proposals have primarily been assessed against. However, it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

5.1 **London Borough of Camden Replacement Unitary Development Plan 2006**
 S1/S2 Sustainable development
 SD1 Quality of life
 SD2 Planning obligations

- SD3 Mixed use development
- SD4 Density of development
- SD6 Amenity for occupiers and neighbours
- SD7B Noise/vibration pollution
- SD8A Disturbance from plant and machinery
- SD9 Resources and energy
- H1 New housing
- H2 Affordable housing
- H3 Protecting existing housing
- H4 Protecting affordable housing
- H7 Lifetime homes and wheelchair housing
- H8 Mix of units
- H10 Accommodation providing an element of care
- B1 General design principles
- B9 Views
- N4 Providing public open space
- N5 Biodiversity
- N8 Ancient woodlands and trees
- T1 Sustainable transport
- T3 Pedestrians and cycling
- T7 Off street parking, city car clubs and city bike schemes
- T8 Car free and car capped housing
- T9 Impact of parking
- C2 Protecting community uses

5.2 **Camden Planning Guidance 2006**

6.0 **ASSESSMENT**

6.1 **Land Use**

6.1.1 The existing buildings on the site (part of which have already been demolished) provided a residential care home for the elderly (Class C2) and 23 affordable 1-person housing units. The existing affordable housing units are managed by The Guinness Trust.

6.1.2 **Loss of the Residential Care Home for the Elderly**

The proposed development would result in the loss of the residential care home for the elderly. Policy H10 of the Unitary Development Plan (2006) relates to the provision of development providing permanent residential accommodation within Class C2 which includes homes for the elderly. However, the policy only provides guidance on the provision of new Class C2 facilities and does not indicate whether their loss would generally be resisted. Policy H3 states that in proposals for redevelopment of Class C2 residential institutions for a different use, the Council will expect the retention or replacement of existing residential floorspace. The proposed development includes replacement of the care home with a larger amount of floorspace to provide permanent residential accommodation. The loss of the care home is therefore considered to be acceptable and in accordance with Policy H3.

- 6.1.3 A care home for the elderly could be considered to be a type of community use and it is therefore necessary to consider the acceptability of the loss of this use under Policy C2. Policy C2 of the Unitary Development Plan (2006) states that the Council will seek to protect community uses unless it can be demonstrated that the use is no longer required. Local residents have raised concern about the loss of this facility within the local area. The Guinness Trust has advised that the care home (Class C2) was closed as it did not meet current care home standards and was also considered to be surplus to their requirements.
- 6.1.4 The existing building was in a bad state of repair and significant work would have been required in order to make the accommodation habitable. Furthermore, the provision of solely bedsit accommodation would no longer have been deemed acceptable and the internal layout would have needed to be totally reconfigured in order to provide some larger accommodation for elderly couples and those with live-in carers as recommended by the Department of Health Best Practice Standards. The Guinness Trust has advised that the cost involved in the work and the significant reduction in capacity would have made refurbishment of the existing building an unviable option.
- 6.1.5 Central and Cecil Housing Trust who managed the care home at its time of closing have advised that at the time the home was closed a significant proportion of the rooms were in fact vacant. All those remaining residents were able to be adequately re-housed within other existing care homes located within the Borough. The Guinness Trust consider that the current demand for care homes for the elderly does not justify re-provision of this facility within the proposed redevelopment scheme. Housing Adult and Social Care (HASC) has raised no objection to the loss of the existing care home. HASC has, as part of a programme for improving their own care facilities, acknowledged that demographic projections indicate that over the next 20 years there will be no significant change to current levels of need and provision. There would be an increase in the need for a wider choice of accommodation for older people extra care such as dual registered nursing, residential care homes and extra care sheltered housing. The new care homes proposed at Maitland Park Road (2009/0896/P) and Wellesley Road (2009/0102/P) (subject to current planning applications) would deliver this new accommodation and allow the closure and disposal of existing facilities.
- 6.1.6 **New Housing**
Policy H1 of the Unitary Development Plan (2006) seeks to increase the amount of land and floorspace in residential use, subject to that accommodation being of an acceptable standard. The proposed development will increase the number of Class C3 residential units on site from 23 to 73; the amount of Class C3 residential floorspace will be increased from 930sqm to 4969sqm. The proposed increase in residential units and floorspace on the site is welcomed.
- 6.1.7 The provision of solely residential accommodation on this site is considered to be acceptable (subject to compliance with other policies of the plan). Policy SD3 of the Unitary Development Plan (2006) normally seeks a mix of uses in developments, but it states that the Council will not seek secondary uses where the sole or primary use of the development proposed is housing.

6.2 Density

- 6.2.1 The application site is 0.38ha. The site is not located within a town centre or on a main transport corridor supported by particularly good public transport facilities where higher density schemes are normally justified. However, other relatively high density housing developments do manage to function very successfully in this area. Policy SD4 of the Unitary Development Plan (2006) states that the Council wishes to encourage high densities. It states that residential development should conform wherever possible to the density ranges set out in the London Plan.
- 6.2.2 Policy 3A.3 of the London Plan (2008) requires that the potential of development sites be maximised. The policy is accompanied by a density matrix which considers both the setting of the site and its public transport accessibility level (PTAL). The application site does not fit neatly into the matrix in terms of its 'setting'. The area would be described as an 'urban' location given its distance from a town centre, however, in terms of the predominant form of development within the area (4-6 storeys) it would be categorised as a 'central' location. The site has a PTAL of 1b (poor). On the basis of the matrix a development on the site should seek to provide between 150-250 and 150-300 habitable rooms per hectare. This equates to between 35-95 and 35-110 units per hectare depending on the number of habitable rooms provided per unit.
- 6.2.3 Local residents have raised concern regarding the proposed density of the development which they feel represents overdevelopment of the site. The proposed development provides a total of 212 habitable rooms. The proposed density of the development is therefore 188.15 units or 546.6 habitable rooms per hectare. The density of the development therefore does significantly exceed the recommendations of the London Plan (2008). Officers have given a great deal of consideration to the proposed density and although it exceeds the guidelines in the London Plan do not consider that it represents overdevelopment or that should it be refused on this basis.
- 6.2.4 The reason that the proposed development exceeds the recommendations of the London Plan (2008) is that the matrix assumes that as the site has poor access to public transport it could not adequately support a higher density development. This is based on assumptions; but the reality is that it is clear other high density residential development located within the local area functions very successfully. Basic amenities such as shops, cafes, restaurants and parks are only a short walk away and it is only a short walk to a bus or tube (10-15 minutes) which provides direct access to Central London. Many residents would not consider this an unreasonable distance to walk to access amenities and public transport. In view of the density of existing development in this area and its good level of access to convenience shopping and services it is considered that that the high density of the proposed development is justified.

6.3 Affordable Housing

- 6.3.1 Policy H4 of the Unitary Development Plan (2006) seeks to protect existing affordable housing. The existing residential accommodation (23 units) in the west and north block would be classified as 'affordable housing' and therefore needs to

be reprovided within the proposed redevelopment scheme. The existing 23 affordable housing units which provide 930sqm of floorspace are to be reprovided as 18 x 1-bedroom flats which provide an equivalent 930sqm of floorspace. These units are all to be provided within Block A. The proposed development includes re provision of an equivalent amount of affordable housing floorspace (measured by gross internal residential floorspace) which complies with Policy H4.

- 6.3.2 The proposed development would be carried out in two phases to allow existing residents to be rehoused during the development. Block A (adjacent to Broxwood Way) would be completed first and the residents from the existing north and west wing moved to this new accommodation prior to its demolition and the subsequent construction of Block B. The phasing of the scheme would need to be secured via legal agreement to ensure that existing residents are adequately housed. It is envisaged that each phase will take 12 months to complete.
- 6.3.3 In addition to the provision of the 're-provided' affordable housing floorspace, the provision of 10 or more new residential (private) units on site would trigger the requirement for the provision of 50% of that housing to be affordable under Policy H2. Policy H2 of the Unitary Development Plan (2006) also states that the split between affordable housing tenures should be 70/30 between social rented and intermediate housing. Both affordable housing and tenure split are calculated on the basis of gross internal residential floorspace.
- 6.3.4 The proposed development includes 73 residential units, 36 private units and a total of 37 units (18 re-provided and 19 new units) which are to be affordable. The proposal will provide 2495sqm of newly created private residential floorspace. The 19 new affordable housing units will provide 1544sqm of newly created affordable floorspace. The mix of net created floorspace is 38% affordable and 62% private. The proposed development therefore does not comply with the 50% requirement in Policy H2 of the Unitary Development Plan (2006).
- 6.3.5 It should be noted that a higher proportion of affordable housing was proposed in earlier schemes presented at pre-application stage, but due to the need to reduce the height, bulk and massing of the development the overall number of units had to be reduced.
- 6.3.6 Policy H2 states that other factors such as site size, the economics of provision and other costs associated with the development can be taken into consideration when determining the level of affordable housing that should be provided. The applicant has submitted a viability assessment in support of their planning application prepared by Kim Sangster Associates. The assessment does not use the standard 3 Dragons toolkit method of evaluating viability. The report models the profit margin from the proposed development if 50% affordable housing were to be provided and with the proposed 38% affordable housing provision. The viability assessment indicates a 6% net loss in profit if 50% of the new accommodation provided is affordable. The lower level of provision provides a profit margin of 3.9%. The assumptions made in the assessment appear broadly reasonable. The assessment uses the RICS Cost Information Service Guide to calculate building costs. If anything, build costs in Camden are likely to be higher, which would in turn provide a more negative valuation. Developer's profits are normally much

higher than the 3.9% accepted by the applicant; indeed the default GLA toolkit valuation for developers profit has recently risen from 15% to 17.5% in light of the current financial climate. The applicants, because of their charitable status, are prepared to take a much smaller 'cut' from the development compared to a commercial developer. It is considered that the proposed development is already at the margins of viability and a higher level of affordable housing provision would render the scheme financially unviable and, in view of this, a lower level of provision is accepted in this instance.

6.3.7 The proposal is to provide 100% social rented housing; therefore the proposal does not comply with the requirements of Policy H2 of the Unitary Development Plan (2006) in respect of tenure split. The HASC Department have advised that they are satisfied with this tenure split, and consider that it reflects need in the local area. HASC have access to information on housing supply and market need that supersedes that used to formulate the policies contained within the Unitary Development Plan (2006). They also note that in this location it would be difficult to provide 'affordable' shared ownership units and this is particularly true in the current market conditions. In view of this, officers have no objection to the proposed tenure. All affordable housing will need to be secured via a S.106 legal agreement.

6.3.8 The HASC Department have requested that further information be provided to demonstrate the affordability of the proposed affordable housing units. This would again be secured by legal agreement.

6.4 Mix of Units

6.4.1 Policy H8 states that the Council will only grant planning permission for residential development that provides an appropriate mix of unit sizes. The Council will consider the mix and size of units best suited to site conditions and the locality, and the requirements of special needs housing. Given the proximity of the site to Primrose Hill and Regent's Park, it is an ideal location for family-sized accommodation.

6.4.2 The proposal is for 73 residential units; 57 of these units are proposed as 1 and 2-bedroom units. 16 units (21.9%) in the proposed development are to be family-sized units (3+ bedrooms). The proposed overall mix of units, with 37 1-bedroom units (50.7%), is skewed towards the provision of smaller accommodation. It is acknowledged that 23 of the 1-bedroom units are required in order to re-provide for the existing residents. If this is taken into consideration the proposed mix of additional units 14 x 1-bedroom (28%), 20 x 2-bedroom (40%), 9 x 3-bedroom and 7 x 4-bedroom units (32%) is considered to be acceptable, catering for single person or couples as well as small and larger families.

6.4.3 In terms of the mix of unit sizes between tenure split, again in terms of the affordable housing this is skewed towards the provision of 1-bedroom accommodation. 25 of the 37 affordable housing units are 1-bedroom. If the 23 re-provided units are excluded, then the overall mix is considered to be acceptable incorporating a good mix of small and large accommodation: 2 x 1-bedroom (14%), 3 x 2-bedroom (21%), 5 x 3-bedroom and 4 x 4-bedroom (64%). The proposed mix

of the affordable housing accommodation is supported by the HASC Department who consider it reflects housing need in the area. The 36 private housing units provide a mix of 12 x 1-bedroom (33%), 17 x 2-bedroom (47%), 4 x 3-bedroom and 3 x 4-bedroom (19%) accommodation which is considered to be acceptable.

6.5 Standard of Accommodation

- 6.5.1 The proposed development has been designed in accordance with the residential development standards outlined in Camden Planning Guidance (2006).

Number of persons	1	2	3	4	5	6
Minimum floorspace (sqm)	32	48	61	75	84	93

The majority of the accommodation complies with the minimum space standards for residential units and for bedrooms (11sqm first and double bedrooms and 6.5sqm single bedrooms). There are a number of 1 and 2-bedroom units (19 in total: 11 in Block A and 8 in Block B) which are marginally below what would be expected for 2 and 4 person accommodation, the lowest being 46sqm and 64sqm respectively. In all cases the units are not considered to be so small that they would be deemed sub-standard and could easily accommodate a single or 3-person household respectively. All the accommodation has good access to natural light and ventilation.

- 6.5.2 It is noted that there is a minor error on the floorplan for level 2, Block B. Unit B1/1.1 level 2 does not have an entrance door. The applicant has advised that this will be in the same location as shown on the detailed layout drawing for this flat type (drawing no. 12167_15_B1/1.1_PA).
- 6.5.2 Each flat within the new development has the benefit of some private amenity space in the form of gardens, terraces or balconies. They also have access to the communal courtyard with a children's (2-12 year old) play area. The application site is located in close proximity to a number of significant areas of open space, for example both Regents Park and Primrose Hill are within 400m of the proposed development.

6.6 Lifetime Homes and Wheelchair Housing

- 6.6.1 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.
- 6.6.2 The proposed development has level access from St Edmunds Terrace to all entrances. All entrance lobbies, communal areas and lifts are accessible to wheelchair users. The proposal includes the provision of 8 wheelchair adaptable units. 7 of the units are provided within Block A and 1 within Block B. 4 of the units are provided at ground floor level. The wheelchair adaptable housing includes 1, 2, 3 and 4 bedroom units. The proposed development provides 11% wheelchair accessible housing and therefore complies with the requirements of Policy H7.

- 6.6.3 The applicant has submitted a lifetime homes statement which indicates that all lifetime homes standards which are applicable to this development have been complied with. The access officer queried two elements of the proposal which did not appear to be wholly in compliance. The drawings show steps from unit A1/3.2 level 4 onto the adjacent flat roof. The applicant has advised that this flat roof is not to be used as amenity space; it is only intended to be accessed for maintenance. Unit A1/3.2 has level access to 2 private balconies. The access officer has advised that as this is not private outdoor amenity space then this is acceptable. The access officer was also concerned that the drawings did not show the 'potential for side transfer to WC' in some of the 3+ bedroom units, a requirement under lifetime homes. The applicant has advised that the size of the bathroom is in accordance with the lifetime homes standards and that the potential for side transfer does exist, however, to realise this potential the position and hanging of the doors would need to be readjusted. The applicant has advised that they intend to make minor internal changes to the position of the doors to ensure that the standard is met; this will not affect the planning application.
- 6.6.4 The access officer is satisfied that the applicant has sought to ensure that lifetime homes standards have been complied with where possible and the proposed development therefore complies with Policy H7. Provision of the wheelchair housing and construction of the development to lifetimes homes standards should be secured by legal agreement.

6.7 Refuse and Recycling

- 6.7.1 Three refuse holding stores are to be provided, two within Block A and the third in Block B. Within each holding area there will be 3 x 360L wheelie bins for refuse and 3 x 360L for recycling (1 x cardboard/paper, 1 x mixed glass, 1 x plastic). The on-site management team will transfer the refuse and recycling into 1110L eurobins located within the single-storey covered central store located adjacent to the rear of 26 St Edmunds Terrace in the south-west of the site. Residents in the southern core of Block B who are within the specified walking distance will access the central store directly. Adequate provision is to be made (16 eurobins, 10 for refuse and 3 for recycling) so that the central store will only need to be emptied twice a week. It is noted that the planning statement refers to one collection over a two week period for refuse and a weekly collection for recycling. The applicant has confirmed that this statement was made in error and that all refuse/recycling will be collected twice weekly. Street Environmental Services have confirmed that the location and size of the refuse and recycling stores is acceptable and that the proposed collection arrangements are appropriate.
- 6.7.2 Local residents have raised objection to the location of the central bin store, which abuts the rear elevation of 26 St Edmunds Terrace. Their main concerns relate to the potential impact of noise, vermin and odour. The existing building relied on eurobins which were located within the car park behind the rear of St Edmunds Terrace and also adjacent to the boundary with Broxwood Way. Recycling bins were positioned adjacent to the rear of 26 St Edmunds Terrace when officers visited the site. The bins were not housed in a dedicated store. The proposal to store the bins within an enclosed structure is welcomed; this will improve the appearance of the site, will assist in eliminating odour which might be unpleasant to

residents and neighbours, and prevent vermin from rummaging through the refuse. The movement of the bins and their disposal into refuse vehicles will obviously be apparent to the occupiers of 26-28b St Edmunds Terrace and may cause some disturbance, but this is a brief twice weekly event and is not considered to cause such harm that it would warrant refusal of the scheme. However, officers are sympathetic to residents concerns and, as highways have advised that they would have no objection to the bin store being relocated, it is considered that the precise location of this facility should be secured by condition. It is recommended that a condition be imposed on the permission which requires the applicant to investigate alternative locations for the central bin store; in the event that no workable alternative can be agreed, then they could implement the plans as shown.

6.8 Design

- 6.8.1 Local residents have raised considerable objection to the proposed development on design grounds. They consider that that the development is too tall and bulky and does not reflect the nature of other development within the area. They also comment on the detailed design which they consider to be unattractive.
- 6.8.2 The application site is located outside of the eastern boundary of the Elsworthy Conservation Area and will not be visible from it. It is also close to the south-western reaches of Primrose Hill, but is separated from it by existing large building blocks and is not visible from this important open space.
- 6.8.3 The immediate built environment is characterised predominantly by large blocks of flats dating from the 20th Century with varied height, form and layout set within landscaped grounds. Immediately south-east of the site are Parkwood (6-storeys), Barrie House (8-storeys), St Edmunds Court (6-storeys); to the east and north are Kingsland (3-storeys) and St Stephens Close (4-storeys) and to the west and north-west are Prince Regent Court (10-storeys), London House (9-storeys) and Avenue Close (4-storeys). Interspersed between these are short terraces of detached Victorian and more contemporary houses. Brick is the predominant building material, and the blocks are frequently ornamented with strong horizontal banding patterns, either expressed through balcony slabs, string courses or arrangement of windows. Mature trees play an important part as well as gardens and landscaped grounds in creating a pleasant established residential area.
- 6.8.4 The distribution of the two blocks on the site is considered to respect the setting of surrounding buildings in terms of the juxtaposition and scale of prevailing block sizes. The two blocks run parallel to each other and are set either side of a small courtyard space. A proportion of this space is proposed to be used to provide surface parking. It is regrettable that this surface parking could not be located elsewhere. However, it is accepted that the applicant has sought to keep surface parking to a minimum.
- 6.8.5 The massing of the proposed buildings has been arranged so that the greatest height and verticality is concentrated on the Broxwood Way elevation (viewed as 4-storey plus penthouse) opposite the 8-storey Barrie House and adjacent to the 4-storey Avenue Close. This provides effective enclosure of this side of the road at a sympathetic scale to the lower blocks on Broxwood Way whilst responding

assertively to the much higher Barrie House. Deep recesses for balconies and modulation of the parapet line on the Broxwood Way elevation break up the mass of the elevation effectively and adds vertical emphasis and visual interest, whilst also responding to the dropping ground levels towards the south. A projecting element of similar scale (width and height) to the 3-storey terrace (Nos. 26-28b) onto St Edmunds Terrace is set to the far south of the site and reads as a continuation and completion of the street edge and helps the proposal relate to its smaller scale neighbours. Block B is lower in height and at 4-storeys appropriately responds to the more modest buildings located to the west and south of the site.

- 6.8.6 Brick is proposed as the dominant material which relates to the surrounding buildings. Balconies, recessed terraces and external sliding shutters used on the elevations give them horizontal emphasis, responding to the strong horizontal patterns evidenced on many of the surrounding blocks.
- 6.8.7 The only access point is at the south from St Edmunds Terrace. It would have been desirable to have entrances onto Broxwood Way to produce a more lively elevation and activity at street level. The applicant has investigated the potential of incorporating this into the proposal. Broxwood Way is a private road and they have not been able to secure consent to create a new access point. A location for a potential entrance onto a staircore (currently a window) has been provided should this situation change in the future. This approach is welcomed.
- 6.8.8 The St Edmunds Terrace elevation incorporates an entrance bay to give a focus and street presence to the building. This is considered to be appropriate. However, the design still appears rather weak and it is considered that further development of this feature should be secured by condition so as to resolve the legibility of the scheme as a whole and add something engaging and expressive to lift the appearance of the building.
- 6.8.9 The courtyard elevations are very similar to the external elevations. The top storey on the west block is a glazed curtain walling system which helps reduce the effect of its absolute height. The elevations are uniformly brick which, whilst appropriate for the area, may appear a little relentless and create a harsh enclosure to the courtyard amenity space with little visual delight. It is considered that both blocks would benefit from details (balcony slabs, balcony screens and balustrades) being considered further to enliven and soften the elevations. It is considered that this can be secured by condition.
- 6.8.10 A low brick boundary wall with railings over is to be provided at the junction of Broxwood Way and St Edmunds Terrace. This provides a continuation of the boundary treatment at 26-28b St Edmunds Terrace and the retaining wall to the landscaping of Barrie House. The design responds to similar boundary treatments in the vicinity and whilst a little incongruous in relation to this block, the visual openness it provides at this corner is welcomed and a boundary is required to protect the change of levels between pavement and site. Further details of this will be secured by condition. All other boundary treatment to the west and north of the site is to be retained as existing, but will be repaired where necessary.

6.9 **Transportation Issues**

6.9.1 Public Transport

The proposal is for a substantial sized residential development in an area of the Borough which is not well served by public transport. A 24-hour bus service (274) operates close to the site and provides access to central and north London. Other bus routes are available from Prince Albert Road. St John's Wood underground station is a 10-15 walk from the site. The site has a low PTAL rating of 1b (very poor). In accordance with policy T1 the Council needs to be satisfied that given the limited access to public transport the travel demand arising from the proposed development could be adequately managed and would not increase reliance on private motor vehicles. Local residents have raised concern about the lack of access to public transport and the potential impact that more cars might have on the transport network.

6.9.2 Travel Plan

A residential travel plan has been proposed for this development. A travel plan is a site based package which seeks to encourage walking, cycling, and use of public transport and reduce travel by motor vehicles. An outline plan has been submitted as part of the application. A full residential travel plan should be secured via legal agreement and must be submitted to the Council and agreed in writing prior to occupation of the development. This document will go some way to reducing the reliance of residents on private motor vehicles.

6.9.3 Car Parking

The existing vehicular and pedestrian access to the site is from St Edmunds Terrace. It is proposed to retain this existing means of access. The proposal includes the provision of 30 car parking spaces. 10 of the car parking spaces are at surface level, 4 of these bays are wheelchair accessible and two are for car club. 20 car parking spaces, including 5 wheelchair accessible bays are to be provided in the basement of Block A. Local residents have raised concern regarding the low level of car parking provision which they feel is unlikely to accommodate demand and would result in an increase in on-street car parking in the area.

6.9.4 Policy T8 seeks to secure car-free housing in locations within controlled parking zones which are easily accessible by public transport. The site is located within a controlled parking zone, but as acknowledged above is not easily accessible by public transport.

6.9.5 Excluding the car club bays and wheelchair accessible bays a ratio of 0.29 parking bays has been provided per residential unit. Although the area has a low PTAL rating and is less accessible by public transport it is still possible to live in this location without a car, indeed many do. The two car club bays will also be available to residents for times when they must use a car, further enabling them to get by without owning one. The proposed level of car parking is considered to be acceptable and well within the parking standards detailed in appendix 6 and policy T7 of the Unitary Development Plan (2006).

6.9.6 Policy T9 states that the Council will not grant planning permission for development that would add to on-street parking where this demand cannot be met. The local area already suffers from parking stress and many of the local residents who

responded to consultation are concerned that this would be exacerbated by the development. It is therefore considered that the entire development should be secured as car-capped. This means that the Council will not issue on-street residential parking permits, preventing occupiers parking on street and adding to parking stress within the local area.

- 6.9.7 The applicant has provided two car club bays which is welcomed. The provision of this facility should be secured by legal agreement and the agreement should also state that the bays must be made available to members of the public in perpetuity.
- 6.9.8 A number of residents have raised concern about the condition of and parking situation on Broxwood Way. They ask why it is not being maintained properly and why there are no parking restrictions? Broxwood Way is a private road, it is not maintained by the Council or the owners of the application site. These matters are beyond the control of the applicant and the Council. Local residents have suggested that either the applicant should be required to purchase the land or the Council should adopt it as highway and implement parking controls to ensure that residents of the proposed development do not park here. It is not considered reasonable to require this, the owners of this road need to ensure that they adequately maintain it and enforce parking restrictions.
- 6.9.9 Concern has been raised by local residents about the shared pedestrian and vehicular access. The proposed access arrangements are the same as existing. The applicant did investigate the opportunity to providing separate access, but as it is not possible to create new access points off Broxwood Way there was no feasible alternative. As it does not worsen the existing situation it is considered to be acceptable. In order to improve safety varied surface treatments and bollards are used to segregate pedestrians where possible.

6.9.10 Cycle Parking

Policy T3 requires that new residential developments provide 1 cycle parking space per unit and a further space per 10 units or parts thereof once a threshold of 20 units has been reached for visitors. The proposed development for 73 residential units therefore generates the requirement for 81 cycle parking spaces. The proposed development includes the provision of 80 cycle parking spaces in the form of Josta two-tier cycle stands. The cycle parking is to be provided within 4 internal storage areas, 2 in each block. An additional 13 cycle stands are to be provided externally south-west of Block B.

- 6.9.11 The applicant has shown provision of cycle parking in excess of that required by the Unitary Development Plan (2006) which is welcomed. The design and layout of the internal cycle parking is considered to be acceptable and in accordance with our design guidelines for cycle parking. A condition should be imposed which ensures that all the internal cycle parking be provided. The external cycle parking stands are not sheltered and are shown as those which grip the front wheel. This does not accord with our design guidelines. The applicant has advised in writing that they would be prepared to accept a condition requiring that this element of the proposal be amended so that it provides 6-7 Sheffield stands within a cycle shelter. Some concern was originally expressed about the location of the external bike stands which is to the rear of Block B. The applicant has advised that the intention

is that these spaces only be used by Block B and that residents can reach this facility through the stair core for Block B1 rather than walking round the perimeter of the block. It also makes use of otherwise unutilised open space. In view of this the proposed location is considered to be acceptable.

6.9.12 Vehicle Movement

Concern has been expressed by local residents about the ability of refuse vehicles to access the site. The highways team have advised that the proposed layout of the development will allow large vehicles including refuse and emergency vehicles to enter and exit the site in forward gear. Vehicles will not need to reverse out of the site. The concerns raised by local residents in this respect are not considered to be well founded. The layout of the surface and basement level parking is considered to be acceptable, and allows adequate space for vehicles to turn and manoeuvre.

6.9.13 Construction Management Plan

A construction management plan 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.

6.9.14 A draft construction management plan was submitted as part of the transport statement, however, it is not considered to be suitably comprehensive at this stage. The highways team have advised that they are satisfied that the document can be developed further in consultation with them following the grant of planning permission, but prior to the commencement of works on site to ensure that construction does not have an adverse impact on the surrounding transport network. This would need to be secured via legal agreement.

6.9.15 Associated Highways Works

In order to mitigate the impact of the increase in trips that this development will generate and to tie the development into the surrounding urban environment a financial contribution will be sought to repave the vehicular crossover to the site and the footway 5m either side of the vehicular crossover. An added benefit of this is that any damage caused to the footway can be repaired. This is a large scheme and there will be an increase in trips which might warrant a larger contribution, however, St Edmunds Terrace is maintained by Westminster and Broxwood Way is a private road and there are no other obvious pedestrian and environmental improvements that could be undertaken in the local area. The applicant is also providing two publicly accessible car-club bays, which will have an abstract benefit to pedestrian and cyclists through a reduction in car use.

6.10.1 Daylight, Sunlight and Outlook

6.10.2 In the close urban environment where a proposal brings a wall or building close to an affected party, there may be two related, but different potential impacts; firstly there may be a loss of view of the sky, with the resultant reduction of daylight and in some cases sunlight; but secondly, the very presence of the solid structure in close proximity creates an uncomfortable enclosed feeling. Policy SD6 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, sunlight and outlook. Local residents have raised objection to the proposed development on the grounds of loss of daylight, sunlight and outlook.

6.10.3 An assessment has been carried out to consider the impact of the proposed development on daylight and sunlight to neighbouring residential properties. The impact of the development has been compared to that of the buildings on site prior to demolition work having taken place. The occupiers of Avenue Close consider that the daylight and sunlight assessment should take into account the level of light which they have enjoyed since the care home was demolished in 2007. It is not considered reasonable to assess the proposed development on this basis. If the current situation on site were used as a baseline then this would permit only a very modest sized development on the site and given the viability of such a scheme negate its development. The assessment based on the pre-demolition situation is considered to be reasonable.

6.11.1 Daylight

6.11.2 Consideration has been given to the potential impact on daylight to 45-61 Avenue Close, 1-16 Kingsland, House on Broxwood Way, Barrie House, 26a-26c, 27 and 28b St Edmunds Terrace and 14 Avenue Road.

6.11.3 The BRE guidelines state that a room will receive a good level of daylight if it has a Vertical Sky Component (VSC) of 27% or more. 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.

6.11.4 The assessment indicates that all windows, with the exception of those to 27 St Edmunds Terrace, will continue to receive a VSC of more than 27% or no less than 0.8 times their former value and will not see a noticeable reduction in daylight levels. 45-61 Avenue Close would actually see an increase in daylight levels as a result of the proposed development. This is due to the removal of the north wing of the existing building.

6.11.5 No. 27 St Edmunds Terrace which is in use as a single-family dwelling has windows on its rear elevation at ground, first and second floor level. At ground floor level the property has three openings. There is a floor to ceiling window which serves a staircase and which was not assessed. This is considered reasonable since it does not serve a habitable room and therefore loss of daylight is less important. The remaining openings are a floor to ceiling opening (although not french doors as referred to in the report - this does not affect the assessment) and an obscure glazed window serving a toilet (the applicant incorrectly refers to this as a kitchen window). The ground floor level windows see a reduction in VSC from 28.5% and 27.9% to 22.2% and 20.9% respectively. They receive marginally less than 0.8 times their former value: 0.78 and 0.75 times their former values. The loss of light to the latter window is considered to be acceptable since it has now become apparent that it serves a non-habitable room (a toilet). The loss of daylight to the floor to ceiling window is slightly beyond BRE guidelines. As stated above the BRE

recommendations are guidelines rather than rigid standards. The affected window serves a single-family dwellinghouse which overall will continue to receive a good level of natural light. Given this and that the loss of VSC is only marginally beyond BRE guidelines, it is considered that it would be difficult to justify refusal of this scheme on loss of daylight to this window.

6.11.6 The owner of 27 St Edmunds Terrace is concerned that only the ground floor level windows have been assessed. This is normal practice since the lowest level windows would be the most severely affected. It is logical that the impact to the first and second floor level windows will be less and since the ground floor windows fall only marginally below BRE standards it is considered that the impact on the upper floor windows would comply with BRE guidelines.

6.11.7 No. 26 St Edmunds Terrace was granted permission for a replacement second floor level extension in 2003 (PWX0302246). The occupier of this property states that they did not carry out this work in its entirety and it is their intention to finish the remaining works, installing a window in the rear elevation. The approved scheme included a high level window at rear second floor level. This window would light a room which is already served by extensive glazing on the front elevation and therefore even if there were to be some loss of light to this 'potential' window it would not justify refusal of the application.

6.12.1 **Sunlight**

6.12.2 Only windows which 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.

6.12.3 The report considers the impact of the development on sunlight to 45-61 Avenue Close, 1-16 Kingsland, 14 Avenue Road, the House on Broxwood Way and Barrie House. The assessment indicates that all these properties currently receive a good level of sunlight, more than the recommended 25% annually and more than 5% during the winter months. The properties will all see a reduction in the level of sunlight, but this does not result in any receiving less than 25% APS or less than 5% during winter months. The loss of sunlight as a result of the proposed development will not be noticeable.

6.12.4 The occupiers of 27 St Edmunds Terrace are concerned that no sunlight assessment has been carried out of their property. As this property only has north facing windows which could be affected by the proposed development sunlight is not an issue.

6.12.5 Consideration is also given to shading of gardens and other open spaces. BRE guidelines state that no more than 40% and preferably no more than one quarter of any garden or amenity area should be prevented, by buildings, from receiving any sun at all on 21 March. The impact of the proposed development has been modelled for this day between 11.00 and 14.00. This indicates that although there

will be some overshadowing of surrounding gardens this is no more than 4.4% and is not significant.

6.13.1 Outlook

6.13.2 Separate from the issue of daylight and sunlight is the issue of outlook. It is noted that the proposed development will be highly visible from the windows of all the surrounding residential properties who currently enjoy a relatively open aspect across the site. The loss of private view is not a material planning consideration unless it would result in either loss of outlook, daylight or sunlight. In this instance it has already been established that there is unlikely to be any significant loss of light. In terms of outlook whilst the proposed development will clearly be visible it is unlikely to result in a feeling of claustrophobia and enclosure within the rooms of the surrounding properties which is what outlook seeks to deal with.

6.14.1 Overlooking

6.14.2 Policy SD6 of the Unitary Development Plan (2006) requires that new development does not cause unreasonable overlooking to 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. The application site is quite constrained, being surrounded to the north, south, east and west by existing residential developments. Those properties located to the east, Barrie House and Kingsland, which are set back off Broxwood Way are more than 18m from Block A and therefore the proposal will not result in a significant increase in overlooking.

6.14.3 South of the development are 26a to 26c St Edmunds Terrace and 26-28b St Edmunds Terrace. Nos. 26a-26c, 27, 28 and 28b St Edmunds Terrace all have windows facing the development. It should be noted that the ground floor level windows at Nos. 27, 28 and 28b St Edmunds Terrace are all significantly overlooked at present as pedestrians walking through the site can gain views through them.

6.14.4 Block B1 has a number of windows which face towards 26a to 26c and 26-27 St Edmunds Terrace and are significantly less than 18m distant. The 4 windows located at the southern end of the south-west elevation of Block B at levels -1 to 1 (which serve Units B1/1.1 at each level and the corridor) and the glazing at level 2 on Block B (which provide the south-east and south-west elevation to Unit B1/1.1 and the south-east elevation of Unit B1/2.2 at this level) face towards these properties.

6.14.4 The ground floor level openings face onto the rear boundary wall and as a result are not considered to result in any significant overlooking. It is proposed to install obscure glazing on the window openings (2 in total) at levels 0 to 1 which face south-east which will prevent overlooking to the upper floors of neighbouring properties. Those windows at levels 0-1 which face south-west will only allow oblique views towards 26a to 26c St Edmunds Terrace and therefore it is considered acceptable that they have clear glazing. At level 2 it is also proposed to install obscure glazing in the south-east facing elevations which would prohibit

overlooking towards the neighbouring properties. On the south-west elevation at this level it is proposed to install a mix of obscure and clear glazing. Given the extent of glazing proposed and that they only have oblique views towards 26a to 26c St Edmunds this is considered to be acceptable. All the windows which need to be obscure glazed serve either non-habitable space or rooms served by other windows so it would not significantly harm the overall level of light to the proposed accommodation. Conditions will be imposed to ensure that those areas of glazing identified above are obscure glazed and fixed shut.

- 6.14.5 Balconies on the internal courtyard elevation at the south end of Block B (levels 0-2) would also have views south back towards the upper floors of 27 St Edmunds Terrace which are currently not overlooked. It is proposed to incorporate louvred screening on the south-east elevation of the balconies in order to prevent overlooking. Conditions will be imposed to ensure that screening is installed prior to use of these balconies.
- 6.14.6 Block A of the proposed development has windows and balconies which face towards Nos. 28 and 28b. There are windows on the rear elevation of 28 St Edmunds Terrace at ground floor level and 28B St Edmunds Terrace at ground (rear and side serving a kitchen and living/dining room), first (bathroom) and second floor level (study). The window to No. 28 is obscure glazed and therefore there will be no significant increase in overlooking to this property. Planning permission was granted for the windows at 28B in 1996 (P9601049) and 1997 (PE9700891). It is noted that the permissions were both subject to conditions which required that the windows be obscure glazed and fixed shut in order to protect the amenity of the residents of Guinness Court. Whilst the first floor level window on the rear is obscure glazed the remaining windows on the rear and side elevation all have clear glazing. Those windows at ground floor level are already significantly overlooked as pedestrians passing through the site can view in them. The second floor level window should have been obscure glazed in order to prevent overlooking towards Guinness Court, the occupier has installed clear glazing and thus there would have been a degree of overlooking between this property and the former care home prior to its demolition. There will be mutual overlooking between this property and Block A, but in view of the above this does not warrant the windows in the south elevation being obscure glazed or the balconies omitted.
- 6.14.7 To the west of Block B is 14e-14h Avenue a short residential terrace. These properties have windows which face directly towards the west elevation of Block B. A distance of more than 18m has been maintained between the proposed development and these properties in order to prevent a significant increase in overlooking.
- 6.14.8 Avenue Close is located north of the development. Block B has windows and balconies on its north elevation which face towards the western wing of 34-44 Avenue Close, a distance of 17.9m has been maintained between the balconies and 19m between the windows and these properties. This is considered to be acceptable. Windows are proposed on the north elevation of Block A at levels 0-3 which is closer to Avenue Close than its twin block. It is noted that these are not evident on the plans. The reason for this is that the plan is taken below the height

of the windows. Given the distance of these windows to the neighbouring properties it is necessary for them to be obscure glazed and fixed shut. This would be secured by condition. Glazing is proposed at level 4, but this is set further back from the main building line achieving a distance of 19m and therefore it is acceptable for this to be clear glazed. The flat roof at the north end of Block A is not to be used as a roof terrace and is only to be accessible for maintenance purposes in order to prevent overlooking to the neighbouring properties.

6.14.9 A distance of 19.5m has been maintained between the windows and balconies of Block A and Block B which face into the internal courtyard to ensure that the future occupiers have a good level of privacy.

6.15.1 Noise

6.15.2 The applicant has submitted an acoustic report prepared by Alan Saunders Associates. An environmental noise survey was undertaken to establish the background noise level. Noise levels were recorded at hourly intervals for 6 days. The survey indicated that the lowest background noise level over daytime hours (07.00-23.00) was 39dB and over night-time hours (23.00-07.00) was 35 dB.

6.15.3 The proposed residential units are to be entirely naturally ventilated. Localised extraction would be required for the kitchens and bathrooms. The underground car park will require mechanical extract plant which is to be ducted from the basement to the roof of the apartment block. The exact plant to be used has not yet been selected. The proposed development also includes plant rooms at ground floor level, but these are entirely internal and do not manifest themselves externally.

6.15.4 Appendix 1 of the Unitary Development Plan (2006) states that all plant must be at least 5dB below the lowest background noise level over the proposed hours of operation. If the equipment has a distinguishable discrete continuous note or a distinct impulse it must be at least 10dB below the lowest background noise level.

6.15.5 The acoustic report sets design criteria of 30dB and 25dB for the equipment in order to comply with the requirements of the Unitary Development Plan (2006). Environmental Health have advised that a condition be imposed on the permission (if granted) requiring the applicant to submit a further acoustic report once the exact plant has been selected. The report will need to demonstrate that the plant meets the design criteria and can therefore comply with the noise level requirements of appendix 1. Residents have raised concerns regarding the potential for noise pollution from plant, but with appropriate conditions in place the plant will not be audible to the occupiers of neighbouring properties.

6.15.6 The residents of neighbouring residential properties have raised concern about the potential for noise disturbance from the new children's play area. This facility is provided at the north end of the landscaped courtyard. The play area incorporates 5 small pieces of play equipment designed specifically for use by younger children (2-12). Given the scale of this play area, its distance from neighbouring properties and that the proposal includes significant planting on the northern boundary, which would provide a buffer zone to the play area and assist in dissipating noise, it is considered that the level of noise disturbance is unlikely to be significant.

6.15.7 The two car club bays are located adjacent to the rear of Nos. 28 and 28b St Edmunds Terrace. Objection has been raised to their location on the grounds that it would cause noise disturbance. No. 28 has one obscure glazed window at ground floor level on this elevation. No. 28b has two windows at ground floor level, these are clear glazed (it should be noted that when these were granted permission they were required to be obscure glazed and fixed shut). The windows currently look onto the vehicular access to the existing car parking. It is considered that the presence of parking spaces adjacent to this elevation of the properties is unlikely to give rise to any significant increase in disturbance than the existing vehicular access road. However, as with the central bin store, officers are sympathetic to residents concerns and as highways have advised that they would have no objection to the car club bays being relocated then it is considered that the location of these should be secured by condition. It is recommended that a condition be imposed on the permission which requires the applicant to investigate alternative locations for the car club bays; in the event that no workable alternative can be agreed then they could implement the plans as shown.

6.16 Sustainability

6.16.1 In accordance with the requirements of the London Plan (consolidated with alterations since 2004) 2008 and Policy SD9 the applicant has submitted an energy statement. The energy statement sets out a package of measures to minimise energy consumption, supply energy more efficiently and use renewable energy. The emission reduction is compared to the baseline of the previous stage.

6.16.2 Energy saving

6.16.3 The building incorporates energy saving measures. The minimum requirements for compliance with Part L of the Building Regulations are to be established and further improvements made to reduce CO2 emission beyond these requirements. The applicant has indicated that they intend to improve building material specifications, natural daylighting from large glazing and localised lighting and heating controls. Accommodation will be provided with energy efficient white goods and space for natural drying and at least 75% of internal lighting and all external lighting will be energy efficient. The proposed energy saving measures would reduce CO2 emissions by 6% compared to a Part L compliant scheme which is welcomed. It is considered that there is the potential for higher energy savings to be achieved by improving U-values and air tightness. The legal agreement will seek to secure the 6% saving as a minimum, but require the applicant to make best endeavours to improve on this.

6.16.4 Energy Efficiency

6.16.5 A centralised space heating and domestic hot water system is proposed. A centralised plant room at level 0 would contain gas fired boilers to produce heat and hot water via a single distribution system. Plate heat exchangers are to be provided in each dwelling which produce instantaneous hot water. The applicant is aware that there other sites (Land South of Barrow Hill Reservoir) within the immediate vicinity of the application site which are currently been considered for

redevelopment. To date these sites have not secured planning permission (see paragraph 6.21.1). The applicant has advised that they would be happy to give further consideration to the potential for establishing a heating system which is linked to other developments if the potential arose and it proved feasible. This investigative work could be secured via legal agreement.

- 6.16.6 Combined Heat and Power is proposed as part of the centralised heating system. The CHP will provide 50% of the hot water for the development, complementing the renewable technology to be incorporated which has reduced performance during some seasons. The CHP is anticipated to reduce annual CO₂ emissions from the development by 16 tonnes (it is noted that some of submission documents incorrectly refer to 19 tonnes) which equates to an energy saving of 9% across the development. It is considered that the legal agreement should require the applicant to investigate the potential for making the CHP units as large as possible, it will seek to ensure the 9% saving is achieved, but that they make best endeavours to improve on this.

6.16.7 Renewable Technology

- 6.16.8 The applicant has investigated the potential for incorporating renewable energy technologies within the development. They have examined the potential for including photovoltaic cells, wind turbines, ground source heat pumps, biomass, biomass CHP and solar thermal collectors. The most appropriate technology taking into consideration the size of the development, site constraints, cost and potential energy savings was considered to be solar collectors. It is proposed to install 120sqm of solar thermal panels on Block A. It is noted that the drawings only show 80sqm of solar thermal panels, rather than the 120sqm required; since the additional 40sqm can easily be accommodated on the roof it is considered acceptable to impose a condition requiring this amendment. These will provide 44% of the residential annual domestic hot water requirements. The renewable technology will provide an annual reduction of 89,585kWh which equates to a reduction of 21 tonnes of CO₂ per annum and 13% of the remaining CO₂ emissions.

- 6.16.9 The energy saving and efficiency measures and the inclusion of renewables will reduce the annual CO₂ emissions of the development by 25%

6.16.10 Code for Sustainable Homes

- 6.16.11 Policy SD9 and Camden Planning Guidance (2006) require that a pre-development Code for Sustainable Homes Assessment be submitted as part of an application to demonstrate that the proposed new development can achieve a rating of 'level 3' (57 credits) or more under the Code. Code for Sustainable Homes is a national standard which was launched in 2006 to be used in the design and construction of new homes in England to encourage continuous improvement in sustainable home building. 50% of credits need to be achieved in water, energy and materials. The applicant has submitted a Code for Sustainable Homes Assessment which states that the new building will achieve 63.9% which equates to level 3 of the proposal performs well in water, energy and materials achieving 56.2%, 66.7% and 50% of credits respectively. In addition, the proposed

development performs well in many of the other categories including surface water runoff (100%), waste (85.7%), health and wellbeing (75%) and management (100%). A legal agreement should be used to secure the submission of a post-construction review.

6.16.12 Water Consumption

The applicant has sought to include measures to reduce water consumption. Water consumption is to be restricted to 105L per person per day by including dual flush WCs, aerated taps, low flow shower heads and reduced bath sizes. Rainwater is to be harvested and reused for watering gardens and washing cars. The use of permeable paving will reduce the amount of surface water run-off.

6.17 Trees and Landscaping

- 6.17.1 The proposed redevelopment of the site will require removal of some individual trees and small groups. Concern has been expressed by local residents about removal of trees on and adjacent to the site. The applicant has submitted an arboricultural impact statement prepared by Broad Oak Tree Consultants Limited which identifies a total of 29 trees for removal (out of a total of 50 surveyed). A further 3 trees are identified for removal on safety grounds, they either have structural defects or are in declining health or in a dangerous condition (T10, T33, T43). It is noted that the arboricultural report also refers to the removal of T45 on health grounds, the applicant has confirmed in writing that they do not intend to remove this as it is on land which is not under their control.
- 6.17.2 Of these 25 trees were identified as category C, trees which are of poor quality and that should not form a constraint on the proposal. The Council's arboricultural officer is satisfied that this is a reasonable assessment of the quality of these trees. 4 Trees identified for removal of category B trees, trees which are of sufficient quality to make retention desirable if possible. These trees are a Crab Apple (T13), a Beech (T17), a Beech (T28) and a Sycamore (T31). The two Beech trees and the Sycamore are located close to the western boundary of the site; the Crab Apple is located within the existing central courtyard. These trees are all of screening value to surrounding properties. However, T17, the Beech, will eventually outgrow its position and T28 and T31 are not considered to be of such value to require the configuration of the building to be changed. T13 is not prominent enough within the landscape to require specific protection. Replacement planting is proposed for both T28 and T31.
- 6.17.3 Two street trees located on St Edmunds Terrace are identified for removal (2 x Field Maples). Both of these are young specimens and are not currently of particular significance in their contribution to the street scene. The proposals provide the opportunity for planting one specimen tree on the corner at the entrance to the site.
- 6.17.4 Replacement tree planting has been incorporated in the proposals. 17 individual trees and two rows of pleached trees to the proposed courtyard. The landscape proposals provide a useful balance of functions with a play area combined with naturalistic planting which add to the biodiversity function of the site, courtyard

garden for quieter activities and parking which has been softened in appearance with tree planting around its edges and spaces demarcated with block paving with grass growing between joints.

- 6.17.5 The arboricultural and landscaping components are considered to be acceptable. The permission should be conditional on the submission of further details of hard and soft landscaping and the submission and approval of a method statement for the protection of trees to be retained on site. All areas of hard landscaping should use permeable paving in order to minimise run-off from the site.

6.18 Biodiversity

- 6.18.1 Policy N5 seeks to ensure that new development conserves and enhances wildlife habitats by greening the environment. A green roof has been incorporated on the refuse store to provide a habitat for local wildlife. This will also assist further in reducing surface runoff and improving air quality. It is proposed to incorporate bird and bat boxes within the development.

- 6.18.2 It is considered that the biodiversity value of the site could be increased further by incorporating green roofs onto the flat roofs of the main buildings. The applicant has advised in writing that they have no objection to incorporating this into the scheme. This element (including construction, planting and management details) should be incorporated into the provision of hard and soft landscaping details secured by condition.

6.19 Crime Prevention

- 6.19.1 Policy SD1(D) of the adopted Unitary Development Plan (2006) states the Council will require development to incorporate design, layout and access measures which address personal safety, including the fear of crime, security and crime prevention. The planning process should look to design out crime at the outset of the design process.

- 6.19.2 This part of Camden does suffer from a higher than average rate of residential burglaries and therefore the ground floor units within the development are particularly vulnerable. The Metropolitan Police have suggested that it might be beneficial to introduce a pedestrian and vehicular gate to the development in order to prevent unauthorised persons gaining access to the development. This is not considered to be desirable from a design perspective and, given the location of the car club bays, could be problematic. It is therefore considered that attention is focused on ensuring that all doors and windows are suitably designed to the standards necessary for the development to meet the Secure by Design requirements.

- 6.19.3 In the event that the proposed development did suffer an unusually high incidence of burglary or other criminal or anti-social behaviour, then it would be open to the applicant to apply at a later date for the installation of a security gate treatment and this would need to be considered on its own merits. In the event that such an application were to be submitted, it would also need to include relocation of the car club bays so that they remain publicly accessible.

6.20 Educational and Public Open Space Contributions

- 6.20.1 The proposed development provides 36 private residential units and therefore a financial contribution is required towards the provision of educational facilities within the local area. Based on the formula contained in Camden Planning Guidance (2006) £124,841 should be sought towards the provision of educational infrastructure.
- 6.20.2 Policy N4 of the Unitary Development Plan requires that public open space deficiency is not created or made worse by development. If development is likely to lead to increased use of public open space where appropriate a contribution should be made to the supply of public open space.
- 6.20.3 Camden Planning Guidance (2006) states that 9sqm of public open space should be provided per person. Based on the number of new units proposed the quantity of open space provision sought in accordance with Camden Planning Guidance would be 1188sqm (132 x 9). Camden Planning Guidance states that new public open space can be provided on site. It acknowledges that on some sites access may have to be restricted to the occupiers of the building. The proposed redevelopment scheme includes provision of 2143sqm of open space (although this includes some balcony areas which would not normally count towards open space). Given the overall level of provision of open space within the development and the proximity of the development to the existing open spaces of Primrose Hill and Regents Park it is considered that the requirements of Policy N4 are fulfilled and the development is unlikely to create or worsen a deficiency for public open space in this area.
- 6.20.4 Local residents do not consider that the proposed play area is necessary given the proximity of the development to Primrose Hill. Policy N4 seeks to ensure the provision of new open space to meet any increase in demand for use of public open spaces by the development. Camden Planning Guidance (2006) outlines a sequential approach in terms of provision, it states that it should be delivered within a scheme, but if this is not possible then a financial contribution could be provided and pooled to create new open spaces off-site or to improve existing ones. The provision of open space within the development is therefore welcomed.

6.21 Other Issues

- 6.21.1 Local residents have raised a number of additional concerns regarding the proposed development. In particular they are concerned about the cumulative impact of developments proposed in the local area. Specific reference has been made to the proposed redevelopment of the land south of Barrow Hill Reservoir (2009/0113/P) and also redevelopment of Parkwood, 22 St Edmunds Terrace. The latter scheme for 27 residential units is within the City of Westminster. This application was withdrawn in February 2009. The proposal for land south of Barrow Hill Reservoir, which was linked to a redevelopment scheme at Twyman House, 31-39 Camden Road, was refused planning permission on 24/04/09. In summary, the application was refused on design grounds, the lack of a legal agreement and insufficient information to demonstrate that the quantity, quality and

distribution of affordable housing was the best that could be achieved across the two sites. No other significant developments in the immediate area have received planning permission. Notwithstanding this, it is considered that the overall impact of the current application and redevelopment of the sites referred to above could reasonably be accommodated by the transport network and local services. Planning obligations can, where necessary, be used to mitigate against the impact of development by securing contributions towards education facilities, open space, and environmental improvements for example.

6.21.2 Question has been raised regarding ownership of the land immediately to the rear of 27 St Edmunds Terrace. The Guinness Trust have verified with their legal team that this land is under their ownership.

6.21.3 Other issues raised such as the scheme being unnecessary, its potential impact on the structure of neighbouring properties, and it being for commercial gain are not material planning considerations. In respect of the third point it should be noted that the developer is a registered social landlord and the proposed scheme provides a very low profit margin (see paragraph 6.3.6).

7.0 CONCLUSION

7.1 The proposed redevelopment of this site to provide a good mix of small and large private and affordable residential accommodation is welcomed. All the accommodation is appropriate sized and will be built to lifetime homes standards, with a proportion of it being fully wheelchair accessible. The development which comprises of two parallel blocks of 4 and 6 storeys set to the east and west of the site is in keeping with the form and scale of development in the immediate area. The buildings have been designed to ensure that loss of light to neighbours is kept to a minimum and where possible the minimum distance between properties has been maintained. Where they have not been achieved conditions can be used to overcome overlooking. The incorporation of energy saving measures, CHP and solar panels all seek to ensure that the buildings are as sustainable as possible.

7.2 It is recommended that planning permission be granted subject to a S106 agreement to secure the following:

- Phasing of the development
- Affordable housing (including details on affordability)
- Lifetime homes and wheelchair housing
- Residential travel plan
- Car-capped housing
- Two car-club bays (must be publicly accessible)
- Construction management plan
- Highways works – crossover plus footway 5m either side of crossover
- Sustainability measures
- Educational contribution £124,841

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 Manager be given authority to refuse planning permission for the following reasons:-

- 7.4 The proposed development, in the absence of a legal agreement to secure completion of Phase 1 of the development (construction of Block A) prior to demolition of the existing buildings and the implementation of Phase 2 (construction of Block B) would result in the unnecessary displacement of occupants of the existing affordable housing, 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.
- 7.5 The proposed development, in the absence of a legal agreement to secure the 37 specified residential units as affordable housing would fail to make a contribution to the supply of affordable housing, contrary to policy H2 (Affordable Housing) of the London Borough of Camden Replacement Unitary Development Plan 2006 and policies 3A.10 and 3A.11 of the London Plan (consolidated with Alterations since 2004) 2008.
- 7.6 The proposed development, in the absence of a legal agreement to secure the development to be built to lifetime homes standards and for a minimum of 10% of the accommodation to be suitable for wheelchair users, is contrary to policy H7 (Lifetime Homes and Wheelchair Housing) 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 to secure a residential travel plan, would be likely to contribute unacceptably to use of non-sustainable modes of transport contrary to policy T1 (Sustainable Transport) 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 to secure the 73 residential units as 'car-capped' housing, would be likely to contribute unacceptably to parking congestion in the surrounding area, contrary to policy T9 (Impact of Parking) of the London Borough of Camden Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.
- 7.9 The proposed development, in the absence of a legal agreement to secure the 2 car club bays, would be likely to contribute unacceptably to over reliance on private motor cars contrary to policy T1 (Sustainable Transport) and T7 (Off street parking, city car clubs and city bike schemes) 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 to secure submission and implementation of a 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 from demolition and construction) of the London Borough of Camden

Replacement Unitary Development Plan 2006 and to advice contained in the Camden Planning Guidance 2006.

- 7.11 The proposed development, in the absence of a legal agreement to secure contributions to ensure repaving of the vehicular crossover and the footway 5m either side of the crossover 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.
- 7.12 The proposed development, in the absence of a legal agreement requiring for the development to achieve a minimum of 'level 3' under the Code for Sustainable Homes Assessment and for a proportion of energy demand to be met by on-site renewable resources, 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.
- 7.13 The proposed development, in the absence of a legal agreement securing educational contributions, 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.

8.0 **LEGAL COMMENTS**

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

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