

Address:	30 Oval Road London NW1 7DE	
Application Number:	2009/0066/P	Officer: Sharon O Connell
Ward:	Camden Town with Primrose Hill	
Date Received:	26/09/2008	
<p>Proposal: The substantial redevelopment to create a part-4, part-5, part-6 storey building plus basement to provide office space (Class B1) at ground and basement levels and residential use (Class C3) providing a total of 70 self-contained flats (27 x 1-bedroom; 35 x 2-bedroom; 6 x 3-bedroom and 2 x 4 bedroom, including 24 affordable units) with ancillary landscaping, together with alterations to the retained elevations, including rebuilding of facades on the Gilbeys Yard elevation. (Following the substantial demolition of the existing buildings see associated conservation area consent 2009/0069/C and listed building consent 2009/0068/L)</p>		
<p>Drawing Numbers: PL(03)001 Rev 00; PL(03)002 Rev 00; PL(03)003 Rev 00; PL(03)004 Rev 00; PL(03)005 Rev 00; PL(03)006 Rev 00; 4260 (02)001 Rev00; PL(03)LG Rev05; PL(03)100 Rev06; PL(03)101 Rev04; PL(03)102 Rev 02; PL(03)103 Rev02; PL(03)104 Rev02; PL(03)105 Rev 02; PL(03)106 Rev 02; PL(05)001 Rev 04; PL (05)002 Rev 03; PL(05)003 Rev02; PL(05)004 Rev 03; PL(05)005 Rev 01; PL(21)001 Rev01; Façade Brickwork Repairs Method Statement dated 16th December 2008; Green Travel Plan dated January 2009; Letter from DP9 dated 05/02/2009; Transport Statement dated January 2008; Affordable Housing Toolkit dated January 2009; Environmental Noise Assessment dated September 2008; Energy Statement dated 17th December 2008; Sunlight and Daylight Report by GVA Schatunowski Brooks; Design and Access Statement by Tate & Hindle. Photographic survey of cobbles stones dated 1st November 2007; C30 Shoring/Façade Retention.</p>		
<p>RECOMMENDATION SUMMARY: Grant Planning Permission subject to S.106</p>		
<u>Related Applications</u> Date of Applications:	1) Conservation Area Consent 2) Listed Building Consent	
Application Number:	2009/0068/L & 2009/0069/C	
<p>Proposal:</p> <p>1) Retrospective conservation area consent for the substantial demolition of the building.</p> <p>2) Retrospective consent for partial demolition of the flank wall of the south-western end of the horse tunnel and steps and consent for the demolition and rebuilding of a further section (the south-eastern end) of the flank wall of horse tunnel and steps and works to the mouth of the horse tunnels in association with the implementation of the development.</p>		

Drawing Numbers:

Conservation Area Consent: PL(03)001 Rev 00; PL(03)002 Rev 00; PL(03)003 Rev 00; PL(03)004 Rev 00; PL(03)005 Rev 00; PL(03)006 Rev 00; 4260; 4260(02)001 Rev 00; PL(D)200 Rev 02; PL(D)201 Rev 02; PL(D)202 Rev 02; PL(D)LG Rev 01; PL(D)100 Rev 01; PL(D)101 Rev 01; PL(D)102 Rev 02; Conservation Area Consent PPG15 Justification Statement; Façade Brickwork Repairs Method Statement dated 16th December 2008; Letter from DP9 dated 05/02/2009

Listed Building Consent: 4260(02)002 Rev 00; 4260 PL(03) LG Rev 03; 4260 PL(03)100 Rev 03; 4260(SK)71 Rev 05; Listed Building PPG15 Justification Statement; Listed Building Report by Price and Myers dated 16th September 2008.

RECOMMENDATION SUMMARY:

- 1) Grant Conservation Area Consent subject to S.106
- 2) Grant Listed Building Consent subject to S.106

Applicant:

London & Newcastle (Camden) Ltd
c/o Agent

Agent:

DP9
100 Pall Mall
LONDON
SW1Y 5NQ

ANALYSIS INFORMATION

Land Use Details:

	Use Class	Use Description	Floorspace
Existing	B1	Business	3,413m ²
Approved & Proposed	B1 C3	Business Dwelling House	2506m ² 5285 m ²
		Total	7791m ²

Residential Use Details Total:

	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette									
Approved	Flat/Maisonette	27	37	12						
Proposed	Flat/Maisonette	27	35	6	2					

Breakdown of Residential Use Details: Private units

	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	Flat/Maisonette									
Approved	Flat/Maisonette	15	29	8						

Proposed	<i>Flat/Maisonette</i>	15	27	2	2					
Breakdown of Residential Use Details: Affordable units										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>									
Approved	<i>Flat/Maisonette</i>	12	8	4						
Proposed	<i>Flat/Maisonette</i>	12	8	4						

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	26	
Proposed	16	4

OFFICERS' REPORT

Reason for Referral to Committee:

The proposal is defined as a “Major” application comprising more than 10 residential units and more than 1000m² of non-residential floorspace. Any grant of permission would also require the conclusion of a Section 106 Planning Obligation in part relating to matters outside the normal scheme of delegation. The application also involves substantial demolition requiring conservation area consent.

1. SITE

1.1 Prior to demolition commencing on site, the application property was a 19th century industrial building. It is located partially within the Regent's Canal Conservation Area [the north-eastern corner of the site is not within the conservation area]. It was identified making a positive contribution to the Conservation Area in the Regent's Canal Conservation Area Statement.

1.1.1 The building was 3-storeys plus a basement level on the canal side, and an attic level with large rooflights. The building had a strong industrial appearance, being constructed from dark bricks with large openings at ground floor level. The building was once a railway goods shed for the London, Midland & Scottish Railway; the letters LMS are still inscribed above the entrance to the building on Oval Road. The building had been the subject of various 20th century piecemeal alterations, which are generally unsympathetic.

1.1.2 The area around the application site also has a strong industrial character in terms of buildings and landscape, dating back to when the area was Camden Goods Yard. In the 19th century heyday of the goods yard, the area had 20 miles of sidings. Gilbey's Yard, around the application site, contains historic granite setts and, at its entrance from Oval Road, the remnants of the two weighbridges which were used to weigh vehicles as they entered or left the goods yard.

- 1.1.3 In the immediate context of the application site are two listed buildings. To the rear of the site in Gilbey's Yard is Interchange House, which is Grade II Listed. The building dates from c1896 and is 4-storeys with chimneys. It has a strong industrial character with: multi-coloured stock brick with blue engineering brick dressings; cast-iron windows with small panes; and a modular pattern of repeating window bays. It was a warehouse and is now used as offices. On the opposite side of canal from the application site is Gilbey House, which is also Grade II Listed. The building dates from 1894 with a modernist extension dating from 1937 by Mendelsohn and Chermayeff. The section of the Gilbey House that faces the application site is residential accommodation, and it is 7-storeys tall. The salient features of Gilbey House are: long balconies; strong horizontality; white stucco rustication; and an asymmetrical façade.
- 1.1.4 The third and final building in the immediate vicinity is the social housing dating from the late 20th century on the opposite side of Gilbey's Yard. The flats are contained in buildings of 4-storeys plus gable. The buildings contain an interesting roofscape of gables with a chimney protrusion. The other salient features of the buildings are the use of London stock brick; rusticated infill panels; balconies; and large windows with blue frames.
- 1.1.5 In summary, the context around the application is of a varied architectural character which includes: a variety of land uses; a strong industrial architectural heritage; the use of brick and white stucco; balconies; and 4-7 storey high development.
- 1.1.6 As detailed below, the substantial demolition of the building has occurred on site. The elements of the façade that are retained include:
- Three sections of façade facing the canal;
 - A section of retained façade to the rear of the west elevation; and
 - A section of retained façade on the north- east corner of the building.

2. THE PROPOSAL

- 2.1 The substantial redevelopment to create a part-4, part-5, part-6 storey building plus basement to provide office space (Class B1) at ground and basement levels and residential use (Class C3) providing a total of 70 self-contained flats (27 x 1-bedroom; 35 x 2-bedroom; 6 x 3-bedroom and 2 x 4 bedroom, including 24 affordable units) with ancillary landscaping, together with alterations to the retained elevations, including rebuilding of facades on the Gilbey's Yard elevation. (Following the substantial demolition of the existing buildings see associated conservation area consent 2009/0069/C and listed building consent 2009/0068/L)

2.2 Revisions

- 2.2.1 The following revisions and clarifications were submitted by the applicant to address issues raised by officers, and to address objections raised by Greater London Industrial Archaeology Society [GLIAS] and Camden Heritage Railway Trust [CHRT] and officer concerns:

- The windows at ground floor level in the retained north elevation, northern end of west elevation and two near windows at the western end of the southern elevation are now proposed to remain in their existing location. Repairs and partial resetting of the brick arches above the windows will be required due to the structural damage that has occurred; however, the applicant has stated that all reasonable efforts will be made to minimise the intrusion into the retained material.
- The drawing showing the western elevation was amended to show the upper part of the western elevation as being retained instead of rebuilt.
- On the proposed drawings, the doorways on the canal elevation are two brick courses higher than suggested in the approved 2006 drawings. Further surveys were carried out following the approval. These showed that the original survey information was inaccurate with regard to the dimension between the top of the doorways and the ventilator grilles. The dimension is actually greater than was shown on the approved drawings. The submitted drawings which form part of the current application show an accurate representation of the façade. The proposal maintains the 2006 relationship between the doorway and the “half” ventilator grilles. The space between the top of the doorway and the ventilator grilles allows for roller shutters to be introduced, in order to satisfy community safety requirements.
- The set of doors on the canal elevation closest to Southampton Bridge have been changed from glazed doors to aluminium louvers, to minimise the impact on this elevation.
- The applicant has agreed to take photographs of the roof of the horse tunnel where it is constructed of re-used rail track, and these photographs are to be lodged with the Camden Local History Library.
- The doors to the office on the north side of the building have been amended to open inwards. Bollards were installed adjacent to the doors of the sub-station and the affordable housing refuse store to act as a barrier for pedestrians from the opening doors. The doors to these two elements are louvered for ventilation and have to open outwards due to space restrictions and fire regulations.
- Additional information was received with regards contaminated land.
- Details of structural engineer’s façade retention scheme.
- A copy of the pre-construction condition report of the granite setts.
- Additional details of the repair work to be undertaken around the window.
- Reference to the red brick on the western elevation has been removed from the drawings.

3. RELEVANT HISTORY

- 3.1 October 1989: Planning permission refused for refurbishment and extension of 30 Oval Road including the erection of an extra mansard floor for use as offices within Class B1 of the Town and Country (Use Classes) Order 1987, for the reason that the erection of a new mansard floor would adversely affect the character and appearance of the building and this part of the Regents Canal Conservation Area.

- 3.2 April 1990: Planning permission **refused** for partial demolition of 30 Oval Road, on the grounds that there was no acceptable replacement scheme. The decision was appealed and the appeal **allowed**.
- 3.3 August 1991: Planning permission and Conservation Area Consent **refused** for refurbishment of the building including the addition of an extra floor with raised parapet and new roof with raised parapet and new roof structure, on the grounds that it would result in the loss of the lantern rooflights. The decision was appealed and the appeal **allowed**. The permission was never implemented.
- 3.4 October 1996: Planning permission and Conservation Area Consent **granted** for alterations and extensions to the existing building to provide additional accommodation and a light well to basement level on the northern frontage, a new fire escape on the eastern frontage, a new pedestrian access to the basement from the canal towpath on the southern frontage and the reconstruction of the access stair from Oval Road. Also the change of use of the disused basement from ancillary B1 accommodation to use as a museum.
- 3.5 December 1998: Planning permission **granted** for the erection of a ground floor extension to accommodate a new reception area with a balcony over a canvas canopy at first floor level.
- 3.6 April 2001: Planning permission **granted** for formation of new window openings in external wall of existing basement opening onto the canal.
- 3.7 July 2006: Planning permission **granted subject to S.106** for Partial demolition of side and rear extensions fronting Gilbey's Yard; construction of extensions to side, rear and roof to result in a part-4, part-5, part-6 storey building plus basement; to provide office space (Class B1) at ground and basement levels and change of use of upper floors to residential (Class C3) to provide a total of 76 self-contained flats (32 x 1-bedroom; 32 x 2-bedroom; and 12 x 3-bedroom, including 24 affordable units) with ancillary landscaping and alterations to elevations.
- 3.8 June 2008 (date S.106 was signed – heard at committee 16th August 2007) **Planning Permission granted subject to S.106**. Further amendments to the variation of planning permission granted subject to a S.106 legal agreement dated 10 July 2006 (ref:2006/1248/P which gave consent for partial demolition of side & rear extensions fronting Gilbey's Yard; construction of extensions to side, rear & roof to result in a part-4, part-5, part-6 storey building plus basement; to provide office space (Class B1) at ground & basement levels & change of use of upper floors to residential (Class C3) to provide a total of 76 self-contained flats). The alterations now proposed involved the retention of the existing listed Horse Tunnel entrance, stairs and associated structures, construction of new walls, installation of an electricity substation and new entrance and gates at ground floor level, re-arrangement of plant rooms in the basement and re-location of lift shaft and stairs from ground to 1st floor level. Proposed office space at basement level to be re-arranged with the removal of four internal columns.
- 3.9 June 2008 (date Section 106 was signed – heard at committee 16th August 2007) **Listed building consent granted** for amendments to the Horse Tunnel stairs and

entrance to approved scheme (ref: 2006/1248/P) for extensions to and conversion of the existing building to provide new office space at ground and basement floors and 76 residential units above.

- 3.10 December 2008 The substantial redevelopment to create a part-4, part-5, part-6 storey building plus basement to provide office space (Class B1) at ground and basement levels and residential use (Class C3) providing a total of 76 self-contained flats (27 x 1-bedroom; 37 x 2-bedroom; and 12 x 3-bedroom, including 24 affordable units) with ancillary landscaping, together with alterations to the retained elevations, including rebuilding of facades on the Gilbeys Yard elevation. (Following the substantial demolition of the existing buildings see associated conservation area consent 2008/4681/C and listed building consent 2008/4679/L) **The application was considered to be unacceptable in terms of its detail, but was withdrawn to give the applicant the opportunity to address the concerns of the Council.**

3.11 Enforcement Investigations

- 3.11.1 On the evening of the 8th August 2008 the basement foundation wall (below ground level but exposed on one side due to internal demolition) subsided roughly mid-way along its length and gradually slipped out of position over the next few hours. This in turn caused some of the remaining above-ground walls to move as well, which led to the need for some of the retained structure at the north-western corner being removed due to concerns that it may collapse and topple onto the crane on-site, which would have fallen over towards and resulted in further demolition of the retained canal façade and possible damage to the properties on the other side of the canal. At the eastern end, the entrance to the Grade II listed horse tunnel also moved as a result of the subsidence, and a decision was taken to push part of the listed tunnel entrance which overhung the excavated part of the site into the soft basement mud, as it had become precarious. A structural engineers report into the events on the 8th August was submitted to the Council. Although this has provided an explanation of the collapse, it does not give a definite reason as to why the subsidence occurred or whether it could have been predicted or prevented. The emergency demolition works were done under the supervision of one of the Council's Building Control Officers, and they were considered necessary on health and safety grounds.
- 3.11.2 In addition to the demolition that was undertaken under the supervision of one of the Council's Building Control Officers, an investigation was carried out into the demolition that had been taken place on site prior to the collapse. This revealed that the applicant had undertaken demolition on site in excess of that which was shown as being demolished on the approved drawings under the previous planning permissions. In particular, three sections of the south (canal) façade had been removed. This was not shown on the approved drawings. As the development was now considered not to benefit from planning permission, the issue as to whether conservation area consent was required was re-assessed. Officers considered that, due to the extent of demolition that had taken place on site, an application for retrospective conservation area consent was required. In addition, a listed building application was required for the emergency demolition on site to the horse tunnel

and its rebuilding and the incorporation of the entrance to the horse tunnels within the development.

- 3.11.3 The Council's Enforcement team undertook detailed discussions with the applicants and officers from English Heritage to ensure that (i) the demolished listed horse tunnel material was removed and recycled for re-use in rebuilding; and (ii) an appropriate listed building application was made to rebuild the horse tunnel entrance. This process has taken some time, due to the need to secure the remaining sections of brickwork so that they did not also collapse and for various investigations into the reasons behind the subsidence to be concluded.
- 3.11.4 The Enforcement team have warned the applicants that enforcement action could be taken if the new scheme is refused. However, as there is no valid planning permission for the site, an Enforcement Notice could only require the reinstatement of the building that existed prior to the demolition occurring on site. The applicants were also warned that, as unauthorised demolition to a building within a conservation area and a listed building had occurred, it was open to the Council to commence prosecution proceedings. It was considered that, in the interests of minimising the impacts of the unauthorised works on the conservation area, the most appropriate way of dealing with the situation was to enter into discussions with the applicant to secure a scheme that officers considered was acceptable, and to present this to Members for consideration.
- 3.11.5 The applicant has been warned on a number of occasions that the work that has been undertaken since the subsidence does not benefit from planning permission, and is therefore being carried out entirely at the owners' risk. This included works which have been undertaken to support the slipped basement foundation wall i.e. the insertion of the basement slab to secure the rigidity of the basement, in order to ensure that there was no more movement on site. Although this is unauthorised work, it was recognised as being necessary to protect the remaining structure on the site.
- 3.11.6 A recent site visit has confirmed that works are continuing, and the superstructure has been built up to second floor level within the skin of the existing facades.

4. CONSULTATIONS

4.1 Statutory Consultees

- 4.1.1 Listed Building Demolition Statutory Consultees: In accordance with requirements the statutory consultees were notified. These were: English Heritage; 20th Century Society; Victorian Society; Council for British Archaeology; Georgian Group; Society for protection of ancient buildings and the Ancient Monument Society. Responses were received from English Heritage and the Council for British Archaeology as detailed below; no response was received from the other consultees.
- 4.1.2 **Council for British Archaeology:** The committee acts on behalf of the Council for British Archaeology in respect of Listed Buildings and Applications within the

Greater London Area. The Committee discussed the above case at its meeting on Thursday 29th January 2009 and made the following observations:

The committee had major concerns regarding the retrospective consent for partial demolition of the flank wall (south-western end) of the horse tunnel and steps plus the demolition and rebuilding of a further section (south-eastern end):

- As pointed out before, there is no such thing as “retrospective consent” and the description should be altered accordingly;
- The Committee is concerned about the “creeping” demolition that seems to be taking place here as major construction works continue.

For these reasons, the Committee consider that further demolition works should only be allowed with English Heritage [EH] specific approval. Any further works will need to be contained and should be properly supervised by EH and/or the LPA on site.

- We have previously commented on the need for the brickwork (restored or rebuilt) to be visible inside the new building.
- Given the amount of rebuilding that now appears to be necessary, it was also felt that an interpretative plaque should be attached to the wall.”

4.1.3 English Heritage: “This application relates to amendments to a previous planning permission for extensive alterations to 30 Oval Road. English Heritage raised concerns relating to the detrimental impact of the proposals on the character and appearance of the conservation area in the letter dated 16th June 2006 (your ref 2006/1248/P). The current proposal involves further demolition following structural problems which have arisen on site. We would note that the building is now substantially demolished but, as the current proposal involves greater loss of historic fabric than the original application, we would consider that our previous comments remain valid in respect of the impact of the proposals on the conservation area.

Following partial collapse of the listed Horse Tunnel structure, English Heritage has provided structural engineering advice to LB of Camden in respect of making good, and the consolidation of the remaining fabric. In line with this, we have issued the draft conditional consent for the retrospective demolition and rebuilding of this structure (ref 2008/4679/L and 2009/0068/L); this has been sent to the Government Office for London and copied to you.”

Direction subsequently received from English Heritage to enable LB of Camden to grant listed building consent subject to the following informatives and conditions:

Informative: The works hereby approved are only those specifically indicated on the drawing(s) and/or other documentation referred to above.

Informative: The works hereby approved are only those specifically indicated on the drawing(s) and/or other documentation referred to above.

1. All new external and internal works and finishes and works of making good to the

retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

2. The new facing brickwork shall match the existing brickwork adjacent in respect of colour, texture, face bond and pointing, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

3. Details in respect of the following shall be submitted to and approved in writing by the Council as local planning authority in consultation with English Heritage before the relevant work is begun. The relevant work shall be carried out in accordance with such approved details:

4. Sample panels of all new facing brickwork showing the proposed brick types, colour, texture, face bond and pointing shall be provided on site and the specification approved in writing by the Council as local planning authority (in consultation with English Heritage) before the relevant parts of the works are begun. The relevant parts of the work shall be carried out in accordance with such approved sample panels. The approved sample panels shall be retained on site until the work is completed and has been approved.

Officer note: As the applicant has stated that the bricks from the demolished structure have been salvaged and stored, English Heritage and the Council have agreed an amended wording for the conditions recommended above.

4.1.4 The **Government Office for London** considered the application and stated: "The Secretary of State has considered the information given above and does not intend to require the application concerned to be referred to her."

4.1.5 Previous comments from English Heritage dated 16/06/2006:

4.1.6 "Although substantial demolition is involved we understand that the local planning authority does not consider this sufficient to meet the threshold for conservation area consent for demolition to be required.

The applicants state that a planning application appeal in 1991 decided the building lacked architectural or historic merit and approved the removal of the roof lanterns which form part of the original design, and an important element of canal side skyline. A further decision in 2001 agreed to new window openings into the canal at basement level. However although not of architectural interest in itself, 30 Oval Road nevertheless makes an important contribution to the character and appearance of the conservation area, particularly in relation to the southern canal-side façade. The northern facade into Gilbey's Yard has been altered and extended at various stages and incorporates an unsympathetic north eastern window (although in matching stock brick) which extends into the central of the yard at an oblique angle. The current proposals involve a substantial irregular addition to the northern façade in un-matching red brick with rounded north east corner, a two storey height glass extension removing the roofs and raised rooflights,

extensive alteration to the southern façade incorporating tow path level openings, new patterns of fenestration, and extensive cleaning of the surviving fabric.

The current proposals are directly opposed to Camden's own supplementary guidelines for the Regent's Canal: RCa11, RCa19, RCa21, RCa28. The scale of the development, the impact on the skyline, and the extent of the alterations to the retained fabric will drastically change the appearance of the property and the contribution it makes to the character of the conservation area. In addition the loss of vertical rhythm to the canal-side façade and the introduction of contrasting materials are such that little of the historic character of the conservation area."

- 4.1.7 English Heritage GLAAS: "The present proposals are not considered to have an affect on any significant archaeological remains, due to the existing basement excavation. Would therefore advise that any requirement for pre- or post-determination archaeological assessment/evaluation of this site in respect to the current application could be waived."

4.2 Conservation Area Advisory Committee

- 4.2.1 **Camden Town CAAC** and **Primrose Hill CAAC** were notified of the applications. There is no CAAC for Regents Canal Conservation Area.

4.2.2 Primrose Hill CAAC object to the application:

SUMMARY: That the full reinstatement, to approved details and under English Heritage supervision, of all damaged historic fabric be required, in order to ensure that this avoidable destruction does not become accepted as a precedent.

1. The advice in our letter of 4 December 2008 stands.
2. There should be no concessions to the applicant: all historic fabric should be reinstated to approved details and under the supervision of qualified English Heritage nominees. All costs for this supervision should be paid by the applicant.
3. There is a danger that unless exemplary action is taken in this case, it will be seen as a precedent by developers.
4. The retention of historic features – allowed under the extremely damaging existing consent which was recommended by Camden officers against the expert advice of English Heritage – are to be welcomed.

Primrose Hill CAAC objection from 4 December 2008:

"This a deeply disturbing case which reveals a scandalous set of failures. It makes one ashamed to be British.

1. It is shocking that the applicant was not aware – as admitted by DP9 in their letter of 22 September 2008 – that part of the building it proposed to demolish was listed.

2. It is shocking that Development Control at Camden went through the whole process of granting consent in 2006 without discovering that part of the building was Listed.
3. It is shocking that the applicant's contractors took insufficient precautions to prevent damage to Listed structures in August 2008 – again as admitted by DP9.
4. It is clear from the authoritative letter from the Greater London Industrial Archaeology Society dated 19 November 2008, signed by Malcolm Tucker, that the previous applications were not adequately assessed by officers, and that the current application for conservation area and Listed Building consents must be considered de novo. No further demolitions should be permitted, nor consent granted for demolition of collapsed or damaged fabric: this would establish the most dangerous precedent in the protection of listed buildings.
5. It should be obvious that all damaged fabric which is part of and associated with the Listed Building and with its setting must be fully reinstated, using original materials and to original forms and details. The lack of knowledge and care demonstrated so far must be addressed by stringent requirements for method statements which should be assessed before approval, and then monitored, by archaeologically qualified officers from Camden and English Heritage, as well, if possible by GLIAS.
6. The buildings on the former Camden Goods Yard are evidence for one of the great British achievements of the nineteenth century, in technical innovation and the development of transport as part of the alter stages of the industrial revolution. Their erosion and mutilation is an attack on the history of our nation, and on the history of Camden and London.
7. The shameful ignorance demonstrated by the applicants and their agents, and by Development Control officers involved in this case betrays us all."

4.2.3 Camden Town CAAC:

"We understand that revised drawings have been submitted since we reviewed this application, and that the revised drawings are acceptable to all parties.

Having said that, we continue to feel that the whole building is still one storey too high and would urge the developer/applicant to review the height of the building.

And finally, we have concerns about the volume of plant to be installed in connection with ventilators. Given that this building is in a densely populated area we would urge the applicant to give consideration to "natural ventilation". Alternatively a condition should be added to the planning permission regarding the use of time-clocks with attendant quiet periods during the evening, night and weekends."

4.3 Local Groups

- 4.3.1 GLIAS** – London Industrial Archaeology Society: Objected to the application when it was resubmitted, however following revisions made by the applicant they withdrew their objection.

Original Objection:

“Thank you for your letter dated 09 Jan 2009 (delayed in post) notifying GLIAS of these applications in replacement for last October's submissions.

We are pleased to see that the opportunity has been taken to address various discrepancies within the previous drawings; also that the rail tracks mentioned in our previous letter have been reinstated on the relevant drawing. We approve of the new manner of piercing the second-floor windows through the existing walls to minimise the loss of original features and fabric, and we are very glad to see a reduction in the number of new doorways next to the towpath.

However, the revised drawings have brought out some further matters of concern to us, presented below. I was able to meet Christopher Shaw, the surveyor acting for the developer, with others yesterday, when these points were discussed.

1) Lowering of Ground Floor windows at west end of building. The new elevations show the existing ground-floor windows lowered by about 0.4 metre, although this is not mentioned in the Design and Access Statement. The previously approved elevations prepared in 2006 showed these windows unaltered, and Drawings S [-] 202 to 204 of the 2006 series specifically identified them as windows to be retained. We find that the building cross sections, as previously approved and currently resubmitted, are entirely at variance with the both the 2006 and 2009 elevations. They show the window heads lowered slightly to avoid the new first floor (the underside of which appears to be about 0.25m below the existing window heads) and the window frames also lengthened, so that the sills are lowered even further than now proposed in the elevations.

The two pavilions at the NW and SW corners with the distinctive round arches (built as 2 storeys but later raised to three) were the original goods yard Offices of 1855, so of special interest in their own right and needing to be kept as closely as possible to their original form. But we have a particular concern additionally. Adjacent to each of the three ground-floor windows on the northern side there is a trumpet-shaped speaking tube through the wall, which was used by carters and yard workers to communicate with the clerks inside the building. The tubes are at roughly head height and the sills just 3 brick-courses lower, symbolising the higher status of office staff relative to outside workers in Victorian business. Lowering the sills would destroy these relationships.

Mr Shaw agreed that there seems no functional need for the sills to be lowered in these ground-floor offices and that the window heads should be able to rise above the soffit of the lowered first floor slab (as is already proposed to a much greater extent in the storey above). It will be sensible for all the windows in the two pavilions (those in the western elevation and the first 3 window bays eastwards along the north and south elevations) to be kept at their existing levels and not as proposed on the submitted elevations. We are not objecting to the ground floor windows being lowered to the east, where other remodelling of the fenestration are already approved, since that is architecturally different and of later build, providing a natural break.

2) Rebuilding of top of wall at north west corner. We raised this in our letter about the now withdrawn applications. The drawings show the upper part of the western elevation rebuilt "for health & safety" reasons. But this was remote from last August's collapse and it is not apparent that it has been damaged except peripherally. It will be in everyone's interest not to take down and rebuild the arched head of the wall as currently indicated unless close inspection reveals this to be essential.

Mr Shaw believes it is intended to reinstate the damaged top of the adjacent north wall in like-for-like construction, not as a modern cavity wall, but this is not clear in the documentation.

3) South Elevation – heads of new doorways next to Towpath: The new applications contain a drawing 4260 PL (21)001 showing the proposed roller shutter, which is to be recessed behind the steel lintel over each new doorway. Compared with the detail on ROHA's drawing A[-]001 revA that was approved in 2006, it appears that the proposed top of the lintel may now be two brick courses higher, cutting further into the line of historic ventilator grilles. The profile of the brickwork above the lintel does not match the existing. A further discrepancy is that the brickwork is shown as a thin skin backed onto new structure, whereas the new demolition drawing for the South Elevation, 4260 PL (D) 200 rev01, shows the existing brickwork retained above the doorways.

We appreciate that these are details under development and that construction may also need to vary from bay to bay, although the existing wall profile should be respected throughout. It occurs to us that the lintel could be set further back in the wall, so as to support a shelf angle projecting at its soffit. A brickwork facing could then be applied down to soffit level, giving an appearance similar to the new treatment of the inserted second floor windows. That would have the advantages both of allowing the ventilation grilles to be retained unaltered and of reducing the area and adverse visual impact of the new openings. We ask that this proposal be considered by the designers.

The meeting also discussed the possibility of reducing the size of the westernmost doorway, which we would support.

4) Listed Building Application for reinstatement next to Horse Tunnel. We have no comments and we appreciate the care being taken by the design team and the contractor.

In conclusion, we can see that the development needs to move ahead with minimum further delay, but the local discrepancies that we have identified need to be addressed."

4.3.2 Withdrawal of Objection by GLIAS:

"I have received from DP9 a copy of their letter to you of 5 Feb. with a substitution of 8 revised drawings and 2 detail drawings of openings.

Our concerns over the ground floor windows and top storey brickwork at the west end are now satisfactorily addressed.

I understand from the letter and drawings that the ventilation grilles will be retained in the top halves from the mid point upwards. Furthermore, Christopher Shaw has told me that my suggestion for recessing the roller shutters further into the door openings would not be acceptable on public safety grounds, as it might encourage loiterers, although that is a pity. We therefore withdraw our objections relating to the details of the doorways onto the towpath, which should leave the path clear for approval of the conservation area application.”

4.3.3 Camden Heritage Railway Trust objected to the application but then withdrew part of their objection as detailed below:

We had the opportunity to discuss our objections with Christopher Shaw of the Shaw Corporation, representatives of London and Newcastle (Camden) Ltd and the structural engineers last Friday. They agreed at the meeting on site that they would endeavour to make the amendments that the Trust is seeking, which are described hereunder.

- 1) The Application drawings show a lowering of the cills and rebuilding the brick lintels to the ground floor windows of the South, West and North elevations of the West pavilions of the 1855 counting house (Refer to Drg.No. S(--) 201 and 202 (Rev. A) of the consented application ref: 2006/1248P). These windows are marked “windows to be retained”. These windows are noted on Drg.No. 4260PL(P) 201 Rev. 01 (in yellow) on the new application as “new openings to meet Planning Consent 2006/5567/P”. This is not the case. We have now agreed with the applicants that this alteration is unnecessary and the Trust considers that it is also damaging to the conservation value of these buildings and should not be part of Consent
- 2) Demolition of the upper storey arches of the West elevation (shown in purple on Drg. No. 4260 PL(D)202 Rev.1). We discussed retaining the arches and securing them to the new structure behind. The engineer is going to make recommendations for the structural securing.
- 3) South Elevation (on Drg No. 4260 PL (P) 200 rev.01) to the canal.

The Trust welcomes the removal of the proposed openings to the canal wall close to the tow horse bridge. The Trust would wish to see the opening at the West end below the 1855 counting house pavilion elevation omitted. This would allow the retention of the canal side solid wall and ventilators undisturbed. The opening here is intended to be for plant ventilation but is drawn as a pair of glazed doors with steps up to the tow path (presumably for pedestrian access).

The applicants indicate that they will look at finding alternative means of achieving plant ventilation possibly through the atrium roof. This aspect of the old railway buildings is of great importance to the Conservation Area and is directly visible from the new access steps. The Trust also objects to the

proposed enlargement of the east side windows to form balconies at second floor level (which are not shown on the Application Drawing 4260 PL (05)001 rev.03).

- 4) Horse tunnel. We looked at the proposals to rebuild the collapsed part of the listed building and have no objection to these. The Trust recommends that the roof of the tunnel where it is constructed of reused rail track should be photographed prior to demolition and the photos lodged with Camden Local History Library.

While the Trust expresses its keenness to see the development move ahead, Conservation Area and Planning Consent should, in its view, be contingent on a satisfactory solution to the objections raised above”

4.3.4 Follow up comments received from CHRT:

- Reference the letter from the Camden Railway Heritage Trust 02.02.2009 and para. 3. Please note the following correction. The Trust is objecting to the balconies to the third (new) floor windows in the West end of the canal side 'counting house '(1855) elevation (next to Oval Road) where shown on Application Drg. No. 4260PL(P)200 rev 01 . These balconies are not shown on Application 2009/0066/P Drg. No. 4260 PL (05)001 rev 03.
- We have received from Shaw Corporation a copy of a letter of 5th February with a substitution of 8 revised drawings and 2 detail drawings of openings. Our concerns over the ground floor windows and top storey brickwork at the west end are now addressed. We accept the necessity of retaining the opening to the lower part (canal side) of the west end of the elevation for ventilation purposes.

Drawing No 4260PL (D) 200.02 still shows balconies on the 1855 counting house south elevation (on the canal) and we assume this is a mistake as they are not shown on the Planning drawing. We otherwise maintain our objection to these balconies because they would, if built, damage the conservation value of the building.

Officer Response: The balconies on the south canal facing elevation are as previously approved. They are shown on the plans and elevations submitted with the planning application.

The Trust believes it is very important to move ahead with this building work. The retained brickwork of the demolished building is uncovered and deteriorating and we think it is urgently necessary to complete the building-in of this work before it becomes ruinous. The Trust is anxious to stress that our objections are now withdrawn because our concerns are substantially answered.

4.3.5 Camden Civic Society:

"The Camden Civic Society is grateful to have been consulted about these important planning applications in the wake of the substantial structural collapse at this site last summer. I apologise for the delay in responding.

I have seen the narrative letter from the Shaw Corporation dated 27 January 2009 together with the letter to the Council from the Camden Railway Heritage Trust dated 2 February, and the two letters from the Greater London Industrial Archaeology Society of 31 January and 7 February. I was sorry not to have been able to attend the site visit on 30 January.

We would strongly support the detailed recommendations set out in the CRHT letter and which the applicant hopes to adopt, as well as those in the first GLIAC letter. We welcome the accommodating responses of the applicant to all the proposals and comments so far made and hope they will be acceptable to the Development Control Committee."

4.3.6 Subsequent response from Camden Civic Society:

"Further to my email of yesterday I have now seen more recent correspondence from CRHT and GLIAS in which, after discussions with the applicant with which I was unfortunately unable to be involved, they have now withdrawn their objections to and comments upon what is proposed. On behalf of the Camden Civic Society I am glad to do the same."

4.4 Other responses:

4.4.1 Thames Water: Have no objection to the application but asked that the following informative be attached to the decision notice: ""Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development."

4.4.2 Environment Agency: "I think our only concern was really that the roller shutters adjacent to the towpath would be better installed on the inside of the openings, to reduce potential graffiti.

Officer Response: The location of the roller shutters is to remove the recessed area of the doorway when the building is not in use.

4.4.3 Pirates Castle: "I notice that there is no provision for children and young people in your plan. In fact, there is very little provision for children and young people in the local area except the Pirate Club which is opposite to your development.

I would like to see the local children benefit from your planning application and I would suggest that a S.106 payment be made to the Pirate Club to run a project to give them a place to call their own.

For a S.106 payment of **£61,785** the Pirate Club would be able to expand its service to the local young people and make it a place they would be proud to be a part of.

The Pirate Club is a boating project, where children may play in safety and enjoy adventures on the canal. We can also run activities in our clubhouse, the Pirate Castle and run trips off site as well.

The funds would be spent on the following items:

Canoe cage: for the secure storage of our canoes and kayaks	£2,500
Pioner launch: with outboard motor, tunnel lights etc	£12,254
Wheelyboat: A wheelchair accessible launch from the Wheelyboat Trust	£9,200
Clubroom: Equipment for our new clubroom with pool, table tennis, table football, new furniture, art equipment, cooking equipment, games, MP3 music system, IT suite (plus server and WiFi), WII games console, Art equipment, TV etc.	£12,500
Activities on club nights: Cooking, Filmmaking, Music making, self-defence, dancing, comedy, yoga, drumming, art and graffiti workshops, clay modelling, puppets, drama, gardening, rope work, navigation and boat maintenance.	£5,250
Boats and equipment: Kayaks, canoes and rowing boats along with oars, paddles, lifejackets and buoyancy bags	£20,081
	<u>Total £61,785</u>

4.5 Adjoining Occupiers

	Original
<i>Number of letters sent</i>	193
<i>Total number of responses received</i>	3
<i>Number of electronic responses</i>	2
<i>Number in support</i>	0
<i>Number of objections</i>	2

4.5.1 Summary of objections received from adjoining occupiers:

38 Jamestown Road &
Resident of Gilbey's Yard [exact address not specified]

- Noise from construction which starts at 8am every week;
- Parking: The proposal includes inadequate levels of car parking, which will result in parking pressure for the occupants of Gilbey's Yard. The parking enforcement firm that you cite as controlling current parking in Gilbey's Yard are paid for by the residents and, as such, cannot be included in the reasoning of the planning application;
- Light: Strong objections to the loss of daylight and sunlight;

- Access: Our objections have been largely confirmed. The blind corner that has been created has resulted in several near misses that I have witnessed. Furthermore, construction and site vehicles have often reduced the entrance to Gilbey's Yard to a single lane or even cut off access altogether – this is very dangerous especially when considering access for emergency services;
- Duration: There is still no clear statement of how long this construction project will take. The dirt and dust what we have to endure is unacceptable. It is impossible to keep our flat clean, but in and outside. The same is obviously true fro t he cars of those who own them. We feel that this level of dust is very unhealthy for the residents.
- Privacy: Concerns that level of privacy will be greatly reduced. The proposed drawings clearly show balconies overlooking the current residencies I Gilbey's Yard, and coupled with the glass frontage on the proposed extra floors, the privacy that we have enjoyed for 10 years would be severely compromised.
- Our flat has physically shaken on many occasions during the development. We have found that after a prolonged period of "shocks" our windows and balcony doors are no longer "draught-tight" – our net curtains billow when it is windy and we are finding it very expensive and near impossible to keep our flat warm in the colder weather. This was not the case prior to commencement of the construction.
- The unique cobbled areas of Gilbey's Yard have been gradually damaged by the continuous traffic of heavy construction vehicles. Hollows are developing in the cobbles and in some areas the cobbles have become loose. I personally saw a car hit a hollow that was so severe, it caused the drivers airbag to deploy. Photographs were included in the objection to illustrate damage.
- I have studied the various documents that make up the planning application and I can see no mention of an assessment as to whether the cobbles could cope with such high traffic levels of heavy construction vehicles etc. It is our view that a formal assessment is necessary and, as such, we request that you urgently consider this. In addition, we feel that you should instruct the construction firm to sympathetically rectify the damage already caused.
- The drainage in Gilbey's Yard has suffered terribly as result of the dirt etc that has been created by the development. We now find that eve during "average" periods of rainfall the drains can no longer cope and result in large areas of standing water in a matter of minutes which can last for days. (photographs included with the objection). I can assure you that this was not the case prior to commencement of the development.
- We strongly fell that the residents of Gilbey's Yard have been badly let down by Camden Council in relation to the continuing development and building work that we have had to endure over several years this is the fourth major building project that has overlapped another (Gilgamesh, the Lockhouse, Stables market and 30 Oval Road) in addition to the temporary "office block" erected during the refurbishment of Interchange House (which presumably required Council consent). We can see it as nothing but unfair to keep gaining permission for planning application ns in the same area in such a short period o time without considering the overall effect and disruption to existing residents. Gilbey's Yard used to be a very tranquil place to live but the continuous developments on our doorstep have ruined that.

- I appreciate that the developers have signed up to a Section 106 agreement concerning the on-going damage to the cobbles in Gilbey's Yard. However, I am concerned about how repairs to the cobbled area are to be conducted. I feel that this should not be completed by the developer, but should be conducted by a professional restoration company who can independently assess and professionally repair the cobbled area. I do not feel that the developer has either the independence or the skill to assess or complete such work. It is evident from the repair that has been attempted on the hollow around the manhole which appeared a few months ago (please see my previous email regarding an incident where a driver's air bag was deployed as a result of driving into a pronounced hollow in the cobbles). I have attached a photograph that illustrates the "repair" work carried out – you can clearly see that the hollow has simply been filled in with cement and is not in keeping with the rest of the cobbled area.
- I have found the planning applications process very difficult to follow. For example, I had no idea that there had been any action concerning the cobbles in Gilbey's Yard (presumably as a result of the photographs I sent to Camden Council) until I phoned you.
- In view of this, I formally request a response to the points that I have raised regarding the development at 30 Oval Road (a copy of my previous letters are attached to this email). I am particularly disappointed that my comments concerning damage to our flat (item 6) remains unacknowledged and the fact that the problem of standing water and the associated health risk, are of no interest to the Council (Item 8) as you have stated that Gilbeys Yard is a private road.
- If this is not possible could you please let me know early enough today so that I may formally re-enter the unanswered points as our objections on the comments form for the ongoing planning application for the development of 30 Oval Road.

Officer Response: The case officer spoke with the objector over the phone and went through all of his objections and explained how they were being addressed as part of the application. A copy of the condition report of the cobbles was also provided for him.

4.5.2 Response to issues not included in the assessment below:

- Planning legalisation does not allow the Council to take structural damage to adjoining properties into consideration and this is a civil matter between adjoining occupiers. A structural engineers report has been submitted, which details how the remaining structure on site will be protected during construction.
- Issues of drainage within Gilbey's Yard are not a material planning consideration. However, the case officer asked the contractor to contact the objector to try to come to a solution with regard to this issue. The contractor has now agreed to rod the gulleys where the water is standing. They have also confirmed that they make a concerted effort to clear the puddles as they occur.

5. POLICIES

Replacement Unitary Development Plan 2006

- 5.1 S1/S2/S3 Sustainable Development (**Complies subject to condition**)
SD1 Quality of Life (**Complies subject to conditions and S106**)
SD2 Planning Obligations (**Complies**)
SD3 Mixed Use Development (**Complies**)
SD4 Density of Development (**Complies**)
SD6 Amenity for occupiers and neighbours (**Complies subject to conditions**)
SD7 Light, noise and vibration pollution (**Complies subject to conditions**)
SD8 Disturbance (**Complies subject to conditions**)
SD9 Resources and energy (**Complies subject to S106**)
SD10B Contaminated Land and Uses (**Complies subject to conditions**)
SD12 Development and construction waste (**Complies subject to S106**)
H1 New Housing (**Complies**)
H7 Lifetime homes and wheelchair housing (**Complies subject to S106**)
H8 Mix of units (**Complies**)
B1 General Design Principles (**Complies subject to conditions**)
B6 Listed Buildings (**Complies subject to conditions**)
B7 Conservation Areas (**Complies subject to conditions**)
B9 Views (**Complies**)
N4 Providing public open space (**Complies subject to S106**)
N5 Biodiversity (**Complies subject to conditions**)
N8 Ancient woodlands and trees (**Complies subject to conditions**)
T1 Sustainable transport space (**Complies subject to S106**)
T2 Capacity of transport provision (**Complies**)
T3 Pedestrians and cycling (**Complies subject to conditions**)
T7 Off-street parking, city car clubs and city bike schemes (**Complies subject to conditions**)
T8 Car free housing and car capped housing (**Complies subject to S106**)
T9 Impact of Parking (**Complies subject to S106**)
T12 Works affecting Highways (**Complies subject to S106**)
E1 Location of business uses (**Complies**)
E2 Retention of existing business uses (**Complies**)
Appendix 1 Noise and Vibration thresholds

Other Relevant Planning Policies

5.2 The London Plan February 2004

As the application was validated prior to the adoption of the Consolidated London Plan on the 19th February 2008, the policies of the London Plan 2004 are relevant to this application.

- 3A1 Housing Policies (**Complies**)
3B2 Demand and supply of office accommodation (**Complies**)
4A London's Metabolism: using and managing natural resources (**Complies subject to S106**)
4B Designs on London (**Complies subject to conditions**)

Supplementary Planning Policies

Access for all
Affordable housing & housing in mixed use development
Biodiversity
Car free and car capped housing
Conservation areas
Construction and Demolition
Contaminated land
Cycle access – parking and storage
Daylight and sunlight
Design
Designing safer environments
Energy and onsite renewable facilities
Landscaping and trees
Lifetime homes and wheelchair housing
Listed buildings
Materials and resources
Noise and vibration
Overlooking and privacy
Planning Obligations
Public open space
Residential development standards
Sustainable design and construction
Transport assessment
Travel plans
Vehicle access to sites. Car parking and services
Waste and recyclables – onsite storage
Water

6. ASSESSMENT

6.1.1 Due to the extent of demolition that has taken place on site, the development that was the subject of the previous planning permission[s] (including amendments approved in 2007) has, although originally lawfully implemented, become unlawful. Therefore no planning permission currently exists for the work that has taken place on site. However, in terms of design (excluding demolition), land use, mix of units, the previous planning permission, as amended in 2007 (see history), is considered to be a material planning consideration for assessment of the current application, as it was approved under current UDP policy.

6.1.2 Differences between previously approved schemes and current scheme

- Open Space Contributions have increased from £20,000 to £92,434.50;
- Due to the reduction of units on site, the education contribution has been reduced from £176,376 to £120,283
- Sustainability – The previous scheme provided 10% renewable energy through the provision of solar panels. The proposed scheme achieves a

20% reduction in CO₂ through the use of ground source heat pumps and a biomass boiler.

- Design amendments – detailed in paragraph 6.4.2
- Installation of roller shutters to office doors adjacent to tow path.
- Application for Conservation Area Consent
- Extent of demolition and rebuilding of demolished sections
- External basement wall to plant room moved 500mm inwards.
- Number and mix of units. There was an error in the description of development in the 2006 application. The description of development stated that 32 x 1-bedroom; 32 x 2-bedroom; and 12 x 3-bedroom units were being provided. However, the approved drawings show that 27 x 1-bedroom; 37 x 2-bedroom and 12 x 3-bedroom units were approved. The mix on the approved drawings [and not the description of development] has been taken as the approved scheme. The proposed mix of units is 27 x 1-bedroom; 35 x 2-bedroom; 6 x 3-bedroom and 2 x 4-bedroom units. The mix of units in the affordable housing element has not changed.

6.1.3 Differences between withdrawn scheme and the current scheme

- Number and mix of units – The previously withdrawn scheme had the same mix of units as previously approved. The proposed mix is detailed above.
- Design amendments– detailed in paragraphs 6.4.2
- Installation of roller shutters to office doors adjacent to tow path.
- Reduction in the amount of original fabric to be demolished – see section 6.2
- External basement wall to plant room moved 500mm inwards.
- Agreement to pay additional open space contributions
- Further justification received on financial viability
- Further justification for demolition under the criteria of PPG15.

6.1.4 The principle material planning considerations are as follows:

- Principle of demolition
- Listed building considerations
- Design
- Amenity
- Land use
- Housing Mix
- Public Open Space Contributions
- Education Contributions
- Residential Development Standards
- Affordable Housing
- Transport
- Landscaping
- Sustainability
- Community Safety
- Waste and Recycling
- Lifetime homes and wheelchair housing

- Contaminated Land

6.2 Conservation Area Consent

6.2.1 The amount of demolition that has been undertaken and is proposed, and the justification for this, can be split into two areas:

6.2.2 Demolition during the course of construction

6.2.3 It is proposed that the areas of brickwork that have collapsed and/or been demolished due to the structural failure in August 2008 are reconstructed in facsimile, using brickwork that has been reclaimed from the site, as far as practicable. This is primarily shown on the northern elevation, where three vertical bays and the uppermost portion of the adjacent three window arches (shown in orange and purple on the demolition drawing PL (D) 201 rev 02) have been removed, due to collapse and subsequent emergency stabilisation.

6.2.4 Whilst the loss of these original elements is regrettable, the appropriate rebuilding in facsimile, using reclaimed materials will go some way towards mitigating the loss of this fabric and ensuring that the character and appearance of the conservation area is preserved.

6.2.5 Demolition to facilitate the implementation of the 2006 planning permission

6.2.6 The scheme that was withdrawn at the end of 2008 showed large areas of proposed demolition, particularly on the south elevation, in order to facilitate the implementation of the 2006 planning permission. Large vertical sections of brickwork were proposed to be cut out in order to install the new window openings, which are at different levels to the existing building. The level of demolition shown was considered to be too great, did not preserve the character of the existing building, and was not considered to be justifiable under PPG 15.

6.2.7 The proposed methodology of the implementation of the external alterations has been revised significantly in this latest application, and it has been demonstrated on all elevations that a significant amount of brickwork will now be retained. Rather than cutting out large vertical slices, for ease of construction, it is now proposed to carefully dismantle the areas of brickwork around the new openings, toothing in reclaimed brickwork to match where old window openings become redundant. This is shown clearly on the revised conservation area consent drawings (PL (D) 200 rev 02, 201 rev 02, and 202 rev 02).

6.2.8 On the south, west and north elevations, the previously proposed alterations to reposition the ground level windows lower in the façade, have been omitted. This too will ensure that more historic fabric is retained than was previously proposed, and it is a welcome alteration to the scheme.

6.2.9 Two of the previously approved openings onto the canal towpath have been omitted in this scheme; which is welcomed as this will ensure that less historic fabric is removed, and the impact on the enclosed character of the canal will be mitigated to some degree. The two westernmost openings are now proposed to be

infilled with louvered doors, rather than glass doors as approved, which again will help with the characteristic sense of enclosure.

6.2.10 In light of the above alterations, which seek to retain more of the historic fabric than was previously proposed, by virtue of altering the construction methodology and reinstating in facsimile where fabric is removed, it is considered that it has been demonstrated that an amount of fabric has been retained which will allow for the character of the original building to be appreciated, and therefore to preserve the character and appearance of the conservation area.

6.2.11 A certain amount of demolition has already taken place, following structural failure on the northern side of the building in August of 2008, whilst implementing the previously-approved scheme. This demolition is regrettable; however, it was deemed necessary in order to stabilise the remaining fabric and prevent further uncontrolled collapse.

As the building was considered to make a positive contribution to the character and appearance of the conservation area, the current proposal for conservation area consent has been retrospectively assessed against the broad criteria set out in PPG15:

i. the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use:

No information was submitted in relation to the previous application to indicate that the condition of the building was such that it would be uneconomic to refurbish and retain. The permitted scheme was to retain the most part of the buildings. No information was subsequently submitted following commencement of works that provided a justification for a greater level of demolition. It is therefore considered that no case could be made to justify demolition on the basis of the requirements of this test.

ii. the adequacy of efforts made to retain the building in use.

The original intention, and content of the previous planning permission, was to retain the building in use, with permitted alterations. The partial collapse was unforeseen, and the subsequent partial demolition was undertaken in order to stabilise the remaining fabric and to prevent further collapse. It is intended to rebuild these elements in facsimile, re-using the existing brickwork that has been salvaged and is being stored on site.

In addition, alterations have been made within the current planning proposal which sees more of the original fabric of the building being retained than in the previously approved scheme; for example on the canalside elevation, the number of openings on to the towpath has been reduced, and it is now proposed to stitch brickwork in where window openings are being made on the upper floors, rather than cutting out slices of fabric. On the west and north elevations it is also now proposed to retain existing window positions in order to retain historic features below the sills.

It is considered therefore that this test has been met, as it has been demonstrated that efforts have been made to retain as much of the historic fabric as possible in rebuilding the damaged areas and in implementing the approved scheme.

iii. the merits of alternative proposals for the site.

The merits of the approved scheme have already been explored in terms of preserving the character and appearance of the conservation area; this application is considered to do the same. However, additional fabric is being retained and reincorporated in the currently proposed scheme, which is of greater benefit to the character and appearance of the conservation area.

6.2.12 Whilst the loss of these original elements of building fabric is considered regrettable, the appropriate rebuilding in facsimile, using reclaimed materials, will go some way to mitigating the loss of this fabric and ensuring that the character and appearance of the conservation area is preserved. The rebuilding in facsimile of the demolished elements and the retention of additional areas of original fabric are considered to have demonstrated that an amount of fabric has been retained that will allow for the character of the original building to be appreciated, and therefore to preserve the character and appearance of the conservation area. A structural report detailing the retention of the existing façade during construction has been submitted to the Council, compliance with this has been required as a head of term within the S.106. A condition is recommended that requires the brickwork for the rebuilt sections to be bricks reclaimed from the demolition on site. The applicant is satisfied that there are enough bricks on site to carry this out. However, should additional bricks be required, they will need to be submitted to the Council for approval prior to the relevant part of the building being reconstructed. A Head of Term has been added to the S.106 that requires the development to be completed within 24 months of the date of the permission.

6.3 Listed Building Consent

- 6.3.1 The Grade II listed horse tunnel runs from 30 Oval Road to the Stanley Sidings on Chalk Farm Road. The tunnel is of round arched brick construction with cast iron ventilation grilles placed regularly in the roof. Beneath 30 Oval Road, the tunnel ascends via broad steps to ground level.
- 6.3.2 The entrance to the horse tunnel will, as approved previously, form part of the lobby into the affordable housing accommodation, with the existing gates to the tunnel retained and a new panel above so as to ensure that the tunnel is secure and inaccessible except by arrangement. This lobby area within the building will have a setted surface so as to visually link the space with the historic hard landscaping that surrounds the building.
- 6.3.4 During the course of the works, the flank wall of the horse tunnel stepped entrance has failed, and has been partially dismantled as an emergency measure. The remaining portion of wall is severely cracked and will also require dismantling. It is currently propped by scaffolding. The justification for and methodology of the dismantling and rebuilding is considered acceptable in listed building terms. A

large number of bricks have already been cleaned off and are stored on site pending reinstatement.

- 6.3.5 Two historic granite bollards have been temporarily removed whilst the emergency works are underway; they have been packed in crates to prevent damage and are being stored safely. These will be reinstated at the entrance to the tunnel.
- 6.3.6 The method statements submitted are considered acceptable and therefore retrospective listed building consent is recommended for approval. Conditions as detailed below are recommended to be imposed on the Listed Building Consent. A Head of Term has been added to the S.106 requiring the listed element of the horse tunnel to be rebuilt within 3 months; a clause has been included in this Head of Term that states that, should an approval of details application be required for any replacement brickwork, then this will be extended to 6 months to ensure that an application can be assessed within the timescale of the S.106 requirement. An additional Head of Term has been added requiring a Public Access Plan for the Horse Tunnels to be secured and implemented.

6.4 Design

- 6.4.1 The proposed scheme under consideration is, in effect, the same as that which was granted in 2006. The bulk, height, layout, materials and design intention remain the same, but some minor elevational and detailed design changes have been proposed on the current drawings, as a result of modifications to the layout of accommodation at the upper two levels, and considerations which have arisen during construction and design development. The scheme under consideration is therefore not considered to be significantly different from the approved scheme in design terms and in its impact on the character and appearance of the conservation area. The revisions are addressed in turn below:

6.4.2 General:

- Railings at 4th and 5th floors have been omitted. This will reduce visual clutter.
- The revised layout to the accommodation at the upper two new floors has resulted in minor amendments to the layout of the solid to glass panels. The materials remain the same, and the alterations are not considered to impact significantly on the appearance of the building.
- Some alterations are proposed to the atrium area; in terms of materials and window openings etc. these will not have an impact on the external appearance of the building and are not considered to raise an issue in design terms.

South (canal) elevation:

- As noted above, alterations have been made to the canal frontage at ground floor level, in order to retain something of the sense of enclosure.
- A small area of brickwork will be removed and reinstated in facsimile above two of the openings, in order to facilitate the installation of the roller shutters.

- Overall, much more of the original façade and material is being retained than previously proposed.
- The string course on the original elevation will be broadly retained, with new windows cut through this due to the alteration in floor levels. This was not addressed on the originally approved scheme. The retention, as far as practicable, of this feature is welcomed, as the original design intent can be appreciated.
- An additional area of wall at ground floor level will now be retained, rather than replaced with railings.

North (Gilbey's Yard) elevation:

- Again, more fabric than previously proposed is being retained, including the existing position of the ground floor windows and the historic features beneath their sills.
- As a result of this alteration, the first floor slab will project downwards into the ground floor by c. 300mm. A detail of this in relation to the retained windows has been provided, and it is not considered that the size and position of this bulkhead will impact on the external appearance of the building in any meaningful way. No objections therefore.
- The proposed balustrade at 5th floor level, which was previously proposed to be perforated metal, is now proposed in glass. This is not considered to have a significant or detrimental impact on the overall appearance of the building or area. It picks up on design detail elsewhere on the building.

East elevation:

- The area of timber cladding at ground floor level is proposed to be extended slightly, in place of glazing.
- It is proposed to add a fire escape door at ground level, adjacent to the bin store.
- Two additional balconies are proposed at 4th and 5th floors. None of these alterations will have a significant or detrimental impact on the building or area.

West elevation:

- The upper part of the original elevation does not need to be rebuilt, and the demolition drawings have been amended to reflect this. This is welcomed.
- Officers recognise that when the previous application was considered, Members were concerned about the use of red brick on the western elevation. Therefore the drawings have been amended to remove the reference to red brick on this elevation, and it is recommended that the colour of the brick for this elevation be reserved for approval by condition. This will enable the Council's Conservation and Urban Design Team to ensure that the most appropriate colour of brick for this elevation is achieved, and also to ensure that this brick is in keeping with the other facing materials which are to be approved by condition.

6.4.3 In order to ensure sufficient design quality and to preserve the character and appearance of the conservation area, it is recommended that conditions be imposed requiring the following:

- Typical details of all windows to be installed;
- Sample panel of all facing materials;
- Typical details of all new balconies and balustrades;
- Works around the new windows to be carried out in accordance with drawing 4260 PL(21)00300;

6.4.4 In conclusion, the alterations to the previously approved planning application are not considered to have a significant impact on the building or conservation area, and are considered acceptable under UDP policies B1, B3 and B7.

6.5 Amenity

6.5.1 Daylight/sunlight

6.5.2 The applicants undertook an analysis of the impact of the proposed development on the current levels of daylight and sunlight received by the surrounding properties:

- 51-82 Gilbey's Yard;
- 1 to 8 Gilbey's Yard; and
- Academic House.

6.5.3 The tests carried out were as follows:

6.5.4 Vertical Sky Component (VSC) test

The percentage of sky visible from the centre of the window is known as the Vertical Sky component. Diffuse (light received from the sun which has been diffused through the sky) daylight will be adversely affected if after a development the VSC is both less than 27% and less than 0.8 times its former value.

Average Daylight Factor (ADF)

The average daylight factor is more reliable than the first two diffuse daylight tests. This is because ADF test takes into account a range of variables which the other tests do not (e.g. size or amount of windows in a room)

Sunlight Availability to windows

The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces 90 degrees of due south. The BRE guide recommends that main living room windows should receive at least 25% of the total annual probable sunlight hours, including at least 5% of the annual probable sunlight hours during the winter months between 21st September and 21st March. Sunlight availability will be adversely affected if both the total number of

sunlight hours falls below these targets and is less than 0.8 times the amount before the development.

6.5.5 The overall height and bulk of the development has not materially changed from the previously approved scheme. The assessment of the previous scheme considered that the proposed would not result in a detrimental loss of daylight, sunlight or outlook to the surrounding properties. However, the impact on the surrounding properties has been reassessed as part of this application. The results were as follows:

6.5.6 51-82 Gilbey's Yard - Daylight

6.5.7 The windows are not identified by flat numbers but are referred to as rooms. A drawing showing the location of these rooms is attached to this report. The table of results shows that Room 4 will experience a loss of more than 20% of existing daylight. However, the loss will be 20.7%, which is only 0.7% greater than the recommended level. It is therefore considered that the loss will not result in a detrimental loss of daylight to this window. The VSC tests on one of the ground floor windows (Room 5) showed that the window would experience a loss of 22.1% of the existing levels. As a result an ADF test was carried out on this room. This showed that the room would receive in excess of the required level of internal daylight required under British Standard. Therefore this room overall would not experience a detrimental loss of daylight.

6.5.8 Room 3 on the ground floor has two windows which are located behind the existing single storey structure and in the recess created by the dogleg of the development. The daylight tests showed that this room currently receives a substandard level of daylight and would require artificial light for the majority of most days. The ADF tests carried out on this window showed that only a marginal reduction in comparison to the current levels would occur and therefore the proposed development would not result in a detrimental impact to this property.

6.5.9 Sunlight

6.5.10 All of the two windows except for rooms 3 and 4 would receive in excess of the 25 annual probable sunlight hours. However, these rooms still remain above the BRE suggested level of 5%.

6.5.11 1-8 Gilbey's Yard

6.5.12 As these windows are not located within 90 degrees of due south, sunlight tests were not required. The daylight tests carried out showed that the proposals would not result in a detrimental impact on the current levels of daylight received by these properties.

6.5.13 Academic House

6.5.14 As with 1-8 Gilbey's Yard, none of the windows potentially affected by the development face within 90 degrees of due south and therefore no sunlight tests

were required. The daylight tests showed that none of the windows on the northern elevation of this building would be detrimentally affected, by the proposal.

6.5.15 Overlooking/Outlook

6.5.16 The location of the balconies, windows and extent of glazing on the 1st to 3rd floor elevations facing 51-82 Gilbey's Yard, 1 to 8 Gilbey's Yard and Academic House has not changed from the approved scheme. The glazing has been altered on the ground and 5th floors; however this is not considered to raise any new amenity issues. Camden Planning Guidance states that in order to avoid overlooking between windows directly facing each a distance of 18m should be provided between windows/balconies of each property. With the exception of a set of balconies on the facing the side elevation of 75 to 82 Gilbey's Yard, all of the windows and balconies are in excess of 18m from the nearest habitable windows. The windows on the side elevation of 75 to 82 Gilbey's Road are small secondary windows. It is considered that, due to their size, the proposed balconies and associated windows will not result in a detrimental impact on the privacy of the occupiers of these properties. Therefore, no conditions with regard to privacy screens or obscure glazing are required.

6.5.17 As discussed above, the height and bulk of the development is the same as previously approved. It is considered that the proposed development would not result in a detrimental loss of outlook to surrounding properties.

6.5.18 Noise and vibration

6.5.19 The installation of plant and equipment to serve commercial and residential units will be located in two basement plant rooms, a substation at ground floor level and a designated plant area on the roof. Although manufacturer's sound data for some of the roof mounted plant / equipment has been submitted, none has been provided for the emergency chiller unit also located on the roof, the plant /equipment located at basement or the ground floor substation.

6.5.20 The lowest background sound level recorded by the consultant during the environmental survey is **44dB(A)**. The consultant has stated that plant /equipment will operate 24-hours and has used this figure to set a sound level to comply with the Council's criterion. The acoustic consultant has confirmed that plant / equipment will operate 10dB(A) below the lowest background sound level; thus should not exceed **34dB(A)** at the nearest noise sensitive façade.

6.5.21 The sound mitigation measures proposed are in the form of an acoustic enclosure and a noise barrier. However, there are no acoustic details on the type of barrier or the enclosure and their acoustic properties.

6.5.22 The acoustic consultant theoretically predicts that, with the acoustic scheme implemented, a sound reduction level of **32dB(A)** will be achieved at the nearest noise sensitive façade. Whilst this appears satisfactory, there is concern that the consultant's calculation of the sound reduction barrier does not show exact distance measurement figures from the sound source (e.g. the plant / equipment) to the nearest noise sensitive façade [the receiver]). Therefore, it is recommended that a

condition be imposed stating that prior to installation the sound data for the emergency chiller unit as well as the basement plant / equipment and ground floor substation detailing the overall sound level at the nearest noise sensitive façade be submitted for approval. The information will also need to demonstrate:

- 1) the barrier calculation in detail, so the Council can assess if any proposed attenuation is sufficient;
- 2) Detailed information on the type of acoustic enclosure and sound barriers.

6.6 Land use

- 6.6.1 The principle of the change of use of the upper floors of the premises from B1 (Office) to C3 (Residential) was accepted as part of the previous application. The loss of the B1 office space was considered acceptable, because the existing office space on the upper floors was not of a particularly high quality for ongoing office and had been vacant since 2003. The increase in useable office floorspace provided by the basement, which was previously used as storage, was also a consideration. The proposal will result in the provision of *2506m² of high quality accommodation*. It is considered that the proposed change of use continues to satisfy policy E2 (Retention of existing business uses), and therefore the Council have no justifiable reasons for changing its position with regard to the loss of employment floorspace. The previous S.106 included a Head of Term that required the office element to complete all works of construction and fitting out to provide the B1 element to Shell and Core Finish. This is to ensure that the B1 element will be provided. This has been also been required as a Head of Term of this S.106.
- 6.6.2 In terms of the provision of new housing, the policy H1 seeks the fullest use of underused sites and buildings for housing, provided that the accommodation reaches acceptable standards. This proposal would provide 70 new residential units and as such complies with policy H1.

6.7 Housing Mix

- 6.7.1 The applicants propose the following unit mix;

	Private	Affordable	Total
1-bedroom	15	12	27
2-bedroom	27	8	35
3-bedroom	2	4	6
4-bedroom	2	0	2

- 6.7.2 The proposals result in a split across the whole development of 39% x 1-bedroom, 50% x 2-bedroom and 11% x 3+-bedroom. The affordable element provides a broadly acceptable mix. However, the over-predominance of smaller units in the private element is of concern, particularly given the requirements of Policy H8 and the findings of the Housing Needs Survey, which indicates a shortfall of family sized accommodation.

- 6.7.3 This mix is also a reduction from the mix in the previously approved scheme which proposed 8 x 3/4-bedroom units in the private element. However, there was an acknowledgement in the assessment of that scheme, as in this, that, whilst there is a heavy bias towards 2-bedroom accommodation, it is reasonably consistent with CPG para. 3.23 and also the Mayor's Housing SPG, which groups market units of 2- and 3-bedroom units together. The CPG (paras. 3.23) accepts in principle a mix of market units that maximises their value, in order to enable provision of large social-rented units. It is clear that the applicants have arrived at this unit mix in order to maximise their potential returns in the context of the deficit in the residual value of the scheme, as outlined in the viability assessment. It is highly likely that insisting on a revised unit mix with more family sized accommodation in the private element would have a further negative impact on the viability of the scheme. Taking into account the particular constraints of this development, and the fact that the mix of affordable units is broadly acceptable, there are no objections to the unit mix in this instance.

6.8 Public open Space Contributions

- 6.8.1 Terraces and balconies are provided for 57 out of the 70 residential units. However, the proposed development is still likely to create additional demand for public open space in the surrounding area. Policy N4 requires the provision of 9m² of open space per person for residential developments providing 5 or more additional dwellings. Based on the CPG, an area of 1107m² would be sought for a development of this size and unit mix. In addition, a contribution towards maintenance for 5 years is required. In terms of a financial contribution, this would equate to a payment £92,434.50 in lieu of open space provision on site. A contribution has not been required for the commercial element, as the proposal involves the overall loss of commercial floorspace on site.
- 6.8.2 The area surrounding the site is recognised as being deficient in open space. As part of their consultation response to this application, the Council's Parks and Open Space Service have carried out an assessment of the provision of surrounding open space and, other than the Pirates Castle, the nearest community facilities are at Castlehaven Community Centre in Hawley Road. However, this is approx. 700 metres from the development, so well outside the benchmark standard established in the Mayor of London's SPG on Providing for Children and Young People's Informal Recreation (400 metres for 5 - 11 year olds). The Pirates Castle was recently refurbished, using contributions received from the development at 35 Oval Road. However, additional funding is needed for fitting out and equipment, including equipment for a space to be used for play and youth club activity. Parks & Open Spaces have also spoken to the Youth and Community Services Manager at One Housing Group (the housing association that manages the existing social housing in Gilbey's Yard and will manage the affordable units at 30 Oval Road). He states that One Housing would be interested in using the Pirates Castle for activities for young people living in their properties in the area.

6.8.3 Education Contributions

- 6.8.4 In accordance with Camden Planning Guidance, education contributions are required for 27 x 2- bedroom, 2 x 3-bedroom and 2 x 4-bedroom units within the

private residential element. The total contribution required is £120,283; this will be secured as a Head of Term in the S.106. Education contributions are not required for affordable housing.

6.9 Residential Development Standards

6.9.1 The applicant has carried out tests on the levels of light received by the proposed flats. This shows that all of the windows except one bedroom window on the lowest floor receive adequate levels of light. The window which is below the daylight levels is only 0.01% and therefore not detrimental.

6.9.2 62 of the proposed flats achieve and, in most cases, exceed the minimum floorspace for flats set out in Camden Planning Guidance. The remaining eight units are made up of the following:

4 x 1-bedroom (one on each of the 1st, 2nd, 3rd and 4th floors)
4 x 2-bedroom (one on each of the 1st, 2nd, 3rd and 4th floors)

The eight units which are considered to be below the required floorspace are as previously approved. In the case of the 1-bedroom units, the floorspace is 46m², which is 2m² less than required floorspace for a 2-person unit. They are however in well in excess of the floorspace required for a 1-person unit. The 2-bedroom units are 58m², which is 3m² below the required floorspace for a 3-person unit but in excess of the requirement for a 2-person unit. Although they are below the required floorspace, it is considered that as they are only 2m² and 3m² below respectively, the units would still provide an acceptable standard of living for occupiers.

6.9.3 As discussed above, terraces and balconies are provided for 57 out of the 70 residential units.

6.10 Affordable Housing

6.10.1 The previous planning permission provided 31.6% of the proposed residential units as affordable housing; these are all social rented unit. This level of affordable housing was accepted following the submission of a viability statement from the applicants. The applicant has entered a contract with an RSL with regard to the provision of this accommodation. The proposed provision of affordable housing on this site remains as previously approved. As Policy H2 requires the Council to seek 50% affordable housing, the Council required a new viability assessment to be submitted. Officers were aware of the concerns that Members had raised about the level of affordable housing that had been achieved during their consideration of the previous application. The Council therefore instructed an external chartered surveyor to undertake a full appraisal of the viability assessment. During the consideration of the withdrawn scheme, the Council and their surveyor raised a number of issues with the applicant with regards to the detail of the viability assessment. The applicant has provided further justification and evidence with regards to these points. The viability statement has been assessed on two occasions by the surveyor (the initial viability statement and then the additional justification and the information submitted by the applicant). It has also been

assessed by the Council's Policy team. The advice that has been received is that the submitted viability appraisal demonstrates that there is no potential for the development to deliver additional affordable housing. The revised toolkit addresses the various concerns outlined by the surveyor and the Council, and the amended values still give a negative residual value for the scheme. The information contained in the viability statement is commercially sensitive and therefore cannot be discussed within the committee report. In the event that Members want to have a more detailed explanation of the figures, it should be noted that this will have to be provided on a confidential basis, rather than the details being discussed in the public domain.

6.11 Transport

6.11.1 The site is located on Oval Road, west of Camden Town town-centre on the Grand Union Canal. The site is bordered by Gilbey's Yard (a private road) to the north and east, the canal to the south and Oval Road itself to the west. There is vehicular access to the site and access to public transport is excellent (PTAL 6a). There is an existing building on the site accommodating 3,413m² of B1 office space, although it is presently vacant. It is proposed to redevelop this site to accommodate 70 residential units with 2,506m² of B1 use. This represents a net loss of 907m² of B1 floorspace. The development will also include 20 off-street car parking spaces.

6.11.2 Travel Plan

6.11.3 Policy T1 (Sustainable Transport) states that *"The Council will require applicants to provide a Travel Plan to manage travel arising from any development that significantly increases travel demand or would otherwise have a significant impact on travel or the transport system."* The proposal includes the construction of 70 residential units. Given its scale, the development will have a significant impact on the transport system. The applicant has submitted a framework for a Travel Plan, and this is acceptable. The Travel Plan itself will need to be secured through a S.106 Agreement – a Head of Term has been added to the S.106 to secure this.

6.11.4 Cycle Parking

6.11.5 Camden's Parking Standards for cycles (*Appendix 6 of the Unitary Development Plan*), states that 1 storage or parking space is required per residential unit for residents, and 1 per 10 units, or part thereof, for visitors. The proposal is for 70 residential units; therefore 70 cycle storage/parking spaces are required for residents and 7 for visitors, making 77 required for the residential component. Given that there is a net loss in floorspace for the commercial component, it can be considered that there will be no increase in demand for the transport network. Therefore no cycle parking for the commercial component will be required.

6.11.6 The application when submitted only provided 69 cycle parking spaces and these were considered to be substandard in design, given the insufficient spacing included and that some of the spaces involve hook-and-hang vertical systems. The applicant subsequently revised the cycle parking provision to provide 70 cycle parking spaces for residents and 7 for visitors. Transport planners were re-

consulted on the revised design, and were satisfied that the revised provision satisfied the Council's requirements with regard to numbers and design. It is recommended that a condition be imposed requiring the cycle parking provision as shown in the revised drawings be fully provided prior to first occupation and permanently maintained.

6.11.7 Car Parking Provision

6.11.8 The proposal includes provision for 70 residential units and for 20 off-street car parking spaces, including 1 disabled parking bay. Camden's Parking Standards state that for a residential use, 1 disabled parking space per 10 units, or part thereof, should be required. Therefore, strictly speaking, 8 disabled parking bays should be required. This ratio was not required as part of the UDP Adopted March 2000; however, it is now included in the most recent UDP (Replacement UDP, Adopted June 2006) and so should be applied. However, it is acknowledged that in reality this may be an overprovision for disabled parking bays as experience has demonstrated that providing the required number of disabled parking bays frequently results in not all of them being used. Therefore, it is recommended that of the 20 parking spaces proposed, 4 disabled parking bays should be required. A condition will be imposed to this effect. A condition has also been imposed stating that the car parking provision be provided prior to first occupation and permanently maintained.

6.11.9 The proposal includes a reduction of 7 off-street car parking bays from an existing 26 to 20; 4 of which should be required for disabled parking. Therefore, this would result in a reduction in travel demand on the transport network. In addition, the previous planning permission allowed 20 off-street car parking spaces. Although this site is appropriate to be made car-free, there have been no substantial policy changes since the previous UDP on which basis the previous planning permission was granted; it would therefore be unreasonable to require this development to now be car-free. Therefore, in keeping with the previous permission, this development should be made car-capped through a S.106 planning obligation for the following reasons:

- The site has a Public Transport Accessibility Level of (PTAL) of 6a (excellent) and is within a Controlled Parking Zone.
- Not making the development car-capped would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. Camden Town North (CA-F(n)) CPZ operates Mon-Fri 08:30 - 18:30, Sat-Sun 09:30-17:30 and has a ratio of parking permits to available parking bays of 1.16:1. This means that more parking permits have been issued than spaces available.

6.11.10 Construction Management Plan

6.11.11 Due to the extent of the proposals there will be a significant number of construction vehicle movements to and from the site, which will have a significant impact on the transport network. Therefore a Construction Management Plan should be required as a Head of Term within the S.106. As construction has already begun on site, it

the details of the construction management plan should be submitted to the Council within one month of the date of the decision.

6.11.12 Servicing Management Plan (SMP)

6.11.13 The proposal includes the construction of 70 residential units, which is of a significant scale. In addition, there will be 2506m² of B1 use on the site. Therefore, when the building has been constructed, there will be a significant servicing requirement resulting in a high number of service vehicle movements to and from the site. This will have a significant impact on the transport network. The way a site is serviced can have an impact on transport, because it can create obstructions and possible dangerous situations. A Servicing Management Plan is needed to manage the way in which a site is serviced to ensure that this does not happen. This should be submitted within three months of the date of the decision. A Head of Term has been added to the S.106 to secure this.

6.11.14 Work to the highway

6.11.15 As the site is only fronted by a private road (Gilbey's Yard) which, is not maintainable at public expense, a financial contribution will not be required for the highway. However, there is still the issue that the carriageway and footway of Gilbey's Yard could be damaged. Therefore, a clause should be included in the S.106 stating that any damage to Gilbey's Yard will be made good and returned to the condition it was prior to works starting on site. The applicant has already required their building contractor to undertake a pre-condition report of Gilbey's Yard. A Head of Term has been added to the S.106 requiring the granite setts in Gilbey's Yard to be restored to the condition set out in the pre-construction condition report. This work should be completed prior to first occupation of the development.

6.12 Landscaping

6.12.1 The hard landscape details show a minimally invasive scheme that respects the former industrial/railway character of the area following details of the previously approved scheme (Ref: 2007/0698/P details of Hard and Soft Landscaping and Parking). Any planning permission should be conditional on the submission and approval of hard and soft landscape details including details of the construction, planting and maintenance of the green roof.

6.12.2 An area of green roof has been included on the first floor roof within the central atrium. The applicant was asked to justify why the remaining areas of flat roof are not to be covered in green or brown roofs. The applicant's structural engineer has stated that the addition of brown or green roofs would require a significant change to the superstructure of the building that is currently under construction on site. The work on site, including some of the works to the basement and foundations, was begun as part of the implementation of the previous planning permission and prior to the collapse on site. The roof structure, supporting columns, transfer structures and foundations have been designed with the minimal loading at roof level i.e. the loading consistent with a proprietary water proofing membrane. The addition of a green or brown roof will necessitate a redesign of the superstructure resulting in

large extras in design time, program delays and additional construction costs. Such a roof construction will also add to the total height of the building. It is considered that the further delays in the process to accommodate additional green and brown roofs would have a significant impact on the viability of the scheme and would not be warranted in this instance.

6.13 Sustainability

- 6.13.1 The previous permission included the provision of solar panels to create 10% renewable energy on site. Requirements have now changed; the applicant is now required to provide 20% renewable energy or a 20% reduction in CO₂. An energy statement was submitted as part of the application. This demonstrated that the development is capable of meeting Code for Sustainable Homes Level 3 and excellent for BREEAM for offices. A Head of Term has been added to the S.106 requiring a post-construction review to be carried out to ensure that these standards have been met. The applicant proposes to use a combination of ground source heat pumps and biomass boilers to achieve a 20% reduction in CO₂. The boreholes and pipes for the ground source heat pumps have been installed. The S.106 will require meters to be installed so that the output from the pumps can be monitored. There are concerns about the use of biomass boilers in the Borough, due to air quality levels. It would have been preferable if the scheme had used Combined Heat and Power (CHP) or used the canal for heating and cooling. However, CHP is considerably more expensive to install than a biomass boiler and the applicant has demonstrated through the viability statement discussed above that the scheme at present is not viable. It is considered that a requirement for the installation of CHP would further impact on the viability of this scheme. The basement of the development has been built; as discussed above it was necessary that the work on the basement continued in order to provide additional stability to the remaining structure above. Due to the works that have been carried out to the basement, it would be very difficult to retrofit a ground/water source heat pump system which uses the canal for heating and cooling.
- 6.13.2 Camden has been designated as an Air Quality Management Area for failing to meet the Government's health based air quality standards for nitrogen dioxide (NO₂) and particulate matter (PM10). The south of the borough has particularly poor air quality. Biomass boilers produce higher particulate matter and nitrogen oxides emissions than gas boilers. Even though biomass boilers are identified as being carbon neutral, these appliances can have a negative impact on local air quality. In order to protect air quality and public health, the Council are discouraging the use of biomass boilers; with preference given to other non-combustion renewable heat technology such as solar thermal or ground source heat pump. In cases where biomass boilers are to be installed, the Council are requiring the highest levels of air pollution emission control. Specifically this relates to the type of biomass boiler that is installed, the use of emission control equipment and the fuel that is used in the appliance. Camden has also been designated a Smoke Control Area under the Clean Air Act 1993; which means that strict controls must be placed with regards to burning solid wood fuel. Biomass boilers that use wood must be certified as 'exempt' by the Government to ensure they operate without generating smoke. The Council requires an air quality assessment to be undertaken for all biomass boilers to ensure that the height of the boiler exhaust stack is acceptable

and allows the effective dispersion of pollution emissions, thereby lessening potential impacts on air quality.

6.13.3 To ensure that the biomass boiler does not have a detrimental impact on the current air quality levels in the area, it is recommended that the following Heads of Terms be added to the S.106:

- Details of the type of boiler and fuel to be used, the source of the fuel and deliveries and storage of the fuel, maintenance of the boiler
- Specific requirements to reduce and control emissions to air
- An air quality assessment to be submitted for approval prior to installation of the biomass boiler

In addition, it is recommended that the S.106 requires a meter to be installed on the biomass boiler to ensure that it is used at its full capacity [except during maintenance periods] to ensure that the 20% target is met.

6.13.4 The applicant has also agreed to install a boiler that is designed to enable connection in the future to a decentralised heating system. This has been required as a Head of Term within the S.106.

6.14 Community Safety

6.14.1 The previously approved and withdrawn schemes included recessed doors to the offices on the canal elevation. The scheme still includes recessed doorways to the office space; however, the doors will be fully glazed which will provide passive surveillance of these areas during office hours. Shutters are to be installed to enclose the recessed area outside of office hours. Details of the appearance of the shutters have not been submitted with the application, and a condition has been imposed requiring such details. A condition has also been imposed requiring the roller shutters to be installed at the same time as the proposed recessed glazed doors. It is considered that the glazed doors and the shutters will ensure that the proposed development will not raise safety issues for members of the public using the canal tow path.

6.14.2 The proposal does not include details of external lighting of the property. It is recommended that a condition be imposed requiring details of the external lighting to be installed on the building. This condition will require details of the appearance and location of the lighting and a light impact survey to ensure that the lights will not result in light pollution to the adjoining occupiers.

6.14.3 The doors to the office on the north side of the building have been amended to open inwards, in order to avoid the creation of a hazard for pedestrians. Bollards were installed adjacent to the doors of the sub-station and the affordable housing refuse store to act as a barrier for pedestrians from the opening doors. The doors to these two elements are louvered for ventilation and have to open outwards due to space restrictions and fire regulations. A set of office doors on the eastern elevation are still opening outwards as this is a fire escape. Due to the location of the doors and the fact it will only be used as a fire escape, they are considered

acceptable. A condition has been imposed requiring the bollards to be installed prior to first occupation.

6.14.4 Subject to the above conditions, the proposal is considered to comply with Policy SD1d.

6.15 Waste and Recycling

6.15.1 The area in which the development is located is served by twice weekly collections of residential waste and weekly collections of residential recycling. The collection for the commercial element will be by separate paid commercial arrangement. The refuse and recycling storage for the development has been divided into storage for private residential, affordable residential and office. The Council's Street Environment Services were consulted on the application, and are satisfied that the proposal includes sufficient waste storage space for twice weekly collections. Both the affordable and private residential storage include five bins for recycling. This is sufficient to ensure that paper and cardboard, glass mixed colours, tin and aluminium and plastic bottles can be properly separated in accordance with Council requirements. The office storage area includes the provision of 8 bins which is considered acceptable. The private refuse storage is located in the basement of the development and included a hoist system to enable the bins to be brought to ground level for collection. Details of the bin store at ground floor level have not been included in the proposal and therefore a condition has been attached requiring details of this store to be submitted within 2 months of the date of the consent. This condition will require the waste and recycling storage to be provided prior to first occupation of the site and retained as approved. As discussed above, it is recommended that a Service Management Plan be required as a Head of Term within the S.106. This will include details of the management of refuse and recycling collection.

6.16 Lifetime Homes and Wheelchair Housing

6.16.1 The proposed residential units are required to comply with Lifetime Homes standards, and 10% of the units are required to be wheelchair accessible. The previous planning permission included a condition requiring details of Lifetime Homes and wheelchair housing to be submitted for approval. This information was submitted and approved, and provided 33% of the units as wheelchair accessible. The layout of the affordable housing approved as part of this condition has not changed, and is therefore considered acceptable in terms of Lifetime Homes and wheelchair housing. However, to ensure that Council has control over this, a Head of Term has been added to the S.106 requiring the applicant to submit the full details as previously approved and to construct the scheme in accordance with this. The layout of the private units has changed due to the amendment to the mix of units. Due to the size and layout of the units, it is considered that they will be capable of meeting these standards. A Head of Term has been added to the S.106 requiring details of how the units will comply with Lifetime Homes standards and that at least 10% of the units will be wheelchair accessible to be submitted to the Council within two months of the date of the decision, and to secure this in the build out.

6.17 Contaminated land

6.17.1 Condition 2 of the previous planning permission required “Details of ground investigations pursuant to condition 2 of planning permission granted subject to a S.106 legal agreement granted on 10 July 2006 (ref:2006/1248/P)”. The applicant undertook ground investigations and the results were submitted to the Council for approval. The results were considered acceptable and the condition was discharged on the 11/9/2007. The officer’s report stated that the applicant had agreed to carry out tests on an oil storage tank in the basement and provide the Council with these results. The applicants have submitted this information as part of the application. The Council’s Environmental Health Department are satisfied that the information submitted demonstrates that the site is suitable for use under Part IIA of the EPA 1990 (contaminated land regs).

7. CONCLUSION

7.1 It is recommended that planning permission, listed building consent and conservation area consent is granted subject to the conditions below and the S. 106 Heads of Terms below:

- Construction to be undertaken in accordance with the submitted structural report;
- Development to be completed within 24 months of the date of the decision;
- Listed Horse tunnels to be rebuilt within 3 months;
- B1 element to be finished to shall and core finish prior to any residential units being occupied.
- Public Open Space contributions: £92,434.50
- Education Contributions: £120,283;
- Affordable housing to be provided – Social rented houses;
- Compliance with Travel Plan;
- Car Capped Housing;
- Construction Management Plan;
- Servicing Management Plan;
- Granite Setts in Gilbey’s Yard to be restored to the condition prior to construction;
- Sustainability Plan which includes: Post Construction review – Code for Sustainable Homes & BREEAM; details of Biomass boiler & Air quality assessment;
- Lifetime Homes and Wheelchair Housing – details for approval & implementation in accordance with approved for private units.
- Lifetime Homes and Wheelchair Housing – full details in accordance with the previously approved details and implementation in accordance with approved in the affordable units.
- Public Access Plan for the Horse Tunnels.

7.2 In the event that the S.106 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:-

- The proposed development, in the absence of a legal agreement requiring a reconstruction of the building within 18 months of the date of the decision, would result in an unacceptable impact on the character and appearance of the Regents Canal Conservation Area contrary to policies B1 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- The proposed development, in the absence of a legal agreement for car-capped housing, would be likely to contribute unacceptably to parking congestion in the surrounding area, contrary to policies T8 and T9 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- The proposed development, in the absence of a legal agreement requiring a Sustainability Plan; would fail to be sustainable in its use of resources, contrary to policies SD9 and B1 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- The proposed development, in the absence of a legal agreement requiring the internal design of the new units to appropriate Lifetime Homes standards and the provision of 10% of the housing as wheelchair accessible, would fail to provide housing adaptable and suitable for future residents, contrary to policy H7 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- 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 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- The proposed development, in the absence of a legal agreement securing public open space contributions, would be likely to contribute unacceptably to pressure on the Borough's open space facilities, contrary to policy N4 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- The proposed development, in the absence of a legal agreement requiring a Construction Management Plan, would be likely to result in an unacceptable impact on the public highway, contrary to policy T12 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- The proposed development, in the absence of a legal agreement requiring a Servicing Management Plan, would be likely to result in an unacceptable impact on the public highway, contrary to policy T12 of the London Borough

of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.

- The proposed development, in the absence of a legal agreement requiring compliance with the Travel plan Plan, would be likely to result in an unacceptable impact on the local transport system, contrary to policy T1 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- The proposed development in the absence of a legal agreement requiring the granite setts to be restored to their condition prior to construction would result in an unacceptable impact on the character and appearance of the Fitzjohn/Netherhall Conservation Area contrary to policies B1 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- The proposed development, in the absence of a legal agreement securing the affordable housing units on site, would fail to contribute tot the supply of affordable housing; contrary to policy H2 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.
- The proposed development, in the absence of a legal agreement requiring the B1 element to be finished to a shell and core finish prior to the occupation of the residential units, would be likely to result in a loss of employment floorspace, contrary to policy E2 of the London Borough of Camden Replacement Unitary Development Plan 2006.

7.3 In the event that the S.106 Legal Agreement referred to above has not been completed within 13 weeks of the date of the registration of the application, the Development Control Service Manger be given authority to refuse conservation area consent for the following reasons:-

- The demolition of this building, in the absence of a legal agreement requiring a reconstruction of the buildings in accordance with the approved drawings within 18 months of the date of the decision; and details of the methods of retention of the remaining facades; would result in an unacceptable impact on the character and appearance of the Regents Canal Conservation Area contrary to policies B1 and B7 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.

7.4 In the event that the S.106 Legal Agreement referred to above has not been completed within 13 weeks of the date of the registration of the application, the Development Control Service Manger be given authority to refuse listed building consent for the following reasons:-

- The demolition of the listed structure, in the absence of a legal agreement requiring its reconstruction of the buildings in accordance with the approved drawings within 3 months of the date of the decision; would result in an

unacceptable impact on the special architectural and historic interest of the listed horse tunnels contrary to policy B6 of the London Borough of Camden Replacement Unitary Development Plan 2006 and to guidance within Camden Planning Guidance 2006.

- 7.5 In the event that the applications are refused for the reasons set out above, the matter will be referred back to the Development Control Committee to seek authorisation to commence enforcement proceedings to rectify the breach of planning control.

8. LEGAL COMMENTS

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