

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>12/03/2009</b>
		N/A		<b>Consultation Expiry Date:</b>	<b>25/12/2008</b>
<b>Officer</b>			<b>Application Number(s)</b>		
Bethany Arbery			2008/5520/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
Multi Storey Car Park Centre Heights 137 Finchley Road London NW3 6JG			Refer to draft decision notice.		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Erection of a building comprising basement, ground and first to third floor to provide 9 residential units (3 x 3-bedroom and 6 x 2-bedroom) with 17 car parking spaces (contract car parking) and 12 bicycle parking spaces at basement level (following demolition of existing multi-storey car park).					
<b>Recommendation(s):</b>		Refuse permission			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	187	No. of responses	31	No. of objections	31
			No. electronic	05		
Summary of consultation responses:	<p>A site notice was displayed from 04/12/08 to 25/12/08.</p> <p><b>Adjoining owners/occupiers</b> 31 letters of objection have been received from the occupiers of Campden House, Swiss Terrace, Hicks House and Centre Heights. They have raised objection to the proposal on the following grounds:</p> <p><b>Amenity Issues</b></p> <ul style="list-style-type: none"><li>• Loss of privacy;</li><li>• Loss of daylight and sunlight;</li><li>• Loss of outlook;</li><li>• Noise from additional residents; and</li><li>• Quality of life to all residents would be affected.</li></ul> <p><b>Design Issues</b></p> <ul style="list-style-type: none"><li>• The area will be made more ugly; and</li><li>• Will alter the overall design of the centre height complex conceived and built in the 1960s by a famous Greek architect, for which it should be awarded the listed status.</li></ul> <p><b>Transportation Issues</b></p> <ul style="list-style-type: none"><li>• There is a need for a car park;</li><li>• This is a servicing area;</li><li>• Disturbance and disruption from construction traffic; and</li><li>• Increased traffic and parking problems.</li></ul> <p><b>Trees and Landscaping Issues</b></p> <ul style="list-style-type: none"><li>• Impact on Horse Chestnut Tree;</li><li>• Loss of roof top garden;</li><li>• The protected habitat of the wrens living in the car park will be endangered;</li><li>• It should be replaced with a garden; and</li><li>• Environmental damage to the green area to the rear of the car park.</li></ul> <p><b>Other Issues</b></p> <ul style="list-style-type: none"><li>• Noise pollution and disturbance from demolition and construction will be a health hazard for residents;</li><li>• Application should not even be considered by Camden;</li><li>• Does not provide affordable houses, but are luxury flats in an area already overcrowded with such;</li><li>• Reduce the value of other properties;</li><li>• Why not build a community centre or a health club;</li><li>• Overcrowding;</li><li>• This is already a very densely populated area, children need more space to play not more residential units;</li><li>• Inadequate consideration been given to the environmental impact of the development locally and globally; and</li><li>• Residents already have to deal with anti-social behaviour in this area.</li></ul> <p>In addition two petitions with 31 and 42 signatures have been submitted against the application by the residents of Hickes House and Campden House respectively.</p>					

	<p>Their reasons for objecting to the application have been summarised in the preceding paragraphs. One resident mentions in their letter of objection that they have a petition with more than 50 signatures to be submitted on behalf of the residents of Centre Heights. This document has been requested, but to date had not been forthcoming.</p>
Local groups/Other comments:	<p><b>Harben Estate Residents Association</b></p> <ul style="list-style-type: none"> <li>• Endorse the petition from residents of the blocks within Harben Estate;</li> <li>• The bulk and proximity of the building will lead to gross invasion of privacy;</li> <li>• Loss of daylight and sunlight;</li> <li>• Environmental damage to the open green space behind the car park;</li> <li>• Party wall impact on newly landscaped area of the gardens and an old Horse Chestnut tree; and</li> <li>• Noise and pollution caused by demolition and construction would impact on the quality of life of residents particularly the elderly and young children.</li> </ul> <p><b>Harben Road Tenants Association</b></p> <ul style="list-style-type: none"> <li>• The bulk and proximity of the building;</li> <li>• Loss of daylight and sunlight;</li> <li>• Lack of outdoor amenity space within the proposal;</li> <li>• Impact on green space and tree; and</li> <li>• Loss of privacy.</li> </ul> <p><b>Cresta House Residents Association</b></p> <ul style="list-style-type: none"> <li>• Will create increased traffic congestion in this cul-de-sac;</li> <li>• The area already suffers from litter, graffiti and yobbish behaviour this will be worsened by building works and more residents living in the area;</li> <li>• Loss of light; and</li> <li>• Noise and air pollution should be addressed before we allow more development.</li> </ul> <p><b>Hampstead District Housing Office</b></p> <p>The patch manager for the Harben Road Estate has been contacted by residents, particularly those in Hickes and Campden House, who have raised the following concerns regarding the planning application:</p> <ul style="list-style-type: none"> <li>• Loss of light;</li> <li>• Damage to the newly landscaped area adjacent to the wall of the car park; and</li> <li>• Impact on Horse Chestnut Tree.</li> </ul> <p><b>Councillor Freeman, Councillor Williams and Councillor Marshall</b></p> <p>Objection. The proposal will compromise in an unacceptable manner the amenity of certain Campden and Hickes residents.</p>

## Site Description

Centre Heights is a commercial and residential building fronting onto Finchley Road. To the rear the building reduces in scale to a two-storey block with fire escape stair over which seems to provide storage/servicing space to Marks and Spencer's. Adjacent to the rear is a two-storey car park (31 contract spaces) which is accessed from Belsize Road. It is a very enclosed site and to the north-east is the high rise block (10-storeys) known as Centre Heights, as mentioned above, and adjacent a residential block called Harrold House. To the north-west is the residential block Campden House which is 6-storey's in height. To the west is a row of garages and beyond that another residential block called Hickes House which is part 6, part 7-storey's in height. South of the site is the vehicular access to the site and Swiss Terrace an 8-storey block in residential and office use. The site has a significant change of levels from east to west. The car-park is not listed and is not located within a conservation area. The site is located with the designated Finchley Road/Swiss Cottage Town Centre.

## Relevant History

### 2004/4467/P

An application was submitted on 02/11/04 for demolition of the existing car park adjoining rear service access road off Belsize Road, and redevelopment of site by new 4-6 storey block comprising 14 residential units, basement parking with 16 spaces, and associated landscaping. The application was withdrawn on 05/01/05.

### 2006/1569/P

Planning permission was granted on 07/04/06 for erection of an aluminium panel, containing an illuminated clock and non-illuminated lettering "Centre Heights" and non-illuminated crown logo, on the upper floors' south east elevation of the building.

### 2006/2229/A

Advertisement consent was granted on 07/07/06 for display of non-illuminated lettering "Centre Heights" on an aluminium panel, on the upper floors' south east elevation of the building.

### 2006/2318/P

An application was submitted on 31/10/06 for erection of a building with two basements for car parking, ground and 4 upper floors to provide 12 self-contained flats (10x 2 bedrooms and 2x 1 bedrooms) and balconies and roof terrace and associated works (following demolition of multi storey car park). The application was withdrawn on 16/01/07.

### 2007/1366/P

An application was submitted on 03/05/07 for erection of a building comprising two basements, ground and 4 upper floors to provide 12 self-contained flats (3x3-bedroom, 7x2-bedroom and 2x1- bedroom), 21 car parking spaces and 12 cycle parking space (following demolition of existing multi storey car park). The application was withdrawn on 24/07/07.

## Relevant policies

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

### London Borough of Camden Unitary Development Plan 2006

S1/S2 Sustainable development

SD1 Quality of life

SD2 Planning obligations

SD3 Mixed use development

SD4 Density of development

SD6 Amenity for occupiers and neighbours

SD7B Noise and vibration pollution

SD8A Disturbance from plant and machinery

SD9 Resources and energy

H1 New housing

H2 Affordable housing

H7 Lifetime homes and wheelchair housing

H8 Mix of units  
B1 General design principles  
N4 Providing public open space  
N5 Biodiversity  
N8 Ancient woodland and trees  
T1 Sustainable transport  
T3 Pedestrians and cycling  
T8 Car free housing and car capped housing  
T9 Impact of parking  
T10 Public off-street and contract parking  
T11 Alternative use of existing car parks  
T12 Works affecting highways

### **Camden Planning Guidance (2006)**

### **London Plan (Consolidated with Alterations since 2004) 2008**

## **Assessment**

It is proposed to demolish the existing multi-storey car park and erect a new building comprising basement, ground, first, second and part third floor level. The building steps back at third floor level so the top floor is confined only to the east of the site. The building is to be predominantly rendered, with the addition of zinc cladding on the rear elevation and detailed with timber boarding and screening. The windows are to be aluminium framed. The proposal will provide 9 new residential units comprising 6 x 2-bedroom units, and 3 x 3 bedroom units. A communal garden is proposed to the north-west of the site. The 3 ground floor level units have access to their own private gardens. Balconies are proposed on the south elevation at first, second and third floor level. Those at first and second floor are inset balconies.

The main entrance to the residential development is on the south elevation of the building. It has a glazed canopy which is supported on a timber pergola structure. There are ramps to the main building and also to the communal garden. West of the development is a single storey structure housing a car lift which provides vehicular access to the basement. There is a flight of steps which provide pedestrian access to the basement and an internal lift from the basement to the upper floors. The boundary treatment is a rendered wall to the north, west and south. It is proposed to install a gate to the existing entrance to the site off Belsize Road and to create a dedicated pedestrian footpath from Belsize Road to the new development delineated by bollards.

### **Land Use**

The existing multi-storey car park provides 31 spaces which are contracted to local businesses in the area. The proposed development includes re-provision of 17 car parking spaces at basement level. The applicant has advised that these will continue to provide contract parking to named employees within the centre heights building. The proposal therefore will result in the net loss of 14 contract parking spaces. The applicant has submitted a transport assessment in support of their application. The report states that despite extensive marketing many of the contract parking spaces remain vacant. The management company state that only 10 of the existing spaces have been actively used in the last year. Highways planning are satisfied that the application has demonstrated that some of the existing car parking to be lost is surplus to requirements. All those business currently served by the car park will still continue to be adequately serviced. There will not be a harmful displacement of parking onto the street. The proposed loss of some of the existing parking is considered to be acceptable and in accordance with Policy T11. The proposed re-provision is considered to be acceptable as it seeks to replace an existing facility to meet existing demand and does not conflict with Policy T10.

Policy H1 of the Unitary Development Plan (2006) states that the Council will grant planning permission for development that increases the amount of land and floorspace in residential use and provides additional residential accommodation, provided that the accommodation reaches acceptable standards. The proposal is in accordance with this policy, as it allows an increase in the provision of residential units on site from 0 to 9; it also allows an increase of 1135.4sqm of residential floorspace.

The proposal includes the provision of a mix of uses, however, predominantly residential accommodation has been provided. Policy SD3 of the Unitary Development Plan (2006) normally seeks a mix of uses in developments, but it states that the Council will not seek secondary uses where the sole or primary use of the development proposed is housing. The proposed mix of uses which is significantly skewed towards the provision of residential accommodation is therefore considered to be acceptable.

### **Affordable Housing**

The London Plan 2008 is the statutory strategic plan for London and sets out the strategic, citywide guidance for London. Policy 3A.11 of the London Plan expects that affordable housing will be provided on sites with a capacity to provide 10 or more homes. This policy supersedes the 15 unit threshold referred to in Policy H2 of the Unitary Development Plan (2006) although the rest of that policy remains extant. The Council will now expect residential developments which are capable of providing 10 or more residential units to make a contribution towards the supply of affordable housing. It sets out that the provision of 10 large units could reasonably be provided within a development of 1000sqm.

The proposal includes the provision of 9 residential units providing 1135.4sqm of floorspace, above the 1000sqm threshold. The proposal appears to have the capacity to provide 10 or more residential units and therefore it would normally be expected that provision be made for affordable housing. The applicant has not provided a justification for why affordable housing cannot be provided, in the absence of which the proposal is contrary to Policy H2.

### **Mix of Units**

Policy H8 states that the Council will only grant planning permission for residential development that provides an appropriate mix of units, including large and small units. When assessing the appropriateness of a mix the policy states that the Council will give consideration to the site conditions and the locality, and the requirements for special needs housing.

The application site and the proposed development are both considered to be suitable for the provision of small and large residential units. Camden Housing Needs Survey has identified a shortfall in the number of larger units which would be suitable for families (3+ bedrooms) within the Borough.

The proposal is for 9 residential units; 6 of these are proposed as 2-bedroom units and 3 as 3-bedroom units. The proposed provision of 3 family sized units is welcomed. However, the policy clearly states that all developments should provide a mix of units, large and small. The 2-bedroom units within the proposed development are all quite large and no single bedroom units have been provided. In view of this it is considered that the proposed development does not accord with Policy H8.

### **Standard of Accommodation**

Section 40 of Camden Planning Guidance (2006) provides guidance which aims to make sure that all new housing developments provide an acceptable standard of accommodation. Paragraph 40.15 states that new residential dwellings should normally satisfy the following minimum areas for overall floorspace (excluding communal lobbies and staircases):

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

The proposed 2-bedroom units range in size from 66sqm to 84sqm and the 3-bedroom units from 74-157sqm. In terms of the quality of accommodation being provided all the units are generously proportioned, and in accordance with the residential development standards detailed in Camden Planning Guidance (2006). All the units have appropriately sized bedrooms of 6.5sqm for single bedrooms and 11sqm for double rooms. All units have good access to natural daylight and ventilation. All units benefit from some outdoor amenity space.

### **Wheelchair Housing and Lifetime Homes**

As the proposal is for a new building, approved Part M of the Building Regulations will apply to all elements of the proposed development. In addition Policy H7 of the Unitary Development Plan (2006) requires that at least 10% (1 unit) of new housing should be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users, and all new units should be built to lifetime homes standards so that they provide for the different requirements created by changing life circumstances.

The applicant has submitted a statement with regard to lifetime homes which states that they have sought to address as many of the lifetime homes standards as possible. The development meets standards 3, 4, 5, 6, 7, 14. The applicant has not explained why it would not be possible to meet the remaining 10 standards. It is acknowledged that some of these standards could not be complied with for example 1, 2, 8, 9 and 10 could not be complied by virtue of the development being car-free and flats. However, there are other standards (5, 11, 12, 13, 15 and 16) which could potentially be met and the applicant has not justified why this has not been achieved. It is considered that these standards could be incorporated without affecting the planning application and therefore it is considered that this aspect of the development could be adequately dealt with by the

submission of further details secured by legal agreement. The ground floor unit has been designed to be wheelchair accessible.

The wheelchair units and the construction of all accommodation to lifetime homes standards would need to be secured by legal agreement if permission were granted (the clause should require the submission of plans showing the accommodation constructed to meet lifetime homes standards with a supporting written to justify where standards are not met). In the event that permission is not granted the lack of legal agreement to secure this should form a reason for refusal.

### **Refuse and Recycling**

The proposal includes three areas for the storage of refuse and recycling located at ground floor level. A store is located adjacent to the front entrance of the development and is adequately sized to accommodate 5 x 360L bins for recycling of paper, cans, glass and plastic. There are two areas for the storage of refuse, one next to the car lift and another adjacent to the internal lift. General household waste is to be deposited in the latter and can be disposed of via an internal chute from the first and second floor. The second storage area is for bulky goods such as furniture or white goods which are waiting for special collection. Street Environmental Services have advised that adequate provision has been made for the storage of waste and recyclable materials.

Consideration as to whether there is adequate space for collection vehicles to enter and exit the site is given in the transportation section.

### **Density**

Policy SD4 of the Unitary Development Plan (2006) provides guidance on the density of new development. Para. 1.33 states that residential development should conform wherever possible to the density ranges set out in table 4B.1 of The London Plan (2004). This table has been superseded by Table 3A.2 of the London Plan (2008). The density matrix provides advice on the number of habitable rooms/units which should be provided per hectare based on the character/density of surrounding development and the accessibility of the site. The application site would be categorised as a 'central' setting as the area is characterised by dense development and is within walking distance of a town centre. The site has a PTAL rating of 6b (excellent).

Based on the density matrix in the London Plan it would be expected that new development in this location should provide between 650-1100 habitable rooms per hectare. The proposed development provides 31 (not 27 as quoted by the applicant) habitable rooms on a site of 0.08ha, this equates to 387.5 habitable rooms per hectare which is less than would be expected in a central location. Given the central location of this site, close to public transport and shopping facilities, it would be ideal for high density development, however, the extent to which this potential can be realised is somewhat constrained by the proximity of the surrounding residential buildings. It is considered that the building envelope of the development could not be increased without serious harm to the amenity of neighbouring residential properties and therefore it would not be appropriate to seek a higher density in this case.

### **Design**

The existing building on the site is an unattractive two-storey car park with a roof garden on top. The site is highly enclosed with taller buildings all around it. To the east is the 10 storey mixed use building to which the application site is attached; this building is on significantly higher land. To the west is a large 6/7 storey local authority housing block (Hickes House), which is on significantly lower land and includes one storey garages adjacent to the application site. To the south is an 8 storey residential/office block (Swiss Terrace), separated from the application site by a very unattractive courtyard space used for the servicing of Centre Heights. To the north is a 6 storey local authority housing block (Campden House), separated from the application site by a rare piece of green space and a tree.

The scheme proposes to demolish the existing car park and construct a four-storey plus basement building on broadly the same footprint as the existing building plus a single storey car-lift and refuse store located to the west.

### **Demolition of the existing building**

The proposed demolition of the existing building is permitted development by virtue of Class A, Part 31, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development Order) 1995. If the applicant were to proceed with demolition of the building they would need to seek prior approval of the Council in relation to the proposed method of demolition and any proposed restoration of the site.

### **Height, bulk and mass**

The proposed height, bulk and massing of the 4 storey building is considered to be acceptable in design terms. The scheme would nestle between the taller buildings surrounding the site without undue impact on the

surrounding area. The building's form results in a stepping down effect from Harben Parade to the south west of the site. This seems a logical and appropriate response to ensure the built form does not over dominate the existing space. The form and proportion of the design is considered to be appropriate as a piece of architecture in its own right.

### **Detailed design and materials**

The detailed design of the elevations is generally considered to be acceptable given there is no obvious elevational context to reflect in the immediate area. The variation in the height and variation in the building line at upper level is considered to provide sufficient visual interest as long as increased depth to the elevation can be provided through the fenestration - namely recessing the windows within the openings and ensuring the proposed timber screens also cast a shadow through setting them sufficiently forward of the front building line. Unfortunately, the detailed design of the ground floor, principally the boundary treatment to the south-east (front elevation) has been less well executed; it lacks visual interest and permeability and results in an overly defensive, inactive frontage which could also be a target for graffiti. This element of the scheme needs to be reconsidered. The applicant has not provided any details of the proposed entrance gate onto Belsize Road details of this would need to be secured by condition if permission were to be granted.

The materials proposed include white render, timber screens, zinc cladding, metal window frames and glass balconies. This contemporary palette of materials is considered to be acceptable.

### **Crime**

The area to the rear of Centre Heights does have a high level of natural surveillance, but despite this local residents state that it is a hot spot for anti-social behaviour. The proposal includes gating the entrance to the site from Belsize Road.

Policy SD1 (D) of the adopted Unitary Development Plan states the Council will require development to incorporate design, layout and access measures which address personal safety, including the fear of crime, security and crime prevention. Camden Planning Guidance 2006 provides further advice on the issue of gating. It states that the Council will not normally support applications for restricting access to, or gating of the public highway, in this instance the access road is private.

Consideration needs to be given to whether the proposal reduces the opportunity for local people to use established routes; whether it would result in the loss of natural surveillance by neighbours and passers by; whether it would necessitate alternative long routes because of the restrictions; and if it would adversely affect the cohesion and security of the local environment by creating separate residential areas.

The proposed development is set off the street, in a landlocked site. The proposed gate would not prevent local people using established routes. The gates would provide additional security for residents and businesses who need to use this private access road day and night. It will also prevent the problems of anti-social behaviour which local residents have reported as an on-going problem.

### **Transport**

#### **Car parking**

The application site is located within a town centre with easy access to shops and services. It is located in close proximity to Swiss Cottage underground station and it is also close to Finchley Road underground station and Finchley Road and Frognal overground station. There are also numerous bus services which stop along Finchley Road. The site is therefore easily accessible by public transport. The proposed development could potentially increase demand for on-street car parking within the area. As the site is well served by public transport and is within a controlled parking zone it is recommended that if planning permission were granted all residential units should be secured as car-free by legal agreement in accordance with policies T8 and T9. In the absence of a legal agreement to secure the units as car-free this should form a reason for refusal.

The proposal includes a basement to provide 17 car parking spaces which are all allocated for contract parking. Officers are slightly concerned that the proposed contract parking could end up being utilised by the residents of the development. The building has been designed so that the two uses are not distinct and separate from each other. There is an internal lift between the basement and the upper floors and the residents cycle parking is also contained within the basement. Notwithstanding our reservations about this element of the scheme and the desire for improved design to separate the uses it is felt that with an appropriately worded legal agreement it would be possible to ensure that residents do not have access to these parking spaces. The car lift will operate via a traffic light system; details of this would need to be secured by condition if permission were to be granted.



### **Cycle parking**

Policy T3 requires the provision of 1 cycle parking space per residential unit. Therefore 9 bike spaces are required to provide for the occupiers of the proposed residential accommodation. The proposed development includes the provision of 12 cycle spaces at basement level which is in excess of the requirements of Policy T3. However, the basement plan shows use of a stand which grips the front wheel of the bike. This is not considered to be acceptable. The bike stands should be Sheffield stands which are set 1m apart or a similar form of bike stand that was in accordance with the Councils guidance. As there is clearly adequate space within the basement to accommodate 9+ Sheffield stands this matter could adequately be dealt with by condition if permission were granted.

### **Construction management plan**

The proposal includes demolition of a substantial building and the construction of residential units. Given the scale of the development proposed it is recommended that a legal agreement be used to secure the provision of a construction management plan in accordance with Policy T12. A construction management plan outlines how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users. A legal agreement should also be used to secure associated highways works (i.e. damage to footpath and road adjacent to entrance on Belsize Road) resulting from the development. In the event that planning permission is not granted, the absence of a legal agreement to secure the construction management plan and highways works should form reasons for refusal.

### **Servicing, pedestrian footpath and entrance gate**

The applicant intends to create a new pedestrian footpath alongside the access from Belsize Road. The drawings shows the installation of bollards to create this footpath and new entrance gates situated within the entrance just off Belsize Road. The applicant has provided a swept path analysis of medium sized refuse vehicles entering and exiting the site. The diagram suggests that vehicle movement could be impeded if the entrance gate (which incorporates a dedicated vehicular and pedestrian entrance) and the bollards were to be installed. This is particularly the case for vehicles of the size shown in the swept path drawings or larger vehicles. It is not clear from the submission if larger vehicles access the existing servicing bay. It is considered that insufficient information had been provided to conclude whether the entrance gate would disrupt existing servicing arrangements for those properties onto Finchley Road who rely on this off-street servicing bay and whether indeed it would impede access for refuse vehicles accessing the site to collect waste from the proposed development.

### **Amenity**

#### **Daylight, Sunlight and Outlook**

Policy SD6 seeks to ensure that the amenity of occupiers of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight and outlook.

The applicant has submitted a daylight and sunlight report in support of their application. The report has been prepared in accordance with the advice contained in the BRE report *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* and include existing and proposed VSC (Vertical Sky Component) calculations and APS (Annual Probably Sunlight) calculations (annual and winter). Outlook is a related, but different impact where the presence of the solid structure in close proximity creates an uncomfortable enclosed feeling.

The report considers the potential impact on daylight and sunlight to Campden House, Hickes House and Swiss Terrace. The applicant has carried out an initial assessment by taking a 25 degree angle from the centre of the lowest windows of these properties. The BRE guidelines state that if the angle from these windows is not broken by the proposed development then it is unlikely that it would have a substantial effect on light enjoyed by the existing building. Given their distance from, and the overall height of the proposed development the 25 degree angle is not obstructed from windows at Hickes House or Swiss Terrace. It is considered that there will be no noticeable loss of light or outlook to these properties. The 25 degree angle from Campden House would be obstructed from certain windows and in view of this further assessment must be given to the impact on this property.

The applicant does not consider in their report the potential impact of the proposed development on Centre Heights or Harrold House. The proposed building at its highest point is only 1.8m higher than adjacent two-storey structure which links it to Centre Heights. It is considered that there will be no adverse impact on the windows of Centre Height or Harrold House, whose lowest level windows are just above the height of the two

storey link and a reasonable distance from the proposed development in terms of light or outlook

Campden House has windows on its south-east elevation which face towards the north elevation of the proposed development. There are 6 windows at each level on this elevation – the ground floor has louvres. The applicant has given consideration to the impact on the 4 windows towards the west side of the building which are the closest ones to the proposed development. Only some of the windows at the first and second floor level cut the 25 degree angle. It was felt that a higher number of the windows might cut the 25 degree angle, but officers have verified the heights and distances shown on the applicants section and they appear to be correct. Whilst the development appears to be quite substantial in reality it stands only 1.8m higher than the existing two-storey link structure at its highest point and 4.5m higher than the side wall of the existing car park at its highest point. A significant proportion of the elevation is lower because of the variable roofline and set further away from the boundary than the existing car park.

The applicant has carried out further analysis on the impact on the potentially affected windows by assessing the Vertical Sky Component (VSC). The report provides existing and proposed VSC figures. The existing VSC figures are extremely high ranging from 33.5 to 38.5%. If a window had an unobstructed view it could expect a VSC of 40%. The proposed VSC figures are in fact higher than the existing indicating an increase in the level of daylight to all the windows which have been assessed (36 to 38.5%). It is difficult to equate these kinds of figures with the situation on site since 'as existing' there are obstructions in close proximity and 'as proposed' there would remain obstructions and although they would in some cases be set further away they would also be higher. The applicant has not provided the plots which were carried out to produce these figures and therefore it is difficult for officers to verify their accuracy.

The applicant has provided proposed figures for annual and winter probable sunlight hours to windows at Campden House, but they have not provided the corresponding existing figures. It is impossible to make an assessment of the impact without existing figures. The proposed figures again seem to be quite high, ranging from 37 to 39% APS with 7-10% during winter months. The BRE would consider 25% APS with 5% during winter months to be a good level of sunlight. Again, the applicant has not provided the plots which have undertaken to produce these figures and it is not possible to verify their accuracy.

It is recommended that the applicant be refused on the basis that inadequate information has been provided to make a full assessment of the impact of the proposed development on daylight and sunlight to Campden House.

It is noted that the proposed development will be in close proximity to this building and will be higher than the existing car park; however, it is felt that the proposed increase in height will not have a detrimental impact on the outlook of these properties. The height of the building is varied and a significant proportion is set further from the boundary than the existing car park.

### **Overlooking**

The proposed development includes window openings on the south, west and north elevations. The windows on the north elevation closest to the boundary with Campden House serve a stairwell, those set slightly further back all serve habitable rooms. All windows orientated to the south and west serve habitable rooms. The proposal also includes the provision of balconies which are all located on the south elevation of the building.

Camden Planning Guidance (2006) recommends a distance of 18m between facing habitable windows in order to maintain the privacy of the occupants and prevent any significant overlooking.

The windows and terraces on the south elevation of the proposed development are approximately 15m from the windows of Swiss Terrace at their closest point. The separation distance increases to 20m towards the east of the site. Whilst the closest windows fall slightly short of the aspirational figure in the guidance it is not considered that the level of overlooking is so severe that it would warrant refusal of the application. The windows do not directly face each other, those on Swiss Terrace are angled north-east and this will assist in ensuring that their privacy is maintained.

The windows on the west elevation face towards Hickes House, but the windows on this property are more than 23m away and the development will not cause any significant overlooking to this property. The first and second floor level balconies are closer to Hickes House which is an L shaped block, however, they are inset terraces and there would be no significant views from them westwards towards Hickes House. Furthermore, all the closest windows serve the stairwell or are obscure glazed and serve bathrooms/WCs. The third floor level roof terrace does have open views to the west, but as this is set further back, there will be 18m between them at their closest point.

The relationship of the proposed development to Campden House is more intense. The closest windows on the development to this building are just 13m away, however, these windows all serve a stairwell and therefore this is considered to be acceptable. There are a number of other window openings on this elevation which serve habitable windows, these are set further back. The windows at the eastern end of the elevation are set 17/18m away from Campden House and set behind the wall of Harben Parade which restricts views to Harrold House. Those to the western end (ground to second floor level) are closer, just 15m away. The windows serve bedrooms at ground and second floor level and a living room at first floor level. In the latter case the room is served by windows on other elevations and therefore the north facing window could be obscure glazed. The ground floor level window is actually shielded from view by the boundary wall. In terms of the second floor level window this serves a bedroom and it is its sole source of light, it would be possible to use partial obscure glazing to minimise overlooking, but it obviously would be preferable given that this is a new development that the overlooking be designed out. Whilst it is considered that the application does not warrant refusal on this basis it should be conveyed to the applicant by informative.

### **Noise**

The proposal includes the provision of a car lift. The car lift is not set immediately adjacent to the residential accommodation it is separated by the ramp which provide access to the rear communal garden. The new residential accommodation has windows which face towards the car lift which are only 1m away, including ones which serve habitable rooms. The applicant has not provided any details of noise levels from the car lift to demonstrate that it will not cause noise or vibration to the detriment of the occupants of the new residential accommodation. The permission should therefore be refused on the grounds that insufficient information has been submitted to demonstrate that the proposed residential accommodation will not be unduly harmed by the presence of the car lift in terms of noise pollution and vibration.

### **Sustainability and Renewables.**

Policy SD9 of the Unitary Development Plan (2006) refers to resources and energy. Under the requirements of that policy, applicants are required to make provision for water supply and waste treatment - in the form of grey water and rainwater harvesting. They also need to demonstrate how their proposal seeks to conserve energy and resources, through its design, renewables (see below) and use of recycled and renewable building materials. In terms of energy and sustainability the requirements of Policy SD9 are also supplemented by those of the London Plan (2008).

The applicant has advised that they will install water saving measures with a view to achieving a resident's water level of less than 105 litres per person per day which would meet level 3 and 4 of Code for Sustainable Homes. Dual flush WCs and low flow WHB taps are to be installed. Water butts are to be provided to encourage reuse of rainwater for carrying out of tasks such as watering gardens.

A Code for Sustainable Homes Pre-Development Assessment has been provided as part of the application. Camden Planning Guidance (2006) states that in new developments level 3 of the Code should be achieved with more than 50% of credits being achieved in energy, materials and water. The report indicates that the development will score 57, level 3 of the code, securing 52% of credits in energy, 29% in materials and 67% in water. Whilst the overall credit rating is considered acceptable the applicant falls substantially short in the materials category and the applicant needs to either improve the credit rating or demonstrate why a higher credit rating cannot be achieved.

As the proposed development is not a major application there is no statutory requirement for the provision of renewables. Notwithstanding this, the applicant has made provision for renewables in the form of solar thermal systems on the roof of the building to provide domestic hot water. The energy statement anticipates that 12.8% of energy can be provided by renewables if 2 vacuum tube cell systems each 1.6sqm are installed in four locations on the roof. It is noted that the proposed roofplan does not show this it indicates 4 locations with 2.2sqm of photovoltaics. It is assumed that the reference to photovoltaics rather than solar thermal collectors is an error. The applicant should be advised that the roofplan should adequately depict the renewable technology being relied on.

In the event that permission is refused the absence of the legal agreement to secure all the sustainability measures should form a reason for refusal.

### **Trees and Landscaping**

The proposed development will have a slight impact upon a Horse Chestnut Tree growing on a Camden housing site. The tree is around 15 metres in height and has an estimated dbh (diameter at breast height) of 400mm. The tree is prominent within the housing site and is considered to provide a significant level of visual amenity for local residents.

The crown spread of the Horse Chestnut currently extends over the multi-storey car park by around a metre. The tree would require some pruning back in order to implement the proposed development.

According to BS:5837 (Trees in Relation to Development 2005) the tree requires a Root Protection Area with a radius of around 4.8m. The British Standard allows a 20% reduction of this figure depending on the other surfaces surrounding the tree. In this case it is considered a 20% reduction would be acceptable. It is considered that the proposed building and its associated basement are sufficiently distanced so as not to cause excessive damage to the tree.

The applicant has submitted a tree report and method statement for tree protection prepared by Estate & Forestry Services Ltd which is considered to be acceptable and in the event that planning permission were to be granted should be an approved document. In the event that planning permission were to be granted further details of the landscaping works i.e. the new pedestrian footpath and bollards would be secured by condition.

### **Biodiversity**

Policy N5 seeks to ensure that new development conserves and enhances wildlife habitats by greening the environment. The proposed development does not incorporate any measures which seek to improve the biodiversity value of the site. There may be scope for the inclusion of a planted roof on the building; a brown roof with aggregates would be preferable. A planted roof system would also enhance sustainable drainage and assist in filtering pollutants and improving the local environment for local residents. The applicant has not investigated incorporating measure which are designed to conserve and enhance biodiversity including creating wildlife habitats and therefore it should form a reason for refusal.

### **Public open space**

Policy N4 of the Unitary Development Plan requires the provision of public open space for developments of more than 5 residential units. Where it is not possible to provide new public open space the policy allows for a financial contribution in lieu for improvements to be made to existing public open space in the local area. Camden Planning Guidance (2006) states that 9sqm of public open space should be provided per person. The proposed development provides 21 bedrooms. The requirement for the proposed development would therefore be 189sqm (9 x 21 bedspaces). Therefore, allowing 9sqm per bedspace at a cost of £55 and £5.70 per sqm maintenance cost to be paid each year for 5 years, in accordance with the guidance a contribution of £15,781.50 would be required. In the event that permission is refused the absence of the legal agreement to secure this contribution should form a reason for refusal.

### **Education Contribution**

The proposed development provides 9 residential units and therefore a financial contribution is required towards the provision of educational facilities within the local area. Based on the formula contained in Camden Planning Guidance (2006) £41,604 should be sought towards the provision of educational infrastructure. In the event that permission is refused the absence of the legal agreement to secure this contribution should form a reason for refusal.

**Recommendation:** Refuse permission.

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