

Address:	1 Mill Lane London NW6 1NT		
Application Number:	2008/3963/P	Officer: Max Smith	
Ward:	Fortune Green		
Date Received:	07/08/2008		
<p>Proposal: Demolition of all existing buildings and erection of a five storey main building and a two storey detached building comprising of 39 residential units (16 x 1-bedroom; 14 x 2-bedroom; 7 x 3-bedroom; 2 x 4-bedroom) with associated car and cycle parking amenity space and landscaping (including the creation of a new area of designated open land for nature conservation).</p>			
<p>Drawing Numbers:</p> <p>A100C; 101C; 102C; 103C; 104C; 105C; 106C; 107C; 108A; 201C; 202C; 203C; 204C; 205C; 206C; A501C; A502A; A801C; EC/201; 202; 203; 204;</p> <p>981-02C; 03 C; 04C; K38.54/01; 02 Rev B; DAT/9.0; P-001; 002; 003; Noise Assessment; Arboricultural Implications Assessment; Daylight Sunlight report; Structural Engineer Aspects; Transport; Ecological Review; Planning Statement; Desktop Environmental Site Assessment; Preliminary Assessment for Planning; Sustainability Statement; Ground Investigation Report</p>			
RECOMMENDATION SUMMARY: Refuse Planning Permission			
Applicant:		Agent:	
SLLB Ltd Mr Daniel Smith 4-8 Canfield Gardens London NW6 3BS		SLLB Ltd 4-8 Canfield gardens LONDON NW6 3BS	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description:	Floorspace
Existing	C3	<i>Dwelling House</i>	350m ² approx.
Proposed	C3	<i>Dwelling House</i>	5478m ² gross (4233 m ² excluding basement)

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

		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>					1				
Proposed	<i>Flat/Maisonette</i>	16	14	7	2					

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	0	0
Proposed	15	5

OFFICERS' REPORT

Reason for Referral to Committee:

Whilst the application is recommended for refusal, and therefore could be determined under Delegated Authority, it is a significant 'Major' development that has generated considerable public interest, and it has therefore been referred to the Development Control Committee for determination [Clause 4].

The 13-week date for the determination of this application expires on 22nd December 2008, so a decision needs to be made at this meeting to achieve the issue of a decision letter by this deadline.

It should be noted that, in the event that Members be minded to grant planning permission, the application would need to be referred to the Government Office for London, as the proposed development is a 'Departure' from the Replacement Unitary Development Plan.

1. SITE

- 1.1 The site is a wedge shaped area of land, approximately 100m deep and 55m wide where it fronts onto Mill Lane. The site narrows to 8m at its northernmost point, where a narrow section connects with Minster Road. The site is bounded by Mill Lane to the south, the Thameslink railway line to the east and the rear gardens of properties fronting onto Fordwych Road to the west.
- 1.2 The only building occupying the site is a 4-storey detached Victorian dwelling fronting onto Mill Lane. This property is currently unoccupied. The majority of the site is taken up by low vegetation, the majority of trees having been recently cleared. A handful of trees remain along the railway embankment at the eastern edge of the site.
- 1.3 The area around the site is primarily residential in character, although there is a Nursery immediately opposite the site on Mill Lane. The properties along Fordwych Road are large semi-detached dwelling, many of which have been converted to flats. To the south across Mill Lane is a crescent-shaped terrace of Victorian houses.

- 1.4 Part of the site is designated as Private Open Space and as a Site of Importance for Nature Conservation (SINC) in the UDP. It does not lie in a conservation area and there are not any listed buildings in the vicinity.

2. THE PROPOSAL

Original

- 2.1. The existing building would be demolished and a part five/part six storey block of flats constructed on Mill Lane frontage the site. A two-storey pair of semi-detached houses, each with four bedrooms, would also be constructed to the rear of the main building. A total of forty residential units would be provided.
- 2.2. The block of flats would include a basement car park, with parking spaces for 20 cars including 5 disabled spaces. The basement would also contain provision for 23 cycle parking spaces in a separate room, and 11 motorcycle parking bays. Vehicles would enter the basement by means of a car lift, capable of holding one vehicle at a time. To the front of the building, a wide vehicular crossover would be created, allowing one vehicle to wait off-street whilst another ascends or descends in the car lift.
- 2.3. The ground floor of the proposed building would contain a large lobby and office for a concierge. Two lifts and a stairwell would allow access to the upper floors. A separate entrance and passage would allow access to the pair of houses at the rear, a landscaped communal garden and a cage containing a further 22 cycle parking spaces. Four of the units on the ground floor would be full wheelchair units, with every room designed to disabled standards. Two of the flats and the two houses can also access a small area of private external amenity space. An area for bin storage would be located in a recessed area adjacent to the car lift entrance.
- 2.4. All eight of the units on the ground floor, including the two houses, are proposed to be social rented and five flats on the first floor would be shared ownership. The remainder of the units would be privately owned.
- 2.5. The design of the scheme is contemporary, with the main building itself being roughly wedge-shaped to reflect the angle of the south-eastern corner of the site. This would be the building's most prominent corner and would feature projecting balconies on each of the upper floors. Sustainability measures would include a brown roof to the main building, a green roof to the smaller one, solar panels and air-source heat pumps.
- 2.6. The remainder of the site not occupied by the building or associated cycle parking, amenity space or landscaping would be landscaped at the developer's expense and converted into a nature reserve to be transferred to the Council's ownership.

Revisions

- 2.1. Concerns about the scheme as submitted were raised with the developer, who submitted amended plans showing the following revisions.

- 1) The sixth storey (containing a penthouse) was deleted from the scheme, thereby reducing the unit total to 39. The fifth storey was amended to be primarily glazed and set back. Roof terraces for the use of the occupants of the units on this floor were consequently expanded.
- 2) The unit mix was amended to consist of 16 x 1-bedroom, 14 x 2-bedroom, 7 x 3-bedroom and 2 x 4-bedroom units. (The previous mix was 14 x 1-bedroom, 21 x 2-bedroom, 3 x 3-bedroom and 2 x 4-bedroom).
- 3) The layout of the basement has been amended, and a section set back so as not to infringe on the Root Protection Area of a tree in the garden of an adjacent property.
- 4) The corner balconies have been reduced in size and would be more rounded.
- 5) Further details of the green and brown roofs have been submitted; the landscaping scheme has been amended and bird boxes would be provided.
- 6) Additional sustainability features are proposed, including a SUDS drainage system, controlled domestic ventilation with heat recovery and additional photovoltaic cell panels to accompany the hot water solar panels.

3. **RELEVANT HISTORY**

- 3.1 EN07/0283: The Council was notified on 02/04/2007 that the site was being cleared of trees and shrubs. It is estimated that approximately 30 trees were removed.

4. **CONSULTATIONS**

Statutory Consultees

- 4.1 No response to date has been received from Network Rail.

Local Groups

- 4.2. The **Fordwych Residents Association** objects on the following grounds.

- 1) The plans allow for a very large development containing 40 units, which would have a huge impact on the area. Any development should be no more than four stories and with fewer units. There is also concern about how close the proposed development extends to properties on Fordwych Road. There is further concern about how such a modern development will visually fit into the area.
- 2) Mill Lane and the local residential streets are already busy, congested and filled with parked cars. How will construction traffic access the site and where would it park? There is also to be a large amount of noise, dust and other disruption during the development. There is also concern about the stability of the site. The development is likely to cause subsidence in neighbouring properties. The plan for an underground car park for 20 cars is unnecessary. Excavating the site

for such a car park would be extremely disruptive and is structurally questionable. There is also concern about the proposed entrance to the underground car park on a dangerous curve on Mill Lane. If the development goes ahead, it should be a wholly car-free development as the area is well served by public transport. Other concerns include space for rubbish/recycling from the properties; a fall in water pressure in the area; drainage problems; a loss of light for neighbouring properties; the development is too close to Mill Lane; the size of the footprint of the development; and the negative impact on the local environment.

- 3) An area of unspoilt green space was lost when the site was cleared for development and the trees that were lost can't be replaced. There is a desire for a green space in the area, and the development of such a space is welcomed. Discussions about the nature of the green space should be separated from the issue of planning permission. Local groups and residents should be consulted about what sort of green space they would like to see.

4.3. The **Mill Lane Development Residents' Action Group** objects to the application on the following grounds;

- 1) The development will lead to an intensification of residential development on this prominent site. This would be out of character with the surrounding historic residential units, and in violation of UDP Policy B1. The design of the building is completely out of keeping with, and unsympathetic to, the architectural style of neighbouring properties, and does not respect local context.
- 2) This scheme ignores the prevailing vernacular along Mill Lane and the adjacent roads, and introduces an inappropriate contrasting style. The materials used are alien to those used in the neighbourhood. Far more appropriate would be a traditionally-based approach that can harmonise with the styles of neighbouring period properties. Modern architecture does not need to be imitative, but it can be respectful of its surroundings and present a building that is residential as opposed to looking commercial or industrial.
- 3) The application further breaches UDP Policy B1 as it represents a large, incongruous and vastly disproportionate design. The neighbouring flats are hardly acknowledged in the aggressive and arrogant style of design, and will be dwarfed and obliterated by the sheer scale of development.
- 4) UDP Policy SD6 covers various factors with respect to the amenity of neighbours. The development as proposed will have significant impact on these factors as they relate to the neighbours of the site. The development is also contrary to Policy SD6 which states that the Council will not grant planning permission for development that it considers causes harm to the amenity of occupiers and neighbours.
- 5) The proposal does not meet the various targets with respect to affordable housing specified in the UDP. Therefore, the development cannot be justified on the basis of affordable housing.

- 6) Very deep excavations will be required and the area already suffers from significant subsidence. The proposed works will exacerbate the situation. The applicant has suggested that the developer would take out insurance against any subsidence occurring. However, unless they took out insurance specifically for all the properties at risk, the insurance taken out in respect of the application site would be of no help to impacted home owners. The Building Regulations neither offers nearby owners any protection or redress in respect of subsidence. Accordingly, subsidence is a material planning consideration.
- 7) Whilst the Council was powerless against the destruction of a once urban wildlife refuge, the proposed conversion of the surplus land into a private residents' garden is a violation of UDP Policy S8. The surplus land should be returned to its former glory by planting mature trees. The use of the open space should be made in consultation with neighbouring residents.
- 8) Insufficient on-site parking has been provided and the scheme will result in additional stress on local area parking. The Fordwych Road area is already designated as an area of severe parking stress.
- 9) Local traffic is already at pressure point, especially during peak morning and evening car movements that can result in long tail-backs in nearby streets. As the scheme's car park is serviced by a car lift, there will be additional pressure on traffic. A car ramp would service any parking spaces more effectively.
- 10) Since the clearing of the site, there has been a spate of burglaries to the property owners bordering the site and other incidents including attacks on people that have resulted in the need for police intervention. Therefore, adequate onsite security should remain on site throughout construction.
- 11) Construction of the development would take at least 18 months. The movement of materials and other associated construction will cause great disturbance. Any development should be managed in such a way to minimise its impact.

Adjoining Occupiers

	Original	R1
<i>Number of letters sent</i>	155	0
<i>Total number of responses received</i>	50	0
<i>Number of electronic responses</i>	0	0
<i>Number in support</i>	0	0
<i>Number of objections</i>	42	0

- 4.4 Immediate neighbours to the site were notified by letter, site notices were placed adjacent to the site on Mill Lane and Minster Road and advertisement placed in the local paper. 42 Letters of objection and 8 letters commenting on the application were received. The following points were raised.

- 1) The number of units proposed is too many for the site.

- 2) The building is out of scale and of excessive height compared with the Victorian Buildings that would surround it.
- 3) It would resemble a cheaply-built provincial office block.
- 4) The Design Statement refers to Ellerton Tower on Mill Lane, presumably as a precedent for the proposed development. However, this building is an exception rather than the rule.
- 5) The design represents a modern office block rather than a residential building.
- 6) The proposed materials of the building are alien to the materials used in the neighbourhood.
- 7) The fenestration of surrounding buildings is of a smaller proportion and in good relation with the rest of the buildings.
- 8) The proposal uses excessive areas of glass.
- 9) The design is too aggressive. The jetting glass projecting towards West Hampstead indicates arrogance, disrespect and demands self-admiration.
- 10) The roof lines of the adjoining properties will be dwarfed by the overwhelming glass point at the highest part of the development.
- 11) The developer should put forward proposals for a much lower building.
- 12) Loss of sunlight to flats to the west of the site.
- 13) Loss of privacy to surrounding properties.
- 14) Loss of view from 111 Fordwych Road and Mill Court.
- 15) The proposed car lift will be slow and result in vehicles blocking the street.
- 16) What would be the contingency if the proposed car lift were to fail?
- 17) Overspill parking from residents of the new flats would result onto surrounding streets. It would therefore be contrary to Policy T9 of the UDP.
- 18) None of the residents should be allowed parking permits.
- 19) Mill Lane does not have the capacity of a major thoroughfare.
- 20) Greater congestion along Shoot Up Hill, Mill Lane and Fordwych Road.
- 21) Impact on highway safety from vehicles entering and leaving the site.
- 22) Noise and disruption during construction phase.
- 23) Potential for damage to garages adjoining site to the east.
- 24) Impact on TPO protected trees to the rear of Mill Court.
- 25) Overlooking of Mill Court.
- 26) Future small scale development to the rear of Mill Court would be prejudiced.
- 27) Concerns about the loss of the trees that were originally on the site. These should be replanted.
- 28) Impact on wildlife from loss of woodland habitat.
- 29) Further loss of trees, particularly silver birches, is unacceptable.
- 30) The provisions in the scheme are not sufficient to compensate for this damage.
- 31) There should be no entrance from the Minster Road side.
- 32) The development area is narrow and possibly unstable. The area has already suffered subsidence.
- 33) Loss of water pressure from additional units using water mains.
- 34) Lack of sufficient drainage for the site
- 35) Increase in the risk of flooding.
- 36) Impact on value of nearby properties.
- 37) A smaller development would be welcome.
- 38) The developer has taken on board few of the concerns of the residents from the pre-application discussions.
- 39) The application includes insufficient detail of what is proposed.
- 40) How will waste from the development be collected?

- 41) The scheme would not accord with policy B1 of the UDP.
- 42) The economic downturn may result in the development being half built.
- 43) The development is larger than proposed during pre-app discussions.
- 44) The fences around the site should be of high quality for security purposes.
- 45) The Nursery on the opposite side of Mill Lane would be overlooked.

5. **POLICIES**

Replacement Unitary Development Plan 2006

- 5.1 S1/S2/S3/S8 Sustainable Development
 SD1 Quality of Life
 SD2 Planning Obligations
 SD4 Density of Development
 SD6 Amenity for occupiers and neighbours
 SD7 Light, noise and vibration pollution
 SD8 Disturbance
 SD9 Resources and energy
 SD10B Contaminated land and uses
 SD12 Development and construction waste
 H1 New Housing
 H2 Affordable housing
 H7 Lifetime homes and wheelchair housing
 H8 Mix of units
 B1 General design principles
 B9 Views
 N2 Protecting Open Space
 N4 Providing public open space
 N5 Biodiversity
 N6 Nature conservation sites
 N8 Ancient woodlands and trees
 T1 Sustainable transport space
 T2 Capacity of transport provision
 T3 Pedestrians and cycling
 T7 Off-street parking, city car clubs and city bike schemes
 T8 Car free housing and car capped housing
 T9 Impact of parking
 T12 Works affecting highways

5.2. **Other Relevant Planning Policies**

Camden Planning Guidance is also considered relevant.

5.3 **Relevant London Plan Policies**

- 3D.8 - Realising the value of open space and green infrastructure
- 3D.14 - Biodiversity and nature conservation
- 4B.1 - Design
- 4A.7 - Renewable energy
- 3A.11 - Affordable Housing.

6. ASSESSMENT

6.1 Main Issues

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

- The Principle of the Proposed Development
- Transport
- Design
- Affordable Housing
- Neighbourhood Amenity
- Sustainability
- Mix of Units
- Residential Development Standards
- Lifetime Homes/Wheelchair Accessible Housing
- Trees, Landscaping and Biodiversity
- Education and Open Space Contributions
- Contaminated Land
- Noise and Vibration

6.2 Principle of Proposed Development

- 6.2.1 The majority of the site is designated as Open Space and as a Site of Nature Conservation Importance in the Camden Replacement Unitary Development Plan. Policy N2 of the UDP protects all such open space from development except for minor development relating to the existing use, whilst Policy N6 states that the Council will not grant planning permission for development that would cause harm to a SNCI. The proposed development is clearly not related to the existing use of the land as open space. Therefore, approval of the scheme would be contrary to Policy N2 and would represent a **departure** from the UDP.
- 6.2.2 Planning guidance allows for departures from development plans in exceptional circumstances, where justified by overriding material considerations. In this instance, the developer is proposing a land swap. The parts of the site to be left undeveloped would be passed into the ownership of the Council for use as a nature reserve. This would include land that did not previously form part of the UDP Open Space designation along the western edge of the site. The applicant would landscape this area at their expense, Japanese Knotweed would be removed and a commuted sum provided for the maintenance of the land over the following five years.
- 6.2.3 Normally loss of open space and development on a SNCI would not be supported. However, following the clearing of the site the SNCI has limited biodiversity value. The Council would be gaining a significant amount of additional open space, which would be available for public access. The rehabilitation of the land in a way that addresses biodiversity, and the removal of Knotweed would ensure that the land would be passed to the Council with a much greater biodiversity and landscaping interest than at present.

- 6.2.4 Policy N8 is intended to protect open space from unwarranted development, so that such land retains its biodiversity and open character. Whilst not complying with this policy, the proposed scheme would meet its objectives by providing substitute land of better quality and in the control of the Council. Therefore, it is considered that, given the proposed land swap and associated works offered by the applicant, this is a circumstance where a departure from the UDP could be justified. If planning permission is to be granted, a S.106 agreement would be needed to facilitate the land swap and to secure the laying out of the nature reserve and the funds associated with the initial maintenance requirements. This should also ensure that the work to lay out the nature reserve should commence at the same time as construction work on the building itself, and be completed prior to the first occupation of the residential development.
- 6.2.5 Policy H1 seeks to encourage new residential floorspace within the Borough, and as such the proposals are broadly acceptable in the context of this policy.

6.3 Transport

- 6.3.1 Camden parking standards state that, for this location, a maximum of 1 space per residential dwelling is permitted, although consideration should be given to policy T8, which seeks car-free housing. The applicant is proposing 20 car parking spaces in total, 5 of which will be for disabled drivers, which would comply with Camden's standards. Car free housing would be preferable at this location given its good public transport connections. However, it is considered that there are insufficient policy grounds for insisting on car free housing.
- 6.3.2 89 parking permits have been issued for every 100 parking bays in the Kilburn Controlled Parking Zone and it is therefore not considered to be an area which suffers from significant on-street parking stress. Notwithstanding the fact that there may be localised parking stress in the vicinity of the application site, on balance it is considered that a S.106 agreement requiring the development to be 'car-capped' cannot be insisted upon.
- 6.3.3 The applicant has proposed to create a car club bay for two vehicles in order to ameliorate parking pressure. It is considered that the provision of these two spaces would be acceptable and in line with Policy T7 provided that they would be located on-street and as close to the development as possible. The cost of the car club bay would be borne by the developer and secured via a S.106 agreement.
- 6.3.4 Camden's Parking Standards for cycles states that 1 storage or parking space is required per residential unit, and above a threshold of 20 units, an additional 1 space per 10 units is required for visitors. The proposal is for 39 residential units; therefore 43 cycle storage/parking spaces are required. The applicant has provided 45 cycle parking space, 22 on the ground floor and 23 in the basement. This small overprovision is welcomed.
- 6.3.5 Horizontal cycle parking would be used, which is in line with Camden's design standards for cycle parking. Also, both cycle parking areas would be secure and under cover. Should planning permission be granted, a condition should be placed

on the planning permission requiring the approval of details on the design of cycle parking to be used, including security measures such as CCTV and lighting.

- 6.3.6 Access to the cycle parking on the ground floor is via a level route from the street. Level access to the cycle parking in the basement is achieved by the car lift. Signs should be erected instructing car drivers not to travel in the car lift when cyclists are using it. Doors on route to the cycle parking from the street should also be motorised to make it easier for cyclists to pass through them when wheeling a cycle. These details can also be secured by condition.
- 6.3.7 A Transport Assessment submitted as part of the scheme seeks to demonstrate that the proposed parking and vehicle access arrangements are acceptable in terms of the impacts on the highway network. It is considered that this document successfully shows that the additional traffic generated by the development would not have a significant adverse impact. The applicant is proposing that servicing takes place from on-street, and this is acceptable as there is a stretch of single yellow line in front of the site, which will be adequate for this.
- 6.3.8 There is potential for significant disruption during the construction of the development, particularly given the scale of the scheme and the proposed excavation of the basement. A Construction Management Plan would therefore be required in accordance with Policy T12 of the UDP, should permission be granted.
- 6.3.9 The developer requires changes to the vehicular crossover access to the site. A S106 is required for this, as well as to repave along the frontage of the site following completion of the development. The costs of these works would be £28,033.76.
- 6.3.10 In summary, the scheme for redevelopment of the site is acceptable in transport terms subject to conditions requiring further details of the cycle parking and a S.106 agreement to cover the provision of a car club bay, a construction management plan and works to the highways to create the proposed vehicular crossover.

6.4 Design

- 6.4.1 UDP policy B1 (General Design Principles) is considered relevant. Immediately around the site the area is characterised by either the larger mansion blocks at the lower end of the Mill Lane or houses on the neighbouring streets. The houses on the neighbouring streets step down in height to two or three storeys with an attic story above. This creates a somewhat varied townscape. The existing site is quite large and the footprint of the building will leave a large proportion of the site open and undeveloped by buildings.
- 6.4.2 The proposed building mainly consists of four storeys in reconstituted stone and brickwork which reads as the main bulk of the building. Above is a set back glazed “attic” storey which would read very much as a subservient element and not appear to add excessive height or bulk to the building. There is also a large gap where the railway track which means that there is no building to the immediate east so the height is not seen to dominate the surroundings. In views from the west, the site is seen in conjunction with the larger scale mansion blocks and flats, three and four

storeys in height, which line the lower end of Mill Lane. When viewed from this direction, a building of this scale would not appear out of character with the area.

- 6.4.3 In views from the east looking back across the railway track, the proposed building is viewed in conjunction with the properties at 2-16 Mill Lane. As amended, the scheme would be much less overbearing than the six storey structure which was originally submitted. On balance, the building would be acceptable when viewed in the context of the significantly smaller two storey and attic properties on the other side of Mill Lane. The set back of the fourth floor goes some way towards reducing the perceived bulk of the building in this view.
- 6.4.4 The design itself is modern, and does not try to copy the prevailing Victorian domestic architecture or 1930s blocks of flats. This design approach is considered acceptable in this context. Through the use of horizontal banding, projections and glazing, interest is added to the lower floors (first to third) and the perceived bulk is lessened. The materials chosen reflect those in the surrounding area and are considered acceptable.
- 6.4.5 Whilst the corner balconies create a corner feature and add interest, there are concerns regarding how these will be used. They face out onto the railway track and are exposed on both sides. In reality they are likely to prove unpopular to use and residents may either erect screening to protect the space or use it for storage. The reduction in the size and 'rounding off' of these balconies in the amended plans is an improvement to the design. These features are on balance considered acceptable in design terms.

6.5 Affordable Housing

- 6.5.1 Policy H2 seeks to secure 50% of affordable housing from all residential developments which cross the relevant thresholds. In itself this is split as 70% socially rented and 30% intermediate housing. Policy H2 acknowledges that the economics of provision form part of an assessment for providing affordable housing on any given site, and these are affected by the value of existing uses on site. Costs to meet objectives such as the restoration of listed buildings will also be taken into account.
- 6.5.2 With regard to the amount of affordable housing proposed, based on the number of units just 34.2% of the net additional units within the scheme will be affordable. However, LB Camden works on a floorspace basis, as opposed to a unit sum. When taking a floorspace figure, the amount of affordable housing equates to 32.2%. This falls short of the 50% target set out in the Camden UDP and the London Plan.
- 6.5.3 The applicant has submitted a Financial Appraisal/GLA Three Dragons Toolkit assessment with the application. This suggests that the scheme is on the margins of viability and that the value of the flats would be affected by their proximity to the railway line. The applicant also states that the "restrained site" has a high build cost, and that any larger social housing contribution would almost certainly jeopardize this or any similar project on the site.

- 6.5.4 However, there are significant gaps in the information provided by the applicant. No data regarding existing use value, land acquisition costs or public grants towards the cost of affordable housing has been provided. Furthermore, the higher build cost appears to be partly explained by the excavation of a basement and car lift. With the exception of the cycle parking (which could be provided elsewhere on site), the basement is not considered necessary in planning terms and its provision cannot form the basis for justifying any relaxation of the affordable housing requirements.
- 6.5.5 In summary, based on the limited information submitted, it is considered that the applicants have not provided adequate information to justify the level of affordable housing proposed. This forms the substantive reason for the refusal of the application.
- 6.5.6 At the time of writing this report, the applicant has offered to revise the affordable housing component to include 39% of the floorspace of the proposed units. A revised justification was also included, although there has not been any time for officers to assess the contents.

6.6 Neighbourhood Amenity

- 6.6.1 The main considerations with regard to neighbourhood amenity are whether the scheme would have a significantly adverse impact on neighbours in terms of loss of light, outlook or privacy or noise and disturbance from the flats.
- 6.6.2 Whilst the proposed building would be a large structure, it would be separated from the majority of adjacent residential properties by a road, a railway, and open space. The closest residential properties lie on Fordwych Road to the west, and have long rear gardens of properties that provide a degree of separation. A Daylight Sunlight Report has been submitted with the application which successfully demonstrates that there would not be a significant impact on the immediate neighbours in terms of loss of light or overshadowing.
- 6.6.3 In respect of loss of privacy, a sufficient distance would separate the development from properties on the opposite side of Mill Lane so as not to cause undue loss of privacy. The concerns of objectors regarding overlooking of the Nursery are noted. However, this premises is already overlooked by several properties from a closer distance on both Fordwych Road and Mill Lane. It is considered that further overlooking of the Nursery would not result in any actual loss of privacy, and could have the benefit of making it more secure against crime by increasing passive surveillance of the street immediately outside.
- 6.6.4 A distance of approximately 25m would separate facing windows on the side of the development from windows at the rear of the Fordwych Road properties. This is in excess of the 18m separation distance considered to be necessary to protect privacy, and is therefore acceptable. A roof terrace at fourth floor level and the glazing behind it on the west elevation would allow views over the gardens at the rear of Fordwych Road and this is of greater concern. With a gap of 4m between the building and the garden to the rear of 111 Fordwych Road, and despite some screening from mature trees to be retained, some loss of privacy would occur to

neighbours when using their gardens. On balance however, it is considered that any loss of amenity associated with this overlooking would not be so great as to warrant restricting access to the terrace or requiring obscure glazing by condition.

- 6.6.5 It is considered that any noise or disturbance from the development when complete would not raise significant concerns given its separation from adjacent properties. It is therefore considered that the scheme would comply with Policy SD6 of the UDP.

6.7 Sustainability

- 6.7.1 The applicant has demonstrated that the development could be constructed to accord with The Code for Sustainable Homes Level 3. The development would succeed in providing over 20% of its energy from renewable sources. The additional measures, including a SUDS drainage system and high U-values for the proposed glazing are also welcome. Further details are required to secure the finer details of the sustainability measures however.

- 6.7.2 Subject to conditions and a S.106 agreement to cover a Sustainable Design and Construction Statement, a Mechanical Services Statement, an Energy Statement (which includes full details of energy use and how improvements beyond the building regulations are achieved), and a Water Strategy for the site including efficiency, collection and re-use, the proposal would comply with Policy SD9 (Resources and Energy) of the UDP.

6.8 Mix of Units

- 6.8.1 Policy H8 of the UDP requires new residential development to consist of a mix of unit sizes. The revised plans, which indicate 7 x 3-bedroom units and 2 x 4-bedroom units, are considered to satisfy the requirements of this policy.

6.9 Residential Development Standards

- 6.9.1 Residential development standards are outlined in Camden Planning Guidance (2006) - they require the following floor area for the respective unit size:

No. of persons	1	2	3	4	5	6
Minimum floor space (m ²)	32	48	61	75	84	93

- 6.9.2 The proposed development would conform to the residential development standards in terms of unit and bedroom sizes, as set out in the Camden Planning Guidance.

6.10 Lifetime Homes/Wheelchair accessible Housing

- 6.10.1 The applicants have submitted a Lifetime Homes assessment which complies with the requirements of Policy H7. Over 10% of the units have been designed to be suitable for wheelchair users.

6.11 Trees, landscaping and biodiversity

- 6.11.1 There are a number of protected trees in the private gardens backing onto the site. These include a Tree of Heaven, Lime and Beech. The proposed footprint of the building is within the Root Protection Area of some of these trees, which are considered to have a high level of visual amenity and to be important features within the urban landscape.
- 6.11.2 Trial pits suggest limited root activity from the Tree of Heaven so there will be minimal impact on this tree. Following the amendments to the scheme, which included the setting back the basement out of the Root Protection Area of the Lime and beech, these trees would also be protected. The development is therefore considered acceptable in terms of its impact on trees providing that an above ground beam be used as a foundation for the ground floor. Details regarding building foundations should be conditioned and submitted prior to any works commencing on site.
- 6.11.3 The land has been stripped of most vegetation so little remains in terms of biodiversity value, other than a row of trees (Silver Birch/Sycamore) along the railway line. If development is allowed, then it is crucial that measures are taken to enhance the level of biodiversity across the whole site. The applicant has proposed to achieve this through the provision of green and brown roof, climbing plants on the building itself, incorporation of bird boxes into the design of the building and a scheme of replanting for the open space to be passed over to the Council's ownership. On balance, these measures are considered acceptable subject to conditions requiring them to be carried out.
- 6.11.4 A bat survey has been submitted which demonstrates that the building to be demolished is not currently occupied by this protected species. It is acknowledged that this building is of a type that is likely to be attractive as a bat roost. Therefore a further survey is required immediately prior to the demolition of the building. A bird survey should also be carried out, which can also be secured by condition.

6.12 Education and Open Space Contributions

- 6.12.1 In line with Policy SD2, a contribution towards educational infrastructure in the area should be made. This is based on all private housing of 2 or more bedrooms (excluding the affordable housing elements of the scheme). Based on the current unit numbers and mix, a contribution of £68,064 should be sought. Policy N4 requires 9m² of open space per person for new developments. The provision that is made (the communal garden and amenity space associated with the residential accommodation) on site is marginally deficient in this regard. However, it is considered that this shortfall should be addressed through the developer's contribution to the upgrading of the open space to be given to the Council, rather than through a separate S.106 contribution.

6.13 Contaminated Land

- 6.13.1 A Ground Investigation Report submitted as part of the application has documented contamination at the site from lead, arsenic and benzo-a-pyrene that will require attention as part of the development work. A detailed method statement indicating how contamination issues will be dealt with as part of development and proposals for

how these works will be verified upon their completion should be required by condition if the application were to be approved. This document will need to be agreed by the Environmental Health team prior to the commencement of the works.

6.14 Noise and Vibration

6.14.1 A Noise and Vibration Report has been submitted as part of the application. This suggests that the railway is the main source of concern, followed by road noise from Mill Lane. The site is identified as being in category B for the purposes of PPG24. Having regard to Camden's UDP standards, the site falls into the category for residential sites adjoining railways where attenuation measures will be required. In terms of vibration, there do not seem to be any issues.

6.14.2 A condition should be attached requiring that the development be designed and constructed to ensure that appropriate internal noise levels are achieved. This is in line with the noise report supporting the application which sets out likely noise insulation requirements.

6.15 Other Issues

6.15.1 Objectors have raised a number of additional concerns not covered in the above analysis. Two of the issues most commonly raised relate to loss of water pressure and subsidence, which it is suggested that the construction works would cause. The former is a private matter between householders and the company providing their water supply and is not a material planning consideration. With regard to the latter, it is not considered that there are any grounds for considering that, if the building were to be properly constructed, it would cause subsidence to neighbouring properties. This is also not considered to be a material planning consideration.

7. CONCLUSION

7.1 The applicant has submitted a scheme with many positive features, including the open space to be passed to the Council's ownership and sustainability measures. However, the level of affordable housing proposed is well short of the 50% target set out in policy and insufficient evidence has been submitted to justify this shortfall.

7.2 It is therefore recommended that planning permission be refused for this substantive. It is considered that the scheme is acceptable in all other respects, and that planning permission could be granted subject to conditions and a S.106 legal agreement. However, the failure to secure the benefits that would be Heads of Terms of a legal agreement also need to form reasons for refusal.

8. LEGAL COMMENTS

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