

Address:	17-17A Murray Street London NW1 9RE	
Application Number:	2007/5335/P	Officer: Miss Kiran Chauhan
Ward:	Cantelowes	
Date Received:	19/10/2007	
Proposal:	Erection of a 3-storey building plus basement comprising office (Class B1) or storage and distribution (Class B8) uses at basement and ground floor levels and 6 flats (4 x 2 bed, 1 x 3 bed and 1 x studio) (Class C3) over basement, ground, first and second floor levels including creation of terrace at first floor level fronting Murray Street.	
Drawing Numbers:	Site location plan; 1674/01; 03B; 04B; 05B; 06B; 07; 10B; 11B; 12B; 13B; Environmental Noise Assessment; Sun pipe brochure; Code for Sustainable Homes pre assessment estimator tool; tree survey and protection report; soil mechanics report.	
RECOMMENDATION SUMMARY: Grant Planning Permission subject to a S106 Agreement		
Applicant:	Agent:	
Damsonetti Uk Ltd c/o Agent	DP9 100 Pall Mall LONDON SW1Y 5NQ	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing		<i>Vacant B2 General Industry</i>	<i>248m²</i>
Proposed		<i>B1 Business/ B8 Warehousing C3 Dwelling House</i>	<i>171m² 600 m²</i>

Residential Use Details:										
	Residential Type	No. of Habitable Rooms per Unit								
		1	2	3	4	5	6	7	8	9+
Proposed	<i>Flat/Maisonette</i>	1		4	1					

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

OFFICERS' REPORT

Reason for Referral to Committee: The proposal involves the creation of 6 flats from the erection of a new building [clause (3iii)] and the making of a planning obligation [clause (vi)].

1. SITE

- 1.1 The application site is located on a triangular piece of land on the north side of Murray Street at its intersection with Murray Mews and is currently vacant. St Augustine's Road lies to the south with Agar Grove further beyond. The site previously comprised of 3 single-storey buildings comprising car repair workshops and an ancillary open yard. There is no crossover to the site.
- 1.2 To the east of the site is a railway, and to the south on the other side of Murray Street are three-storey terraced properties with mansard roofs, occupied by A1 and A3 uses at ground floor level with residential uses on the upper floors. To the west on the opposite corner of Murray Street and Murray Mews are two-storey buildings comprising offices (the Irish Centre).
- 1.3 Murray Mews is a quiet cobbled residential street while Murray Street is a link road from Camden Road to Agar Grove and York Way beyond. There is an existing controlled parking zone (CPZ) along Murray Street. The area is predominantly residential.
- 1.4 The site is located within the Camden Square Conservation Area. There is a listed telephone kiosk adjacent to the site, and two mature street trees on the Murray Street frontage.

2. THE PROPOSAL

Original

- 2.1 The proposal is for the erection of a 3-storey plus basement building on the site for flexible B1/B8 use at part basement and part ground floor levels and 6 flats at part basement and part ground floor levels and on the entire first and second floors. The building will be triangular in footprint owing to the shape of the site. The B1/B8 unit will be accessed from front ground floor level with the lift in the building providing basement access. The basement will be completely hidden under ground and will receive light from the internal lightwells, the pavement lights to the rear and from sun pipes. Two residential entrances are proposed to provide access to the six flats within the building. The following housing mix is achieved: 1 x studio, 4 x 2 bed; 1 x 3 bed.
- 2.2 Since the granting of the scheme 2005/3722/P, there has been a change to the schemes parameters which have resulted in the submission of this scheme. Network Rail have relaxed their requirement for a 3m access zone between the railway retaining wall and the rear wall of the proposed building. This 3m access zone has been reduced to 2m. The consequence of this is a larger building footprint. Also, as

a basement storey has been inserted, the scheme can now provide 2 more additional residential flats.

- 2.3 The design of the building is in some ways similar to the scheme approved under 2005/3722/P however, in that scheme the whole of the second storey was set back from the front elevation of the building. There are also some other elevational differences.

Revisions

- 2.4 The proposal was amended to revise the location of the lift overrun, to alter the design of the balconies and to request further detailing of the windows and shopfronts. Revised drawings also corrected some of the inconsistencies shown on the plans. The provision of basement water storage tank was also added to the scheme.

3. RELEVANT HISTORY

- 3.1 The site has a long and extensive planning history. That which is most relevant is detailed below.

- 3.2 October 2003: PP **refused** for demolition of car repair workshops and erection of a 4-storey building for workshops/offices with 6 self contained residential units above, on grounds of inappropriate design and harm to the character and appearance of the CA, unacceptable mix of residential units and effects on car parking. 121m² of Class B1 offices/workshops was proposed.

However Conservation Area Consent was concurrently **granted** for the demolition of the existing buildings, despite the lack of an adequate replacement scheme.

- 3.3 Sep 2004: PP **refused** for erection of 3 storey building for workshops/small business units (Class B1) and 6 self-contained flats (3 x 1 bed and 3 x 2 bed), on grounds of inappropriate design and impact on the CA and potential for the loss of the adjoining street tree.
- 3.4 Dec 2004: PP **refused** for erection of a ground, first, 2nd and 3rd floor building for ground floor workshops/small business units (Class B1) and 5 self-contained flats (3 x 1 bed, 1 x 2 bed and 1 x 4 bed), on grounds of inappropriate design and harm to the CA and potential for harm to the adjacent street tree. 122m² of Class B1 offices/workshops was proposed.

Appeal dismissed.

- 3.5 An application for the redevelopment of the site by erection of a three storey building comprising 2 new workshops/small business units at ground floor with 4 residential units above was lodged in May 2005 but **withdrawn** on officer advice. The development was again considered likely to be harmful to the character and appearance of the conservation area and adjoining tree.

- 3.6 Dec 2005: PP **granted** for the demolition of existing building and redevelopment with a three storey building comprising two business units at ground floor (Class B1) with four residential units above (Class C3). Ref 2005/3722/P.
- 3.7 An application for the demolition of existing garage and replacement with a four storey building providing 2 live/work units at basement and ground floor levels and 5 self-contained flats above was lodged in July 2007 but was **withdrawn** in September 2007 owing to concerns regarding the height of the proposal, inadequate replacement of employment floorspace and potential harm to one of the street trees.

4. CONSULTATIONS

4.1 **Network Rail:** No response.

4.2 **Conservation Area Advisory Committee**

Camden Square CAAC **object:** The drawings are a significant improvement on earlier efforts but there are still some technical concerns that need to be addressed. Drawings are inconsistent with one another. Therefore, in its present form, we object to the proposal. The building comes to a point at the St. Augustine's Road end. The appearance from Agar Grove is likely to resemble a piece of theatrical scenery rather than a 3-D building. The scale and proportion of the building are however adequate but brick buttresses are unnecessary. Stallrisers should be durable. We reserve our decision on the acceptability of the proposal until we have undertaken wider consultation among CAAC members.

Responses: The CAAC have objected to inconsistencies on the drawings; most of which have been addressed through the submission of correct revised drawings. The building does terminate in an acute corner but this is on account of the irregular shape of the plot. The previous approved scheme also took this form. The brick buttresses [columns] on the front elevation are acceptable and do not significantly project from the front face of the building. Stallrisers are aluminium and thus durable.

Adjoining Occupiers

	Original
<i>Number of letters sent</i>	49
<i>Total number of responses received</i>	1
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	1

4.3 1 objection received from 6A Murray Street on grounds that the proposal will result in a loss of daylight, outlook and view of sky. The retail units should be sustainable as there are lots of empty retail units in the area. The materials for the shopfront (glass with aluminium frames) would not be in line with the rest of the shops on Murray Street which are mostly timber.

Officer response: No loss of daylight or outlook is expected. Planning policies cannot protect views of the sky in this instance. No retail floorspace is proposed. The space proposed is for B1/B8 use which is seen as an adequate replacement to the existing garage that existed on the site. Materials for the shopfronts are entirely acceptable. They incorporate lots of glazing and the aluminium framing would be appropriate for the style of the building.

5. **POLICIES**

Replacement Unitary Development Plan 2006

- 5.1 SD1 Quality of life (*complies*)
- SD2 Planning obligations (*complies*)
- SD4 Density of development (*complies*)
- SD6 Amenity (*complies*)
- SD7 Light, noise and vibration pollution (*complies*)
- SD9 Resources and energy (*complies*)
- SD10 Hazards (*complies*)
- E2 Retention of existing business uses (*complies*)
- H1 New housing (*complies*)
- H7 Lifetime homes (*complies*)
- H8 Mix of units (*complies*)
- B1 General design principles (*complies*)
- B7 Conservation areas (*complies*)
- B9 Views (*complies*)
- T3 Pedestrians and cycling (*complies*)
- T8 Car free & car capped housing (*complies*)
- T9 Impact of parking (*complies*)
- T12 Works affecting highways (*complies*)

Supplementary Planning Policies

- 5.2 Camden Planning Guidance
- Camden Square Conservation Area Statement

6. **ASSESSMENT**

- 6.1 The principal considerations material to the determination of this application are summarised as follows:

- Acceptability of the provision of B1/B8 floorspace
- The design of the building and its impact on the conservation area
- The provision of 6 residential units on the site
- The impact on residential amenity
- Energy and sustainability issues
- The impact on trees
- Impact on traffic and parking conditions
- Other/S106 matters

Acceptability of the provision of B1/B8 floorspace

- 6.2 Policy E2 seeks the retention of existing business uses where there is potential for that use to continue. The site is a former single storey car repairs garage, now demolished. A mixed use scheme on the site is favored as stated by policy E2 and supporting paragraph 7.21 provided that the proposal does not involve a substantial loss of business floorspace and subject to inclusion of flexible business space. The removal of the original structures and replacement with a mixed-use scheme reflecting the scale and character of the surroundings would be expected to enhance the Camden Square Conservation Area.

6.3 The business element now involves 171 sq m. The space is located primarily in the basement (with a ground floor reception area) with lift access provided, together with an element of natural lighting through a lightwell, pavement lights and sun pipes. The basement height is only 2.5 metres, but this is considered to be adequate for the type of activity likely to be undertaken from such a small unit. The type and amount of replacement floorspace is considered to be an improvement on the approved scheme 2005/3722/P, which would have provided 122 sqm as an 'office/ workshop'. Although offering better floor to ceiling height (potentially 2.8 m), this was laid out as two small shopfront units, geared very strongly to office use. On this basis, the provision of the B1/B8 floorspace is welcomed and accords with policy E2.

Design and impact on Camden Square Conservation Area

- 6.4 Policy B1 relates to general design principles and policy B7 seeks to preserve or enhance the character and appearance of conservation areas. The proposed building is a three-storey building, with the ground, first and second floors rising sheer from the edge of the pavement to a continuous parapet. A basement is also proposed but this is completely hidden under ground and will not be visible and thus will have no impact on the conservation area. The first floor and second floors are set back at the north end of the building, behind a glazed balustrade so as to address issues of conflict with the crown of the nearby tree (discussed below). This variation of elevational detailing is considered satisfactory in design terms.
- 6.5 The height and bulk respond well to the height of the neighbouring building to the north on the opposite side of Murray Mews and to the buildings opposite, which are three-storeys in height and have mansard roofs. The southern end of the building terminates in an acute corner owing to the triangular shape of the site. The scale, bulk and massing is therefore considered appropriate to the context.
- 6.6 The main (front) elevation has been articulated with vertical brick columns to read as a series of four separate units to give a mews-style appearance, echoing the appearance of the adjoining Murray Mews. Appropriate plot widths are demonstrated in the ground floor 'shop front' arrangement and in the windows above, which are ordered to give the building a vertical elevational emphasis.
- 6.7 The mock shop fronts include low stall-risers and a short fascia, echoing the traditional-style shopfronts opposite Murray Street. The fascia provides a sturdy separation between the ground floor and first floors of the building. The residential windows are tall and Juliet balconies are added to provide additional expression to the elevation. The side and rear elevations are more simply detailed but remain in keeping with the character of the area.
- 6.8 The lift overrun has been significantly lowered from the originally submitted drawings and is acceptable as it will now be hidden from street view. The roof will be accessed for maintenance purposes only [condition ensuring this attached] and the guard rail around it will be located 1200mm behind the parapet ensuring that it will be almost hidden from the street.
- 6.9 A contemporary materials palette is proposed comprising brick, steel, glass, aluminium windows and steel balcony guards. The predominant use of brick reflects the pattern of the area. Details and samples of the proposed external facing

materials of the development should be sought through imposition of a condition, including windows, glazing, balconies, brick facing materials etc. A sample materials board should be erected on site for Local Planning Authority inspection. Two gates are also proposed at either end of the building and further details of these will also be requested.

6.10 The development would not harm the special character of the adjacent listed telephone booth, located on the pavement to the south east of the site.

Provision of residential accommodation on the site

6.11 Policy SD6 seeks to ensure that no harm is caused to the amenity of occupiers and neighbours. Policy SD7 requires attenuation measures to be included where proposals are sensitive to noise and vibration pollution. Policy H7 relates to lifetime homes and policy H8 seeks to ensure that an appropriate mix of units is provided.

6.12 The site is located adjacent to a railway line, with habitable residential windows facing over the railway line. The application comes accompanied with an Environmental Noise Assessment report which considers that the site is suitable for residential development. A condition will be attached to the decision notice requiring full details to be submitted which show how the proposed dwellings will be protected against the transmission of externally generated noise and vibration from the railway in line with the approach taken on the previously approved application.

6.13 The residential mix is 1 x 3-bed, 4 x 2-bed and 1 x studio, which is considered to comply with policy H8. All of the flats comply with the set space standards contained within the Camden Planning Guidance. Despite the flats being irregular sized, all of the flats have good access to daylight and outlook with all of the flats having south westerly facing windows. A studio maisonette is proposed over basement and ground floor levels. As the basement is entirely concealed and hidden under ground, the basement level to the maisonette has no windows. However, there is an internal lightwell to the unit and pavement lights to the rear which will allow some natural light to filter through. Given that the studio flat has a floorspace of 52sqm, 20sqm more than the figure required by the Camden Planning Guidance, it is considered that no harm in terms of substandard internal amenity will result, particularly as the ground floor will benefit from receiving good daylight and outlook from the large window across the front and two windows to the rear.

6.14 One of the flats at first floor level will have access to some external amenity space in the form of a balcony and this is welcomed. This is located beneath the crown of the large street tree and may require regular maintenance.

6.15 The new flats will comply with lifetime homes criteria now that the spiral stair to the basement and ground floor studio maisonette has been substituted with a straight flight of stairs enabling a stair lift to be added if need be at a future date. There is a lift in the building and level entrance thresholds. Terms to ensure that the flats will be built to the standards will be included in the Legal Agreement.

Impact on residential amenity

6.16 Policy SD6 seeks to ensure that no harm is caused to the amenity of occupiers and neighbours. Camden Planning Guidance states that an 18m distance should be kept between the habitable room windows of differing units. The development would not

result in any undue overlooking of neighbouring residential properties. The only significant potential for overlooking of neighbours would be from the terrace serving the first floor flat facing onto and across Murray Street. The distance between the terraces and potentially susceptible windows on the other side of the street is 18 metres which is the separation distance recommended by the Camden Planning Guidance.

- 6.17 The scale and position of the development in relation to its neighbours suggests it would not have any significant adverse effect on residential amenity in terms of daylight, sunlight, outlook or sense of enclosure. The orientation and distance of the building in relation to its nearest neighbours on the other side of Murray Street (18m) is such that effects on daylight and sunlight would be minimal.

Energy and resources

- 6.18 Policy SD9 seeks to ensure that proposals conserve energy and resources. Policy N5 seeks biodiversity measures to be incorporated into new developments. For developments involving more than 5 units an Ecohomes/Code for Sustainable Homes pre-assessment report is required and a Code for Sustainable Homes pre-assessment estimator tool has been indeed been provided. In order to be acceptable, the Camden Planning Guidance states that the development should achieve a 'code 3' rating plus 50% of the available credits in the energy, water and materials fields. The report shows that a 'code 3' rating is achieved and that the credits achieved in the materials (58%), energy (55%), and water (50%) are also achieved. However, there are doubts about the predicted achievements. For example, credits are awarded for drying space, for maximum waste storage capability and for communal composting. It is not clear whether these can be achieved within the constrained site. Therefore, to ensure that these requirements are met and implemented within the design of the building, the Legal Agreement will require the submission of a Design Stage Assessment and Post Construction Review demonstrating achievement of 'code 3' alongside at least 50% of available credits in the materials, energy and water sections.
- 6.19 A green roof is proposed on the roof of the building. This is welcomed and a condition will be attached requiring details of the planting construction and maintenance. A series of photovoltaic panels are proposed on the roof of the building. A grey water storage tank will also be incorporated into the scheme below the common stair at basement level.

Impact on trees

- 6.20 Policy N8 seeks to protect trees in the borough. Following the concern raised regarding harm to the street tree on the most recent withdrawn application, the extent of the basement has been cut back from the adjacent street tree to take account of the findings of trial excavations along the site edge to determine the extent of significant root growth into the site. The set back as proposed is considered to be acceptable.
- 6.21 The set back of the building frontage at first floor terrace level provides additional space for the crown spread of the tree without the need for significant pruning. However there may be some conflict with scaffolding if it is proposed to scaffold on the outside of the building. Pruning of the tree which would harm the natural outline

of the tree would be unacceptable there. Any planning permission should be conditional on the submission and approval of a method statement for the protection of this tree during construction works, these measures will include protection of the ground adjacent to the Plane where excavations are not to take place and measures to avoid the need for extensive pruning of the crown to facilitate the erection of scaffolding.

Impact on traffic and parking conditions

- 6.22 Policy T3 requires adequate provision to be made for pedestrians and cyclists. Policy T8 seeks car free housing and policy T9 states that no harm should be caused to on-street parking conditions. Policy T12 seeks to avoid harm to the road network. The site has a public transport accessibility level (PTAL) of 3 (good) and is within a controlled parking zone. Murray Street is identified as a street that suffers from parking stress and has a ratio of parking permits to available parking bays of 0.83 meaning that the number of parking permits issued is approaching the number of spaces available. For these reasons, it is considered appropriate to require that the new units be car free and ineligible to apply for parking permits.
- 6.23 6 cycle parking spaces are required; one for each of the flats. Provision has been made for 2 lockable cycle stores towards the rear of the site, next to the railway line. Further details will be required by condition to show how the 6 cycle parking spaces will be arranged within these stores.
- 6.24 A bin store is proposed at front ground floor level. Space has also been allocated for recyclable waste.
- 6.25 As the proposal involves the construction of a 3 storey plus basement building, a significant amount of debris/excavation material will need to be removed from the site and a large quantity of new construction material transported to the site. This will generate a large quantity of construction vehicles to the site which will have a significant impact on Murray Street and the surrounding network. On this basis, a construction management plan will be required by Legal Agreement and should include details of how the site will be cleared, how materials will be transported to the site and details of how the building will be constructed.
- 6.26 Works associated with the construction of the proposed building will cause damage to the footway adjacent to the site. Therefore a financial contribution should be required to fund the repaving of the footway adjacent to the site. This will also need to be secured by Legal Agreement.

Other

- 6.27 Contaminated land: Policy SD10B relates to hazards and requires hazards to be investigated and remedial measures if required to be undertaken. The current use of the site is a car repair workshop which has likely resulted in contamination at the site. As such, a condition should be imposed requiring an appropriate site investigation to be undertaken and a report including any recommendations for remediation to be submitted prior to any construction works taking place. The condition should additionally state that should any remediation measures be required, they must be agreed with the Council prior to the commencement of any works.

- 6.28 Open space: Policy N4 states that where development is likely to lead to an increased use of public open space, an appropriate contribution towards the supply of public open space is made. A contribution of £2883.60 will be sought by S106 Legal Agreement and this has been worked out using the model contained within the Camden Planning Guidance.
- 6.29 Educational contributions: Policy SD2 requires planning obligations to be used to adequately meet the needs generated by a proposal. A sum of £20,164.00 is required via S106 Legal Agreement for the 2-bed and 3-bed units only, the figures having been calculated from the Camden Planning Guidance.
- 6.30 Community safety: Policy SD1D requires developments to incorporate measures which address personal safety and reduce the fear or crime. The Crime Prevention Officer has requested that the side gates should be of a height of 2.2m and that they should be single leaf with no climbing bars. As the rear of the building faces a railway, some wall lighting should also be incorporated and the surface finish on the rear lower levels should be of a light colour. Further details of these measures will be required by planning condition.

7. CONCLUSION

- 7.1 The proposed building is considered acceptable in terms of height, scale, form and design and responds well to the irregular shaped plot and to the immediate character and appearance of this part of the Camden Square Conservation Area. The proposed replacement employment floorspace is adequate and flexible enough to be used by a range of potential occupiers. The provision of residential accommodation on the site is acceptable and the mix and standard of accommodation provided accords with the relevant policies. The proposal will not impact on any neighbour in terms of overlooking, loss of light or outlook. Sufficient sustainability features have been incorporated in the building and the conditions will ensure that there will be no impact on the street trees.

8. LEGAL COMMENTS

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

9. RECOMMENDATION: Grant Planning Permission with conditions and subject to a Section 106 Legal Agreement requiring:

- Car free housing
- Educational contributions to the sum of £20,164.00
- Open space contributions to the sum of £2883,60
- A construction management plan
- Terms to ensure that the flats will be built to lifetime homes standards
- Code for Sustainable Homes - post construction review
- Contribution for repaving the footway adjacent to the site

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