

- 3.13 A second planning application (reference 2005/2739/P) and conservation area consent application (2005/2742/C) was submitted to the Council in June 2005 (the "June 2005 Applications"). The design of the proposal contained within these applications took on board the recommendations of the Council (in respect of the December 2004 Application) and comprised the following form of development:

*"The redevelopment of the Site by the erection of a part 4, part 5 storey building with retained basement, for uses comprising 13 self-contained residential units (Class C3), flexible non-residential institutions/community use (Class D1 and / or Class D2), offices (Class B1), and a secondary electricity substation (sui generis), and ancillary facilities including a service bay with retained vehicular access from Whitfield Street, refuse store and cycle parking."*

- 3.14 The June 2005 Applications were subsequently recommended to be granted planning permission by Officers (subject to the signing of a Section 106 Agreement), however, these applications were refused by the Council's South Area Sub-Committee on 29<sup>th</sup> September 2005 for the following reasons:

Full Planning Application:

*"The proposed development, by reason of its excessive height, bulk and massing would be detrimental to the setting of the adjoining public open space, resulting in visual intrusion and increased sense of enclosure, contrary to Policy EN52 of the London Borough of Camden Unitary Development Plan 2000."*

Conservation Area Consent Application:

*"The demolition of this building in the absence of an approved scheme for its replacement would be likely to result in harm to the character and appearance of the surrounding Conservation Area contrary to policies EN31 (Character and Appearance of Conservation Areas) and EN32 (Demolition in Conservation Areas) of the London Borough of Camden Unitary Development Plan 2000."*

- 3.15 Following the refusal of the above applications, the Applicant lodged an Appeal for the applications to be determined by the First Secretary of State (via the Planning Inspectorate) by way of an Informal Hearing. On 5 May 2006 the First Secretary of State (FSOS) allowed both Appeals for planning and conservation area consent, concluding that the proposal would not effectively breach relevant policies in the development plan, and that the proposal would both preserve and enhance the

character and appearance of this part of the Crabtree Fields Conservation Area.

- 3.16 However, a High Court Challenge was subsequently filed by a Third Party, Mr Max Neufeld (the "*Claimant*"), to quash the decision of the First Secretary of State. The Challenge was based on the grounds that the Claimant had suffered prejudice as the Inspector did not: refer in his decision letter to the Claimant's representations to the effect that development proposed by the Appellant; did not make adequate provision for affordable housing; and, did not make provision for public open space of within the Site.
- 3.17 On 6 June 2006, the High Court upheld the Challenge and ordered that the claim be allowed and that the decision of the First Secretary of State be quashed. The Appeal was subsequently resubmitted to the First Secretary of State for her redetermination.
- 3.18 It should be noted that whilst the abovementioned appeal was being progressed the Applicant submitted another revised Planning and Conservation Area Consent application on 10<sup>th</sup> January 2006 (the "*January 2006*") (ref: 2006/0242/P and 2006/0245/C respectively). The further revised proposal was similar to the June 2005 Application, however, the rear element of the building was reduced to three storeys instead of four storeys as previously proposed.
- 3.19 These Planning and Conservation Area Consent applications were submitted following discussions with Officers in November 2005. During these discussions it was confirmed by Officers that the revised scale, form, appearance and dwelling type proposed were considered by the Council to be acceptable. It was also suggested that the form of development replicated the rhythm and scale of the existing townhouse development fronting Colville Place (part of which is Grade II listed). However, it was also brought to the Applicant's attention that the Council now requires that the residential element of any proposal be the "predominant" use on the Site. The January 2006 Applications were recommended to be refused planning permission by Officers, and were subsequently refused by the Council's South Area Sub-Committee on 31<sup>st</sup> March 2006 for the following reasons:

Planning Application:

1. *"The proposed proportion of uses in the development fails to make the fullest possible residential use of a site identified as being suitable for wholly or predominantly residential use in an area of deficiency of potential housing sites contrary to Policies H1 (loss of residential floorspace) and HG8 (increasing the amount of residential accommodation) of the London Borough of Camden Unitary Development Plan 2000 (as amended by Alteration No. 2, adopted 8<sup>th</sup> January 2004) and to Policies H1 (New Housing) and Policy LU1 (Land Use proposals –*

*Site 41) of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11<sup>th</sup> January 2006.*

- 2. The proposed development fails, without adequate justification, to include any provision for affordable housing contrary to Policy HG11 (Affordable Housing) of the London Borough of Camden Unitary Development Plan 2000 (Alteration No.2, adopted 8<sup>th</sup> January 2004) and Policy H2 (Affordable Housing) of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11<sup>th</sup> January 2006.*
- 3. The proposed mix of residential unit sizes fails to incorporate a suitable range of small and larger units sizes to the detriment of meeting identified housing need in the Borough generally, contrary to Policy HG16 (Housing mix in schemes for new residential development) of the London Borough of Camden Unitary Development Plan 2000 and to Policy H8 (Mix of units) of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11<sup>th</sup> January 2006.*
- 4. The application fails to demonstrate that the design of the building complies with sustainability accreditation targets of 'very good' and that the proposed dwellings have been designed to 'Lifetime Homes' standards incorporating 10% designed as wheelchair housing (or easily adaptable) contrary to Policies EN12 (Use of resources) and HG14 (Mobility and wheelchair housing) of the London Borough of Camden Unitary Development Plan 2000 and to Policies B1 (General Design principles) and H7 (Lifetime homes and wheelchair housing) of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11<sup>th</sup> January 2006.*
- 5. The proposal would include residential accommodation that would be likely to increase pressure on overstretched local educational facilities, could cause disruption to local residents by reason of intrusive construction works, the office element may lead to increased travel in an already congested area, the residential accommodation would lead to increased travel in an already congested area, the residential accommodation would lead to increase parking pressure in an area of existing high parking stress, and the proposal fails to include the sufficient open space, contrary to policies RE6, En7, EN52, TR17, DS8, TR21, and TR23 of the London Borough of Camden Unitary Development Plan 2000, and policies SD2, SD8, T1, T2, T3 and T8 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11<sup>th</sup> January 2006.*



6. *The proposed development by reason of its excessive height, bulk and massing would be detrimental to the setting of the adjoining public open space, resulting in visual intrusion and increased sense of enclosure, contrary to policy EN52 of the London Borough of Camden Unitary Development Plan 2000."*

Informative(s):

1. The applicant is advised that reason for refusal 4 above, could be resolved by the submission of additional statements to address sustainability and access/lifetime homes standards, incorporating any necessary changes to the layout of the units.
2. The applicant is advised that the matters referred to in reason 5 could all be addressed by means of a legal agreement under Section 106 of the Act.

Conservation Area Application:

*"The demolition of this building in the absence of an approved scheme for its replacement would be likely to result in harm to the character and appearance of the surrounding Conservation Area contrary to policies EN31 (Character and Appearance of Conservation Areas) and EN32 (Demolition in Conservation Areas) of the London Borough of Camden Unitary Development Plan 2000 and to Policy B7 of the revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11<sup>th</sup> January 2006."*

- 3.20 Further pre-application discussions have since taken place with Officers in July 2007 in connection with a further revised proposal for the Site. The further revised proposal was similar in scale to the January 2006 Application proposal, with the rear element of the building reduced to three-storeys instead of four-storeys as previously proposed as part of the 2005 Applications. However, of significant difference, the proposed mix of uses and dwelling sizes were provided at a policy compliant level, including a 50% provision of affordable housing on a per unit basis.
- 3.21 During these pre-application discussions, it was confirmed by Officers that the revised uses, scale, form, appearance and dwelling size and type proposed were considered by the Council to be acceptable.
- 3.22 It is considered that the Proposal that forms the topic of this Full Planning Application and Conservation Area Consent Application (the "October 2007 Application") has been designed in accordance with the Council's revised advice, and the Policies contained with

the Replacement UDP (adopted June 2006) and the Planning Brief for the Site, details of which are set out in Chapter 4 of this Planning Statement.



## **4.0 DESCRIPTION OF DEVELOPMENT**

### **Introduction**

- 4.1 This Chapter of the Planning Statement describes the Proposal in full detail.

### **The Proposal**

- 4.2 As previously indicated in Chapter 1 of this Planning Statement, the Proposal comprises the redevelopment of the Site for mixed-use purposes. Set out below are full details of the various components of this Proposal.

### *Demolition*

- 4.3 There is no merit in retaining the existing building on the Site in terms of either its design or its use. However, the lower ground and basement levels of the existing building are very solid structures and it is structurally feasible and economically advantageous to re-use these parts of the existing structure. Therefore it is proposed that the parts of the existing building on the Site that protrude above ground should be demolished.
- 4.4 The new building will utilise the existing foundations and sub-structure of the existing building, with the result that, subject to further studies, no additional excavation or piling is proposed. At lower ground and basement levels, a number of the structural columns will be retained (yet to be determined), with the remaining columns and the partition walls being removed.
- 4.5 The extent of the proposed demolition is illustrated on Drawing A07.58 C3 submitted in support of the Proposal. The total floor area proposed to be demolished is approximately 2,285sqm.
- 4.6 The Site adjoins No.3-5 Whitfield Street. Until the Proposal is complete, special provision will be made for protecting the party wall with No.3-5 Whitfield Street during and after demolition of the existing buildings on Site.

### *General Scale, Bulk & Massing*

- 4.7 In general terms the Proposal will comprise a basement and lower ground levels. Above ground level, the Proposal will be part two, part three, part five and part six-storeys in height. These storey heights will be residential in scale and therefore will be similar in scale to the buildings on the east side of Whitfield Street, which equates to five commercial storeys (the equivalent of 6 residential storeys). In addition, the sixth floor of the proposal will be set a significant distance back from the main façade of the building and will not therefore be noticeable at street level (see Architectural Drawing No's A07.58 P.08, E1 and E2).
- 4.8 The six-storey element of the Proposal will be constructed along the entire Whitfield Street frontage and at a depth of less than one fifth of the Site. As the built form of the Proposal progresses from east to west, its scale reduces in height to three-storeys for a further three fifths of the Site area, before reducing to two-storeys for the final fifth of the Site area.
- 4.9 The entire Proposal will be flat roofed. This will ensure that four fifths of the Proposal will be of a similar height to the parapet height of the existing depot / substation building that currently occupies the central and west parts of the Site.

### *Proposed Uses*

- 4.10 The Proposal is for a mixed-use development comprising the following uses in GEA and percentage terms:

Use Type	GEA (sqm)	%
<b>Residential (Class C3)</b>	2,896.0	68.4%
<b>Non Residential Floorspace (Classes B1/D1/D2)</b>	1,289.2	30.5%
<b>Substation (Sui Generis)</b>	45.7	1.1%
<b>Total</b>	4,230.9	100%

- 4.11 A more detailed breakdown of the uses proposed on the Site can be provided on request.



### *Residential Use & On-Site Amenity Space*

- 4.12 The residential element of the Proposal will occupy all of the floorspace from ground level upwards, except for the front part of the building fronting Whitfield Street where a commercial reception area is provided. This residential element amounts to 2,896sqm (GEA) and is provided in the following form:

Unit Size	Affordable Housing		Market Housing	TOTAL
	Social Rent	Intermediate		
<b>1 - bed</b>	1	2	0	3 unit
<b>2 - bed</b>	4	0	3	7 Units
<b>3 - bed</b>	4	0	1	5 Units
<b>4 - bed</b>	0	0	7	7 Units
<b>TOTAL</b>	<b>9</b>	<b>2</b>	<b>11</b>	<b>22 UNITS</b>

- 4.13 The seven market sale 4-bedroom units will be mews houses, located within the three-storey element of the Proposal, accessed from the semi-private mews. The remaining market sale 2-bedroom and 3-bedroom units will be located in the front part of the building facing Whitfield Street, but specifically above the access archway and adjacent to Crabtree Fields.
- 4.14 All of the social rented units will be located in the front part of the building facing Whitfield Street, to the south of the access archway. The two 1-bedroom intermediate units are located at the western end of the Site and will also be accessed from the semi-private mews.
- 4.15 Each of the seven 4-bed "mews" units will also be provided with a private patio area (approximately 11sqm) located along the southern boundary of the Site. Balconies (approximately 1.5sqm) will also be provided at first floor level for the 4-bedroom units. The two 1-bedroom intermediate units will not be provided with balconies, but will benefit from their own private courtyard (41.5sqm) and roof terrace (19sqm), respectively. The 2-bed market sale units located over the access archway will also be provided with two balconies (4sqm) each, being accessed off the living room and the second bedroom / study. The nine affordable units will not be provided with on-site private amenity space, but will be able to utilise the benefits of Crabtree Fields. The Applicant includes a significant contribution towards the upkeep / improvements to this public open space as part of the Proposal.

### *Non- Residential Floorspace*

- 4.16 The proposed non-residential floorspace equates to approximately 1,289.2sqm (GEA) and will occupy all of the basement floorspace and approximately 40% of ground level floorspace of the part of the Site fronting Whitfield Street.
- 4.17 At present, the Applicant has been approached by a private medical company which has expressed an interest in the non-residential floorspace, which could provide a medical scanning facility with other ancillary medical facilities. In addition, the Applicant expects there would also be a high level of interest from gymnasium or other indoor recreational users.
- 4.18 In order to allow flexibility of use to meet market demand, it is therefore proposed that this non-residential floorspace is permitted by the Council to be used for B1(a), D1 or D2 use purposes. Accordingly, the exact internal layout of the basement and lower ground floorspace has not been specified on the architectural drawing submitted in support of the Proposal. The layout of the proposal would be subject to future occupier direction.
- 4.19 In terms of providing natural lighting at the basement and lower ground levels to help to facilitate the use of this floorspace, the design approach allows natural daylight to reach these levels by way of:
- the creation of a 'light court' located along the northern and southern boundary of the Site;
  - the creation of an 'access gallery' located along the southern boundary of the Site; and,
  - the creation of a light well (2.0 metre x 16.5 metres) between the footprint of the building and the Site boundary line along Whitfield Street
- 4.20 Given the wide variation of employment types covered by the B1/D1/D2 use classes, it is difficult to quantify the level of employment that the Proposal would generate. However, as there is currently no employment on the Site, any employment that is generated by the Proposal would result in a net increase in the employment provision in the borough.

### *Substation Use*

- 4.21 It is proposed that the existing secondary substation element is to remain in situ at lower ground level on the Site. This substation, which requires 24-hour access in the case of emergencies, will be accessed at ground floor level via a secure service door, set back 2m from the back edge of the footpath fronting Whitfield Street. The service door opens onto a staircase that leads down to the substation chamber. A removable panel, 2m x 2m, in front of the service door, allows access for plant.
- 4.22 Servicing of the substation is infrequent, in the order of one visit a month. The EDF Energy personnel that carry out the servicing arrive by small van and remain generally for a quarter of an hour, sufficient time to check that the equipment is functioning properly.

### *Car Free Development & Cycle Parking Provision*

- 4.23 No on-site car parking provision is proposed and it is intended that the Applicant enters into a Section 106 Agreement to designate the Site as "car free". This will mean that the occupiers of the residential units will not be entitled (unless they are a holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to:
- be granted a Residents Parking Permit to park a vehicle in a Residents Parking Bay; and,
  - buy a contract to park within any car park owned, controlled or licensed by the Council.
- 4.24 In terms of cycle parking provision, this will be provided for the residential (at a ratio of approximately 1:1) and commercial floorspace (at a ratio of approximately 1:1,277sqm). All of these spaces will be sheltered and secure.

### *Green Roof & Other Ecological Initiatives*

- 4.25 It is intended that the flat roof of the three and two storey elements of the Proposal become green roofs to enhance the ecological value of the Site, which is currently devoid of any such merits. Bird and Bat nesting boxes will also be provided on the north elevation of the town houses.