

### *Boundary Wall*

- 4.26 The 2.6 metre high brick wall (topped by a 1.65 metre high fence and barbed wire) that defines the northern boundary of the Site and the southern boundary of Crabtree Fields will be retained as part of the Proposal. In this respect, the vegetation that has already fixed itself to the wall and entwined itself through the high fence will also be retained. As a consequence, the birds and invertebrates that currently use this vegetation as habitat will not be disturbed.
- 4.27 It is also proposed that additional planting be undertaken adjacent to the southern face of this boundary wall. This additional planting (probably an ivy species) will be encouraged to flourish and therefore provide additional habitat.

### *Servicing & Access*

- 4.28 A commercial and residential service yard is proposed at the entrance to the residential mews and above the secondary substation chamber. This yard is capable of accommodating two transit van sized vehicles.
- 4.29 Refuse storage facilities and visitor cycle parking provision will be accessed off this service yard, but set back from Whitfield Street so as not to be obvious to passing pedestrians. Service vehicles will be able to reverse into the Site in order to ensure that servicing is undertaken off-street.
- 4.30 The gates at the entrance to this service yard will be unlocked during working hours and locked at night. A separate gate will be installed between the service yard and the residential mews, which will be accessed via a keypad and remote security system.

### *Plant Equipment*

- 4.31 All of the plant equipment used to service the B1/D1/D2 floorspace will be located within the lower ground level of the Proposal. The biomass district heating facility (backed up by gas boilers) will also be located in the lower ground floor level, as highlighted on architectural drawings reference A07.58 P.02.

### *Heads of Terms*

- 4.32 In addition to the form of development described above, the Proposal also includes a number of legal obligations and financial contributions to be set out in a Section 106 Agreement or Unilateral Undertaking.

4.33 Set out below is a summary of the proposed "Heads of Terms":

1. Car Free Housing - The development shall be treated as being permanently designated as "car free" housing;
2. Financial Contributions – The Applicant agrees to pay to the Council the following financial contributions on or prior to the implementation date of the Proposal:
  - Education – On occupation of the first private family (3 bed plus) residential unit, the sum of £112,769 to be paid by the Applicant to the Council for the provision of education needs arising in the London Borough of Camden.
  - Highways – The sum of £13,265 to be paid by the Applicant to the Council towards the carrying out of highways works.
  - Open Space Contribution – The sum of £15,000 to be agreed by the Applicant and the Council, and ring fenced for the maintenance of Crabtree Fields.
  - Bird and Bat Boxes – The sum of £500 to be paid by the Applicant to the Council towards the provision of bird boxes within Crabtree Fields.
3. Travel Plan – On or prior to the implementation of the Proposal the Applicant agrees to submit a draft of a Travel Plan to the Council for its agreement.
4. Management of Construction Phase – On or prior to the implementation of the Proposal the Applicant agrees to submit a draft Management of Construction Phase Method Statement to the Council for its agreement. A Construction Waste Management Plan will form part of this plan.
5. Affordable Housing – The Applicant agrees to provide eleven of the residential units as affordable housing units, and that nine of these units will be designated for Social Rent housing and two of the units will be for Intermediate housing.
6. Withdrawal of the current Planning and Conservation Area Consent Appeals (reference: APP/X5210/A/05/1196719 and APP/X5210/E/05/1196720 – The Applicant agrees to withdraw the above mentioned Appeals should this Planning and Conservation Area Consent Application be granted permission prior to the commencement of the Informal Hearing for the above Appeals on 12<sup>th</sup> December 2007. The Applicant wishes to seek agreement with the Council that any costs successfully sought, either by the Council or

by Third Parties, are off set by way of an equivalent reduction in the financial obligation sought for the Open Space contribution.

- 4.34 Upon the Council's agreement to the above Heads of Terms, a Section 106 Agreement or Unilateral Undertaking will be submitted prior to the application being determined.

## 5.0 CONFORMITY TO PLANNING POLICY

### Introduction

5.1 This Chapter of the Planning Statement will demonstrate how the Proposal will accord with the planning policies considered relevant to the Site.

5.2 On the basis that the Proposal comprises the redevelopment of this accessible previously-developed site for residential-led mixed-use purposes, it is clear that the "principle" of the Proposal is supported by the main themes of National and Regional Planning Policy (e.g. PPS1, PPS3, PPG13, RPG9, London Plan and its relevant Sub-Regional Development Framework). This Chapter will therefore focus on demonstrating how the Proposal will accord with the design requirements set out in the local planning policy documents / guidance and will overcome the previous reasons for refusal. In order to do so, this Chapter will use the following points as its structure:

- a) the Proposal accords with the Council's Site Specific aspirations for the Site as set out in the Development Plan;
- b) the Proposal accords with the Council's Planning Brief for the Site;
- c) the Proposal accords with the Council's Central London Area (CLA) policy;
- d) the Proposal would not have a detrimental impact on the supply of employment land within the Borough;
- e) the Proposal would not have a detrimental impact on Crabtree Fields, in terms of its setting, visual intrusion, sense of enclosure, overshadowing and use; and,
- f) Other Matters

5.3 National or regional policies and guidance will be referred to throughout this Statement where relevant.

#### a) Site Specific Proposals

5.4 The local Development Plan Document considered relevant to the Site is the London Borough of Camden Replacement Unitary Development Plan (June 2006) (the

"Replacement UDP").

- 5.5 Set out below is a summary of the Site Specific Proposal contained within the Replacement UDP considered relevant to the Site.

*Replacement UDP*

- 5.6 Site Proposal 44 of the Replacement UDP requires the following form of development on the Site:

*"Residential or mixed-use, predominantly residential"*

- 5.7 The Proposal comprises a mixed-use development within which the residential element is the predominant use in quantitative and physical terms. The Proposal therefore fully accords with Site Proposal 44 and Policy LU1 of the Replacement UDP. These matters are explained in more detail below.
- 5.8 The dictionary definition of the word "predominate" is to be of or have greater quantity or importance. The dictionary definition of the word "predominant" is to have the greatest ascendancy, importance, influence, authority, or force.
- 5.9 On the basis that the residential element of the Proposal represents 68.4% of the gross external floorspace (or GEA) of the entire development, when compared to 30.5% for the B1/D1/D2 uses and 1.1% for the substation uses, it is clear that the residential component predominates and is the predominant use, in quantitative terms, on the Site.
- 5.10 Furthermore, on the basis that the residential element of the Proposal would occupy approximately four fifths of the Site area, it is clear that the residential component predominates and is the predominant use, in physical terms, on the Site.
- 5.11 It should also be noted that during pre-application discussions with the Council's Planning Officers it has been agreed that the quantum of residential floorspace and the overall mix of uses proposed is appropriate for this Site, in accordance with Site Proposal 44 of the Replacement UDP.

**b) Planning Brief (No.33)**

5.12 A planning brief for the Site, prepared by the Council and entitled "Whitfield Street Planning Brief", was approved in April 2002.

5.13 Set out below is a list of the key aims for a development proposal for the Site that are set out in the Planning Brief, as well as a commentary on how the Proposal accords with these key aims.

Key Aims	Proposal's Response
A mixed-use scheme or a housing scheme would be appropriate for the Site (paragraph 4.2).	The Proposal comprises a mixed-use development.
In a mixed-use scheme, the residential element should comprise at least 35% of the total gross floorspace (paragraph 4.7).	At least 68.4% of the total floorspace proposed (in GEA terms) will be used for residential purposes.
210-617 habitable rooms per hectare for family housing (paragraph 4.4).	The Proposal will provide for approximately 557 habitable rooms per hectare. In this respect, it was considered that the density of the Proposal is supported in the Planning Brief. It should be noted that this density level is dictated by the fact that the rear part of the Site cannot be any larger than three-storeys in height and the character of the immediate area comprises town house style development.
50% or more of the homes should be 3 bed (4 person units) or larger (paragraph 4.4).	54.5% of the residential units will be three bed (4 person units) or larger.
50% of dwellings for affordable housing for developments with 14 residential units or more (paragraph 4.4).	50% of the residential units will be for affordable housing.
Five-storeys along the Whitfield Street frontage, stepping down in height to the rear of the building exceeding no more than three-storeys (paragraph 5.10).	The Proposal comprises six storeys the Whitfield Street frontage, stepping down in height to the rear of the building to 3 storeys and then 2 storeys. However, the sixth floor penthouse is significantly set back and will barely be visible from street level.

Car free housing.	The Proposal will be car free, which will be secured by way of a legal agreement.
The preparation of a Pre-BREEAM Assessment.	A BREEAM Assessment has been prepared and submitted in support of the Proposal.
The following matters are to be covered by planning obligations: <ul style="list-style-type: none"> <li>• Green Travel Plan;</li> <li>• Affordable Housing;</li> <li>• Car-free Housing;</li> <li>• Education.</li> </ul>	All of these matters are covered by planning obligations.

5.14 The above table demonstrates that the Proposal fully accords with the aspirations of the Council's Planning Brief for the Site.

5.15 It should also be noted that during pre-application discussions with the Council's Planning Officers it has been agreed that the Proposal will accordance with the aspirations of the Council's Planning Brief (No.33).

**c) Central London Area (CLA) Policy**

5.16 Replacement UDP Policy SD3 (Mixed-Use Development) states that if a scheme proposes an additional gross floor space of more than 200sqm within the CLA, then the Council will seek to negotiate up to 50% of the additional floorspace as housing. The subsequent question is: what does the Council considers being "additional" floorspace?

5.17 It has been confirmed by a Planning Officer at Camden Council (Mr Brian O'Donnell) that additional floorspace constitutes a net increase in floorspace on a site, over and above what already exists on site. The following example was discussed and agreed - if a building comprising 1,000sqm of Class A1 (retail) floorspace is demolished and replaced by a building comprising 1,500sqm of Class B1 (office) floorspace, then the additional element equates to 500sqm.

5.18 When considering the Proposal in relation to the "additional" floorspace being proposed within the Site (i.e. by comparing the existing development on the Site (3,012sqm) with the Proposal (4,230.9sqm, GEA)), there will be a net increase in floorspace of approximately 1,218.9sqm. In accordance with Policy SD3, the amount of the additional floorspace used for residential purposes should equate to approximately 609.45sqm. The Proposal will in fact provide 2,896sqm (GEA) of the overall floorspace for residential purposes, which equates to 2,286.55sqm more than required by Policy SD3.

- 5.19 Notwithstanding the above, even if the Council considers that by demolishing the existing building on the Site the newly constructed elements of the building will be deemed as "additional" floorspace, the Proposal will still result in almost 98% of the additional floorspace being used for residential purposes, as explained in more detail below.
- 5.20 The Proposal includes the retention of the basement and lower ground levels already constructed on the Site, which provide for 1,279.9sqm of floorspace (excluding the 55sqm commercial reception) that will eventually be used for B1/D1/D2 use and sub-station purposes. As such, this "retained" floorspace cannot be considered to be additional floorspace. If this retained floorspace is then deducted from the overall floorspace proposed within the Site (i.e. 4,230.9sqm), this would leave 2,951sqm of floorspace, which is to be constructed. When the proposed residential floorspace (2,896sqm) is compared to the floorspace to be constructed, it is clear that almost 98% of the floorspace to be constructed would be used for residential purposes.
- 5.21 Furthermore, it should also be noted that the floorspace proposed below ground level is not suitable for residential purpose, by virtue of its nature. In this respect, it can be clearly argued that of all of the floorspace that has "potential" to be habitable, 98% of this floorspace will be used for residential purposes.
- 5.22 By whatever means used to calculate the "additional" floorspace within the Proposal, the residential component will always occupy more of the additional floorspace than is required by SD3 of the Replacement UDP. The Proposal therefore fully accords with Policy SD3 of the Replacement UDP.

**d) Protection of Employment Use**

- 5.23 Whilst the Site was identified as a large employment site (over 1,000sqm) in the Council's Employment Site Survey (2000), it does not fall within the remit of Policy E2 of the Replacement UDP as it currently falls within the Sui Generis Use Class. In this respect, the loss of the Site from solely employment purposes is not restricted by local planning policy, a fact that is reinforced as a result of the Council's publication of the abovementioned Planning Brief for the Site.
- 5.24 As mentioned above, 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.



5.25 The proposed B1/D1/D2 uses are appropriate for this CLA location and will replace an existing ancillary use that forms part of the function of the area, in accordance with Policy E1 of the Replacement UDP.

**e) Impact on Crabtree Fields**

5.26 As explained in Chapter 3 of this Planning Statement, the June 2005 and January 2006 Applications were partially refused planning permission because the Council's Planning Committee considered that the 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 now superseded London Borough of Camden Unitary Development Plan 2000.

5.27 For the sake of clarity, Policy EN52 states that the Council will resist development bordering public and private open spaces which is detrimental to their integrity, appearance and setting in terms of height, scale or massing or which, in terms of use, is likely to intrude on the public enjoyment of those spaces.

5.28 The equivalent Policy to EN52 "Development bordering designated open spaces" in the Replacement UDP is Policy N2b – "Protecting Open Space" which states that for development bordering public and open space:

*"The Council will not grant planning permission for development bordering public and private open space that it considers would cause harm to its wholeness, appearance and setting, or is likely to intrude on the public enjoyment of the open space."*

5.29 The Proposal will accord with the five main elements of Policies EN52 and N2b, as follows in this case:

- 1) the Proposal would not be detrimental to the setting of Crabtree Fields;
- 2) the Proposal would not result in detrimental visual intrusion;
- 3) the Proposal would not result in a detrimental decrease in the wholeness of Crabtree Fields, nor increase in the sense of enclosure of Crabtree Fields;
- 4) the Proposal would not result in a significant detrimental increase in the amount of overshadowing currently experienced in Crabtree Fields; and,

5) the Proposal would not result in a significant reduction in the use of or public enjoyment of Crabtree Fields.

5.30 Set out below is a more detailed explanation as to how the above conclusions have been formed.

*Elements 1 (setting) & 2 (visual intrusion)*

5.31 The current development on the Site (a redundant depot and substation) offers no architectural merit to the setting of Crabtree Fields and the surrounding Conservation Area. This fact has been agreed by the Council in its Planning Committee Report prepared in relation to the June 2005 Applications (paragraph 6.11), a copy of which is attached as Appendix 3 to this Planning Statement.

5.32 The Proposal would result in an occupied high quality mixed-use development which would be much more pleasant to look at when viewed from or in the setting of Crabtree Fields. The retention of the wall between the Site and Crabtree Fields will help with the transition between the Crabtree Field and the Proposal. Further details of the suitability of the Proposal for this Site and its setting are described in the Design & Access Statement submitted in support of the Proposal.

*Element 3 (sense of wholeness and sense of enclosure)*

5.33 Paragraph 5.1 of in the Council's Planning Brief indicates that Crabtree Fields is set within an area comprising three, four and five-storey terraced buildings. The Proposal, which comprises a two, three and five-storey building (which includes a sixth-storey that is substantially set back from the main facades), with a three and two-storey terrace of residential town houses / apartments located adjacent to Crabtree Fields, replicates the existing setting of the park and therefore cannot be considered to be detrimental to the setting of Crabtree Fields.

5.34 The front block of the existing building on the Site has a depth of 12 metres adjoining Crabtree Fields. The Proposed Development reduces this depth at ground floor level to 11.3 metres, but this is reduced to 8.7 metres from first floor level upwards as a result of introducing integral corner balconies. This design will therefore reduce the apparent width of the Proposal and any "purported" sense of enclosure of Crabtree Fields. No part of the Proposal will be constructed any closer to Crabtree Fields than the existing building. When this is combined with the fact that the rear (residential) part of the Proposal will be constructed to a similar height to the parapet height of the existing building, it is clear that the Proposal will not result in a significant detrimental sense of enclosure on Crabtree

Fields.

*Element 4 (overshadowing)*

- 5.35 In terms of the overshadowing effect of the Proposal on Crabtree Fields, the Sunlight & Daylight Report, prepared by Schatunowski Brooks, concludes that the area of permanent shadowing on March 21<sup>st</sup> is less than two fifths of the area of the park and therefore complies fully with the guidelines set out in the relevant BRE report.

*Element 5 (use and public enjoyment of Crabtree Fields)*

- 5.36 When compared to the June 2005 Applications, the current Proposal includes the following improvements to help to reduce the perceived visual intrusion of the Crabtree Fields:

- as the commercial floorspace will be located at lower ground floor level only, there will therefore be a 100% reduction in the number of office windows overlooking Crabtree Fields;
- a reduction in the amount of overlooking of Crabtree Fields from the Whitfield Street block by 50%;
- an increase in the distance from the Crabtree Fields boundary to the residential element from 6.7 metres to approximately 8 metres (i.e. along the same building line as the existing building); and,
- the proposal has been carefully designed to ensure that the potential for the residential occupiers to overlook the park has been kept to the practicable minimum.

- 5.37 The above measures should also be considered alongside the fact that the majority of the southern part of Crabtree Fields is occupied by a heavily vegetated pergola and trees.

- 5.38 In light of the above, although it is reasonable to assume that some of the occupiers of the residential components of the Proposal will be able to overlook Crabtree Fields (some more so than others), this would happen in any case, whatever forms of development were to take place. In addition, it should also be recognised that there are benefits of overlooking of communal areas, as stated in Camden Planning Guidance in paragraph 29.8:

*"Public spaces and communal areas will benefit from a degree of overlooking due to the increased level of surveillance it can provide."*