

August 2014

# Land at Midland Crescent/Finchley Road

## London, NW3 6NA

### Planning Statement

**Prepared for:**  
Stadium Capital Holdings

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# 1. Introduction

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1.1. This Planning Statement has been prepared by Savills, and is submitted in support of a full planning application made on behalf of Stadium Capital Holdings ("The Applicant") for the redevelopment of Land at Midland Crescent/Finchley Road, London, NW3 6NA.

1.2. Planning permission is sought for the following:

*"Erection of a part 3, part 4 and part 5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3//A4/B1/D1 & D2) at lower basement and ground floor levels, 60 student bedrooms with communal kitchen, lounge and common room areas, and 9 residential dwellings"*

1.3. This application is a resubmission of a full planning application which was submitted in July 2013 for the redevelopment of this site (ref. 2013/4575/P), and which was subsequently dismissed at appeal (ref. APP/X5210/A/13/2209342). The description of development was as follows:

*"Erection of a part 3, part 4 and part 5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3//A4/B1/D1 & D2) at lower basement and ground floor levels, 92 student bedrooms with communal kitchen, lounge and common room areas, and 9 residential dwellings"*

1.4. The appeal was made against the Council's decision to refuse planning permission for the following three main reasons:

- 1. The proposed development by virtue of its height, bulk, mass, scale, footprint and detailed design would have an adverse impact on the character and appearance of the surrounding street scene and local area. The application is therefore contrary to policies CS2 (Growth areas), CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage) and DP24 (Securing high quality design) of the London Borough of Camden Core Strategy and Development Policies 2010.*
- 2. The proposed development by virtue of its height, bulk, massing and scale would have an adverse impact on the amenity enjoyed by neighbouring residents to the north, namely those within properties on Finchley Road and Rosemont Road in terms of*

*outlook and increased sense of enclosure. The application is therefore contrary to policies CS5 (Managing the impact of growth and development) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.*

3. *The proposed development by virtue of its height, bulk, massing and scale would result in overshadowing during winter months to the detriment of the Site of Nature Conservation Importance located to the north of the application site, contrary to Policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Core Strategy 2010.*

1.5. The Inspector concluded that the appeal should be dismissed on the grounds of the effect on neighbouring amenity of the residential properties on Finchley Road by virtue of the height and depth of the rear projection of the building only. The Inspector did not consider the Council's other reasons for refusal were justified.

1.6. This application seeks to address the Inspector's reason for refusal to the previous scheme by reducing the height, bulk and mass of the building to the rear.

1.7. The Planning Statement outlines the revised proposals in more detail and relates them to local, regional and national planning policy. It should be read in conjunction with the accompanying plans and drawings prepared by CZWG Architects LLP and submitted as part of the application as well as the following documents:

- **Design and Access Statement incorporating Public Open Space Assessment** prepared by CZWG;
- **Air Quality Assessment** prepared by Ramboll;
- **Phase 1 Geoenvironmental Contamination Report** prepared by Capita;
- **Mechanical and Electrical Services Report** prepared by KUT,;
- **Daylight and Sunlight Assessment** prepared by Point 2 Surveyors;
- **Ecological Impact Assessment** prepared by Capita;
- **Energy Statement** prepared by Metropolis Green;
- **Sustainable Statement** prepared by Metropolis Green;
- **Noise and Vibration Assessment** prepared by Aecom;
- **Transport Assessment accompanied by Travel Plan** prepared by Tim Spencer;
- **Statement of Community Consultation** prepared by Quatro;
- **Site Waste Management Plans** prepared by Ramboll;
- **Light Impact Report** prepared by Ramboll;

- **Student Accommodation Supply and Demand Report** prepared by JLL;
- **Student Management Plan** prepared by CRM;
- **Surface Water Drainage Design** prepared by Ramboll;
- **Basement Impact Assessment** prepared by Ramboll;
- **Commercial Space Overview** prepared by Stadium Capital Holdings; and
- **Construction Environmental Management Plan** prepared by MAH.

1.8. Whilst not part of the planning application a Viability Assessment has been prepared by Doug Birt on a strictly private and confidential basis. This document contains sensitive information which is not to be made available to third parties without our prior agreement.

1.9. This statement provides the background information relating to the site and a detailed assessment of the proposals in relation to planning policy and other material considerations and is set out under the following sections:

- **Section 2** outlines the site and its context within the surrounding area;
- **Section 3** provides an outline of the relevant planning history;
- **Section 4** provides details of the pre-application consultation;
- **Section 5** outlines the development proposals;
- **Section 6** sets out the relevant Planning Policy Framework;
- **Section 7** considers the Inspector's reason for refusal;
- **Section 8** details the other planning considerations associated with the development in planning terms;
- **Section 9** provides the regeneration statement; and
- **Section 10** draws our conclusions in respect of the proposals.

## 2. Site and Surroundings

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- 2.1. The site is located on the west side of Finchley Road, adjacent to number 279. It is a triangular piece of land measuring circa 0.2 hectares locked between two east/west running railway tracks. A site location plan is attached at Appendix 1.
- 2.2. The eastern part of the site, onto Finchley Road, was previously occupied by a row of single-storey retail units which were demolished in 2003 and the site has since been vacant.
- 2.3. The site has a Public Transport Accessibility Level (PTAL) rating of 6a indicating that it has 'excellent' links to public transport. Finchley Road itself is a Red Route (with bus lanes on each side) and as such forms part of Transport for London's Road Network (TLRN). The site is within easy reach of Finchley Road and West Hampstead tube stations, Finchley Road and Frognal overground station and the West Hampstead Thameslink Station.
- 2.4. Outline planning permission was granted in 2005 for the erection of a building comprising basement and four upper floors for use as retail and offices at the eastern end of the site and the reserved matters were approved in October 2010 (LPA refs: PWX00021 63 & 2008/4958/P).
- 2.5. This scheme has been implemented, however in line with the National Planning Policy Framework (NPPF) and the need to maximise the potential of brownfield sites it is considered that an increased level of development is deliverable on this site.
- 2.6. The site is located within the West Hampstead Interchange Growth Area as defined in the Council's Local Development Framework Core Strategy. The front part of the site is also located within the Finchley Road/Swiss Cottage Town Centre area. The site is not located within a Conservation Area and, as does not comprise any Listed Buildings.
- 2.7. The site is located within Flood Risk Zone 1 indicating that there is a low risk of flooding.
- 2.8. The surrounding area is mixed use. To the south of the site is the modern O2 Centre which provides retail, food and drink, cinema, and gym facilities. The buildings to the north are predominantly retail/food and drink at ground floor level with residential accommodation on the upper floors. They vary between 3 and 4-storeys in height. The buildings on the east side of the street are generally commercial at ground floor with residential above and range in height between 3 and 5-storeys. There is also a 7-storey hotel located on the east side of the street.

The land to the north of the site is identified as a site of nature conservation importance in the Core Strategy (Rosemount Embankment).

### 3. Planning History

3.1. This section of the report reviews the sites planning history relevant to this application.

Application Reference	Site Address	Description of Development	Status
PWX0002163	Land at Midland Crescent	<i>Erection of a basement plus four storey building, with retail (Class A1) and food &amp; drink (Class A3) uses on the front part of the ground floor and office use (Class B1a) in the basement, part ground floor and three upper floors.</i>	Granted Subject to a Section 106 Legal Agreement 25 October 2005
2008/4958/P	Land at Midland Crescent	<i>Details of reserved matters, including siting, design, external appearance, means of access and landscaping, pursuant to the outline planning permission granted on 25th October 2005 (ref: PWX0002163) for the "Erection of a basement plus four storey building, with retail (Class A1) and food &amp; drink (Class A3) uses on the front part of the ground floor and office. use (Class B1a) in the basement, part ground floor and three upper floors.</i>	Granted 02 January 2009
2013/0880/P	Land at Midland Crescent	<i>Redevelopment of the site by the erection of a four/five storey building, including double basement and communal balcony at fourth floor level to provide 138 student units (Class Sui Generis) and 1,240 square metres of flexible commercial space (Classes A1/A2/A3/A4/B1/D1 &amp; D2).</i>	Refused 04 June 2013



2013/2564/P	Land at Midland Crescent	<i>Erection of a part-4 and part-5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3/A4/B1/D1 &amp; D2) at lower basement and ground floor levels, 116 student bedrooms with communal kitchen, lounge and common room areas at upper basement to fourth floor levels and an outdoor communal balcony at fourth floor level.</i>	Refused 31 July 2013. Appeal dismissed 02 April 2014
2013/4575/P	Land at Midland Crescent	<i>Erection of a part 3, part 4 and part 5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3//A4/B1/D1 &amp; D2) at lower basement and ground floor levels, 92 student bedrooms with communal kitchen, lounge and common room areas, and 9 residential dwellings</i>	Refused 17 October 2013 Appeal dismissed 02 April 2014

3.2. In February 2013 application reference: 2013/0880/P was submitted to the London Borough of Camden. The application (scheme one) sought planning permission for a mixed use scheme on the site. Through the application process it became apparent that the Council had some concerns with certain elements of the proposals which lead to its refusal in June 2013.

3.3. A further application again for a similar mixed use scheme was submitted to the Council in April 2013 (ref. 2013/2564/P). Through the pre-application process it became apparent that Council Officers may have some concerns with certain aspects of the design of the February 2013 scheme. As such, a revised submission (scheme two) was made in order to address the Officers design concerns.

3.4. A subsequent application was submitted to the Council in July 2013 (ref. 2013/4575/P) for a revised scheme (scheme three) in order to address comments raised by Officers to scheme two. The development proposed forms a high quality student accommodation led mixed-use

development. Nine residential units were also included which led to the reduction in student bed spaces. Various amendments were made to the design; the key revisions being the addition of nine residential units, the reduction in student bed spaces to 92, and reduction of the commercial floorspace to 807 sq m.

3.5. The application for scheme three was refused by the Council for fifteen reasons. Three of these reasons for refusal related to specific matters as set out below. The other 12 reasons relate to the absence of a legal agreement as per the decision notice at Appendix 2.

1. *The proposed development by virtue of its height, bulk, mass, scale, footprint and detailed design would have an adverse impact on the character and appearance of the surrounding street scene and local area. The application is therefore contrary to policies CS2 (Growth areas), CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage) and DP24 (Securing high quality design) of the London Borough of Camden Core Strategy and Development Policies 2010.*
2. *The proposed development by virtue of its height, bulk, massing and scale would have an adverse impact on the amenity enjoyed by neighbouring residents to the north, namely those within properties on Finchley Road and Rosemont Road in terms of outlook and increased sense of enclosure. The application is therefore contrary to policies CS5 (Managing the impact of growth and development) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.*
3. *The proposed development by virtue of its height, bulk, massing and scale would result in overshadowing during winter months to the detriment of the Site of Nature Conservation Importance located to the north of the application site, contrary to Policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Core Strategy 2010.*

3.6. In summary and as agreed in the Statement of Common Ground for the Appeal, there were three reasons for refusal relating to:

- Design
- Outlook enjoyed by existing residential neighbours; and
- Overshadowing to the Site of Nature Conservation Importance.

- 3.7. The appeal was lodged on 22 November 2013 and heard at a Hearing held in March 2014. The Inspector issued his decision on 2<sup>nd</sup> April 2014 (see Appendix 3), dismissing the appeal because of the impact on neighbouring amenity of the residential properties on Finchley Road. It is important to note that the Inspector dismissed the appeal on the impact on the existing residential amenity of neighbours on Finchley Road only. The Inspector did not find there would be any unacceptable effects on the neighbouring residents of Rosemont Road:

*“There are residential properties on the upper floors of the 3 storey terrace on Finchley Road, immediately adjacent to the appeal site. The proposal would be higher than these Finchley Road properties and would project significantly further rearwards. According to the figures set out by the Council, the proposals would project 90m beyond the rear of No 279a Finchley Road. I consider that the rearward projection of the proposed buildings, combined with their height, would mean that when viewed from these adjacent residential properties on Finchley Road and their outdoor terraces, the proposals would both appear unacceptably dominant and would represent an overbearing feature. I have noted that the proposals would be set at an angle where they adjoin 279 Finchley Road but, taking account of the height, depth and the other element of the building that would project out, I find that these matters would be far from sufficient to render the proposed relationships acceptable. Therefore, in this respect, there is a conflict with the aims of Policies CS5 and DP26...*

*The proposed long north facing elevation of the buildings would face towards the rear of properties on Rosemont Road, many of which are in residential use. The Council states that the proposed elevations would be around 48m from the properties on Rosemont Road, although I note that this figure would vary as the existing and proposed elevations would vary in the line that they take. Even taking account of the substantial size of the proposed elevations that would be viewed from the existing residential properties and the fact that they would be readily visible, I consider that the distance between them would be sufficient to ensure that there would be no unacceptable effects on these neighbouring residents.”*

Paragraphs 9-10

- 3.8. With regards to the first and third specific reasons for refusal as above, the Inspector found in the appellants favour. With respect to design, the Inspector concluded that the scheme “*would have an acceptable effect on the character of the area*”. With respect to overshadowing of the Site of Nature Conservation Importance, the Inspector found that “*there would be a relatively minor effect on the nature conservation site ...which could be compensated for by more appropriate management of the site*”. The Inspector noted that the management of the nature conservation site is a matter addressed in the Planning Obligation.

## 4. Pre-application Consultation

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- 4.1. The development proposals have been the subject of extensive pre-application consultation with the London Borough of Camden including Senior Policy Officers, Nature Conservation, Transport and Conservation & Urban Design Officers.
- 4.2. A first meeting was held on the 10th January 2011 and written feedback was subsequently received (dated 1st February 2011). The principle of the development of the site was accepted at this stage, with detailed comments received on the precise mix of accommodation. This advice fed into the preparation of the planning application scheme where possible.
- 4.3. Following subsequent work on the proposals a further pre-application meeting was held with Council Officers on the 12th July 2011, although the formal response was not received until 20th January 2012. Once again this did not dispute the principle of redeveloping the site and asked for further justification for the proposed mix of uses. These issues were also picked up through the planning application where appropriate.
- 4.4. In addition to in-depth discussions with Council Officers, discussions have also been undertaken with various interest groups and the project team have endeavoured to take on-board their suggestions where possible. To date, the following consultation exercises have taken place:
- Meeting with Virginia Berridge and Mark Hutton of 'West Hampstead Action for Transport' (WHAT) (5<sup>th</sup> October 2009);
  - Meeting with Bill Granger of the 'Finchley Road Community Forum' (19<sup>th</sup> October 2009);
  - Meeting with members of the 'West Hampstead Local Interest Group' (12<sup>th</sup> October 2009); and
  - Written correspondence with Rosemount Trust and Rosemont and Lithos Road Traders and Residents Association (11th March 2010).
- 4.5. In 2012, further consultation with the following stakeholders has been undertaken:
- Cllr Keith Moffatt (West Hampstead Ward);
  - Cllr John Bryan (West Hampstead Ward);
  - Cllr Gill Russo-Gill (West Hampstead Ward);
  - Bill Granger (Arkwright Mansions Residents Association); and

- Dr. Mayer Hillman (Netherhall Neighbourhood Association).

- 4.6. Further to this, dialogue took place in relation to the proposals set out within scheme one and scheme two, including a meeting held at the Council Offices on 20<sup>th</sup> June 2013 which discussed the proposals set out within the application for scheme three. This process assisted in informing the design process and evaluation of the scheme which was amended where possible to address the comments and issues raised.
- 4.7. In respect of this revised submission, a pre-application meeting was held on 8<sup>th</sup> July 2014 to discuss the design amendments proposed to overcome the Inspector's reason for refusal. Discussions were positive in respect of the submission of the revised design.
- 4.8. In addition, dialogue has been undertaken on the methodology for the Air Quality Assessment with feedback from Officers informing the methodology to be used for the submission of this application. Advice from Officers has also been taken into consideration in the preparation of other planning application documents.
- 4.9. A further, more comprehensive overview of the public consultation undertaken to date is covered in the Statement of Community Involvement prepared by Quatro and submitted with this planning application.

## 5. Development Proposals

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5.1. The revised development proposed forms a high quality student accommodation led mixed-use development including nine residential units, commercial and communal space. Amendments have been made to the design of building reducing its bulk and mass, resulting in a reduction of student bed spaces.

5.2. In summary the following key revisions have taken place:

- Reduction in the building length / rear projection by 13.17m;
- Reduction in building height by one storey over the length of the rear of the building;
- Reduction in building massing particularly to the northern and western edges; and
- Reduction of student bed spaces to 60.

### *Design Approach*

5.3. As set out previously through the design approach of schemes one, two and three the concept derives from considerations of the local urban environment. The busy vibrant main road, the proximity of the 02 Centre, the two flanking railway lines and the neighbouring residential terraces to the north. Given the characteristics of the local area, the street frontage is suitable for active economic uses with student living accommodation above.

5.4. The design of the scheme has taken shape following the aforementioned public consultation exercises; comments/feedback from Council Planning Officers at the pre-application stage, meetings through the application process in relation to the previous schemes and subsequent pre-application meeting and discussions regarding this revised scheme.

5.5. The massing of the building has been designed to be commensurate with the 02 Centre, whilst also being mindful of the potential for the building to act as a marker on Finchley Road, and to the introduction of residential accommodation. The scheme has been designed to step down from its highest point at the east of the site fronting Finchley Road in a direct response to the topography of the site.

5.6. The building is articulated along its length to avoid it being perceived as too large. Subdividing and splitting the mass of the building up with breaks has created the impression of separate pavilion buildings. The design focuses on being architecturally exciting and contextual, but as well as buildable.

5.7. The revised design responds directly to the Inspector's reason for refusal regarding scheme three. As set out above, the building has been reduced in length, height and massing. The gross external volume of the part of the building viewed from the west of the terraces of 279 Finchley Road at first floor level and above equates to a 45% reduction from the previous proposal. Further commentary of the design amendments made to the scheme and a justification for these can be found within the supporting Design and Access Statement prepared by CZWG Architects

### ***Layout***

5.8. The proposed development will provide a part three, part four, and part five storey building. The tallest element will front the public highway on Finchley Road.

### ***Land Use***

- 5.9. The proposed development comprises a mix of student accommodation (both private and communal areas), residential accommodation and an element of commercial space.
- 5.10. 60 private student bedrooms with associated wash facilities will be situated at upper-basement through to second floor levels. The student accommodation will be located in clusters with communal lounge and kitchen areas. Communal space for use by the student residents is also proposed in the form of a common room and a laundry room at lower basement level.
- 5.11. Commercial space will be located at basement and ground floor levels, providing 757 sq m overall. The commercial units will be accessed from Finchley Road, with the ground floor unit providing an active frontage. The commercial space is proposed, at this stage to be flexible, with the capacity to accommodate uses within classes A1/A2/A3/A4/B1/D1 & D2.
- 5.12. The residential accommodation will be located at the front of the development on Finchley Road. Nine residential units are provided in total in the following mix:

- 2 x One bedroom units;
- 5 x Two bedroom units; and
- 2 x Three bedroom units.

### ***Density***

- 5.13. Whilst this is not a specific consideration for student developments, for completeness we have provided a density calculation to use as a guide.
- 5.14. The proposed density is 647hr/ha, this is based on a calculation of 97 (70 student, and 27 residential) habitable rooms and a total site area of 0.15ha.

### ***Landscaping and Amenity Space***

- 5.15. Amenity space for the student residents will be provided in the form of lounge areas to serve each cluster of student rooms, a communal terrace and common room at lower basement level and green amenity space at first and second floor levels. The external environment is such that it would not be capable of providing good quality useable external amenity space. The Noise and Air Quality levels would not be conducive to significant external space.
- 5.16. 95 sq m of amenity space for the residential accommodation will be provided in the form of balconies, allowing each unit to have access to private space.

### ***Vehicular and Cycle Parking***

- 5.17. The development will be car-free. 60 cycle parking spaces are provided for the student accommodation, 18 for the residential and 10 visitor spaces for the commercial space. These are located at upper basement level.
- 5.18. The cycle storage areas would have secure access arrangements and CCTV coverage to enhance levels of security and safety.

### ***Servicing***

- 5.19. Servicing for the building would take place from the Red Route loading bay within the Finchley Road. Servicing will not take place between 4pm to 7pm as this is when the bus lane running alongside the eastern boundary of the site within Finchley Road is in operation.

### ***Sustainability and Energy Efficiency***

- 5.20. Energy and water efficiency measures will be integral to the building's design and specification. The measures will reduce the site's impact on the environment and contribute to its



sustainability. The BREEAM 2014 New Construction pre-assessments for the student accommodation (in the accompanying Sustainability Statement) demonstrates that the proposed development can achieve a rating of 'Excellent'. The Code for Sustainable Homes pre-assessment for the residential apartments demonstrates that the proposed development can achieve Code Level 4.

## 6. Planning Policy Framework

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- 6.1. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004), planning applications should be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 6.2. The redevelopment proposals for the Midland Crescent site must, therefore, take account of relevant national, regional and local planning policy. The relevant development plan in this instance comprises the London Plan (2011), Camden's Core Strategy (2010) and Camden's Development Policies (2010).
- 6.3. Material considerations that have also contributed in shaping the development proposals include the National Planning Policy Framework (2012), the Planning Practice Guidance (2014) and various supplementary planning guidance documents adopted by Camden.

### ***National Planning Policy Framework***

- 6.4. The Department for Communities and Local Government (DCLG) published the National Planning Policy Framework (NPPF) in March 2012. This framework took effect immediately replacing the previous portfolio of Planning Policy Statements (PPSs) and Planning Policy Guidelines (PPGs) with one consolidated document, albeit technical guidance in relation to some certain PPGs/PPSs has been published/remains. On this basis the NPPF is now a material consideration in the determination of planning applications.
- 6.5. One of the overarching objectives of the NPPF is the encouragement of growth and the acknowledgement that decision-makers should adopt a presumption in favour of sustainable development. Paragraph 14 of the document states:

*“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted”.*

- 6.6. The government expects the planning system to deliver the homes, business, infrastructure and thriving local places that the country needs, while protecting and enhancing the natural and historic environment. Paragraph 17 sets out the Core Planning Principles. It includes the requirement that planning should proactively drive and support sustainable development to deliver the homes the country needs (including for students).
- 6.7. Paragraph 47 identifies measures to “boost significantly the supply of housing”. Local Plans should meet the objectively assessed need for housing in their area. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.
- 6.8. The key points relevant arising from the adopted NPPF area as follows:
- An overriding presumption in favour of sustainable development;
  - Promotion of development growth both in terms of new economic development and in providing for new homes;
  - Encouraging the effective use of ‘brownfield’ land; and
  - Plans should have proper regard to development viability, which includes providing acceptable returns to a willing land owner and developer.

### ***Planning Practice Guidance***

- 6.9. In March 2014 DCLG launched the planning practice guidance web-based resource which cancelled many previous planning practice guidance documents. This followed the Taylor review which recommended that the planning guidance be shorter but retain key elements, be more accessible, and more useful to everyone using the planning system.
- 6.10. The PPG identifies that good quality design is an integral part of sustainable development. Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations. Good design should respond in a practical and creative way to both the function and identity of a place (para. 26-002-20140306).
- 6.11. The PPG states that good design should:
- ensure that development can deliver a wide range of planning objectives;

- enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being; and
- address the need for different uses sympathetically. (para. 26-003-20140306)

### ***The London Plan***

6.12. The Greater London Authority (GLA) formally published its revised London Plan in July 2011. This provides a spatial development strategy for Greater London and sets out the Mayor of London's overall strategic plan for London. It is supplemented by a number of Supplementary Planning Guidance (SPG) and Best Practice Guidance (BPG) documents.

### ***West Hampstead Interchange Intensification Area***

6.13. Table A1.2 of the London Plan refers to the 'West Hampstead Interchange Intensification Area' which the Midland Crescent site falls within. The area is defined as:

*"A significant inner London transport interchange with potential to improve connections between rail, underground and bus and to secure an uplift in development capacity through intensification".*

6.14. The London Plan also indicates an indicative employment capacity of 100 new jobs and a minimum of 800 new homes to be delivered in the area between 2011 and 2031.

6.15. The London Plan sets an overall housing provision target between 2011 and 2021 of 32,100 additional homes per year across London. Table 3.1 details Camden's minimum ten year target as 6,650 new homes. Policy 3.3 states that boroughs should seek to exceed their housing targets.

### ***Camden's Core Strategy***

6.16. Camden's Core Strategy sets out the key elements of the vision for the borough and is a central part of the Local Development Framework (LDF). The Core Strategy was adopted at a full Council meeting on 8 November 2010. The following policies are considered most relevant to this application:

- CS1 – Distribution of Growth;
- CS2 – Growth Areas;
- CS5 – Managing the impact of growth and development;

- CS6 - Providing Quality Homes;
- CS7 – Promoting Camden’s centres and shops;
- CS11 – Promoting sustainable and efficient travel;
- CS13 – Tackling climate change through promoting higher environmental standards;
- CS14 – Promoting high quality places and conserving our heritage;
- CS15 – Protecting and improving our parks and open spaces and encouraging biodiversity;
- CS16 – Improving Camden’s health and well-being;
- CS17 – Making Camden a safer place; and
- CS18 – Dealing with our waste and encouraging recycling.

***Camden’s Development Policies***

6.17. Camden’s Development Policies set out detailed planning considerations that are used to determine applications for planning permission in the borough. The Development Policies were adopted at a full Council meeting on 8 November 2010. The following policies are considered most relevant to this application:

- DP1 – Mixed use development;
- DP9 – Student housing, bedsits and other housing with shared facilities;
- DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses;
- DP1 – Community and leisure uses;
- DP16 – The transport implications of development;
- DP17 – Walking, cycling, and public transport;
- DP18 – Parking standards and limiting the availability of car parking;
- DP20 – Movement of goods and materials;
- DP21 – Development connecting to the highway network;
- DP22 – Promoting sustainable design and construction;
- DP23 – Water;
- DP24 – Securing high quality design;
- DP26 – Managing the impact of development on occupiers and neighbours;
- DP27 – Basements and lightwells;
- DP28 – Noise and vibration;
- DP29 – Improving access ;
- DP31 – Provision of, and improvements to, public open space and outdoor sport and recreation facilities; and
- DP32 – Air quality and Camden’s clear zone.

### ***Camden Site Allocations***

6.18. The Camden Site Allocations Local Development Document sets out key objectives and guidance for development of land and buildings on significant sites which are likely to be subject to development proposals to assist in delivering the priorities and objectives of the Core Strategy and the revised London Plan 2011. The Site Allocations Plan was adopted by Full Council on 9 September 2013.

6.19. The site is not allocated but the Swiss Cottage / Finchley Road area is identified as a highly accessible location which can expect to experience some future development alongside the main growth areas.

### ***Camden Planning Guidance (CPG)***

6.20. The LDF is accompanied by the 'Camden Planning Guidance' (CPG) which is a material planning consideration. The following CPGs are considered relevant to this application:

- CPG 1 Design (adopted April 2011);
- CPG 2 Housing (April 2011);
- CPG 3 Sustainability (April 2011);
- CPG 5 Town Centres, Retail and Employment (September 2011);
- CPG 6 Amenity (September 2011);
- CPG 7 Transport (September 2011); and
- CPG 8 Planning Obligations (September 2011).

## 7. Inspector's Reason for Refusal

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7.1. This part of the report considers and responds to the Inspector's reason for refusal of scheme three. As set out in Section 3 above, the Inspector dismissed the Appeal for scheme three on one ground in respect of the effects of the proposal on the living conditions of neighbours. The scheme was found to be acceptable in all other respects. Detail of the reason for refusal is provided below, followed by our response and justification as to why this revised scheme addresses this.

7.2. The Inspector's report for the Appeal considers the effects of the proposed development on the living conditions of residents of properties on Finchley Road and Rosemont Road. The Inspector did not find there to be an unacceptable effect on the residential amenity of properties on Rosemont Road.

7.3. In respect of the effect on the residential properties on Finchley Road the Inspector found that:

*"There are residential properties on the upper floors of the 3 storey terrace on Finchley Road, immediately adjacent to the appeal site. The proposal would be higher than these Finchley Road properties and would project significantly rearwards. According to the figures set out by the Council, the proposals would project 90m beyond the rear of No 279a Finchley Road. I consider that the rearward projection of the proposed buildings, combined with their height, would mean that when viewed from these adjacent residential properties on Finchley Road and their outdoor terraces, the proposals would both appear unacceptably dominant and would represent an overbearing feature. I have noted that the proposals would be set at an angle where they adjoin 279 Finchley Road but, taking account of the height, depth and the other element of the building that would project out, I find that these matters would be far from sufficient to render the proposed relationships acceptable. Therefore, in this respect, there is conflict with the aims of Policies CS5 and DP26..." (Paragraph 9)*

7.4. The key consideration for this revised scheme is therefore the proposed reduction in the height, depth and projection of the rear of the building in relation to the rear of the residential properties on Finchley Road. Also the aims of Core Strategy Policy CS5 Managing the impact of growth and development and Development Management Policy DP26 managing the impact of development on occupiers and neighbours.

7.5. This revised scheme proposes changes to the design of the development specifically in response to the Inspector's comments. As set out in Section 4 above, these design changes

have been discussed with Officers through pre-application discussions and we consider that the scheme now addresses the Inspector's reason for refusal.

7.6. A full analysis of the design approach is set out within the Design and Access Statement including a commentary on the changes made to the scheme to address the reason for refusal. In summary the following changes have been made to the scheme:

- Reduction in the building length / rear projection by 13.17m;
- Reduction in building height by one storey over the length of the rear of the building; and
- Reduction in building massing particularly to the northern and western edges.

7.7. All other detailed design considerations are reviewed further within Chapter 8 of this report.

7.8. Policies CS5 and DP26 stress that developments should not have a significant adverse impact on the amenity of existing and future occupiers and nearby properties in terms of loss of daylight and sunlight. Where this is not possible, appropriate measures to minimise potential negative impacts should be implemented.

7.9. Point 2 Surveyors have provided a Daylight, Sunlight and Overshadowing Report in support of the revised scheme. The conclusion of this report is that the scheme's impact on the rear of the two properties fronting Finchley Road is negligible in Daylight and Sunlight terms. The two properties closest to the site (279a and 279b) were selected because they would be the most effected. Logically if both of those properties are not adversely impacted by the development then those further away will also not be adversely affected.

7.10. We are therefore of the view that the proposals meet the requirements of Policies CS5 and DP26 in respect of this consideration. Further commentary on other properties in respect of Daylight and Sunlight is provided in Chapter 8, and within the supporting report.

7.11. Policies CS5 and DP26 also highlight that developments should not have an adverse impact on the amenity of existing and future occupiers in terms of loss of privacy or outlook. As set out above, the Inspector cited the impact of the development as appearing dominant and overbearing on the outlook of the rear of the residential properties on Finchley Road as the reason for refusal.

7.12. In respect of this reason for refusal and the western outlook of the properties along Finchley Road, particularly the properties closest to the site it should be noted that any residential



accommodation within this terrace is at first floor above street level or above, which is the equivalent of the first floor of the proposed development. The proposed building has been significantly reduced both in terms of the depth of rearward project and the overall height, bulk and mass of the building. Furthermore, because of the change in levels and that the site steps down to the rear/ west, the proposed building will not be read as five storeys to residents' sense of outlook. At most the building will be similar in height to the existing residential accommodation along Finchley Road terrace. This is considered to be an acceptable relationship experienced by any resident of a property at the corner of an urban block, in this location.

- 7.13. In order to illustrate this point, scheme architects CZWG have provided indicative views taken from 1<sup>st</sup> floor level of 279a/b Finchley Road looking west towards the rear of the site. We are firmly of the view that the revised scheme will maintain a perfectly acceptable outlook for these properties.
- 7.14. The site is within an urban context where development is expected to take place where opportunities present themselves. Natural screening is proposed on the northern elevation of the proposed building to soften the effect of the proposed development. We are of the opinion that the proposed design is of significantly better quality than the O2 and will enhance the outlook for residents. It should also be noted that there is significant existing vegetation, including mature trees between the site and neighbouring residential properties. This planting will provide a significant amount of screening of the proposed development.
- 7.15. We therefore consider that the proposed scheme raises any unacceptable issues in respect of outlook and sense of enclosure for properties on Finchley Road.

#### ***Reasons for Refusal 4 – 15***

- 7.16. In the refusal of scheme three by the Council, reasons for Refusal 4 – 15 were applied because of the absence of a legal agreement to cover the various points raised. As part of the Appeal, the Applicant submitted Unilateral Undertakings to overcome the Council's concerns and respond to these reasons for obligations. In making his decision, the Inspector took account of the matters contained in these Undertakings, but as the Appeal scheme was considered unacceptable for another reason, did not find it necessary to look at the them.
- 7.17. Through the Statement of Common Ground it was agreed with the Council that the development proposals are not applicable to contribute towards community facilities and that

reason for refusal 12 is withdrawn. The 'Community Facilities Contribution' is therefore withdrawn from the planning obligation.

7.18. It is expected that should the Council be able to support this proposal and the scheme progress towards a recommendation for approval that a legal agreement will be put in place covering the relevant/ necessary items.

7.19. For the reasons set out above we are of the view that this amended scheme addresses the Inspector's reason for refusal. Our justification in respect of other planning matters is provided within Chapter 8 below.

## 8. Planning Considerations

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8.1. Further to section 7, this part of the report considers all other planning issues. In summary, it is considered that the requirements of planning policy can be met in full and the proposed development should be granted planning permission. In addition, many of the considerations below were agreed with the Council through the Statement of Common Ground for the scheme three Appeal. The full details of matters previously agreed is at Appendix 4.

8.2. None of the issues considered below were considered to be unacceptable by the planning Inspector through the Appeal. Given that there have not been any significant changes in planning policy or any other material considerations, we do not consider there to be any reason why these considerations raise any planning issues.

8.3. The key planning considerations are listed and considered in turn.

- Principle of land use(s)
  - Student and Residential Accommodation
  - Commercial
  
- Residential Amenity and Design
  - Air Quality
  - Amenity and Open Space
  - Unit Mix/Sizes
  - Density
  - Design and Crime Prevention
  
- Traffic, Transport, Servicing and Accessibility
  - Cycle Parking
  - Car Parking
  - Accessibility
  
- Ecology
  
- Sustainability and Energy
  
- Flooding

- Planning Obligations

### **Principle of land use(s)**

#### *Student and Residential Accommodation*

- 8.4. Through the Statement of Common Ground for the Appeal, it was agreed by the Council that the provision of student accommodation within the proposal is considered as an acceptable land use and would not prejudice the Council's ability to meet the target of the supply of self-contained homes. It was also agreed that the principle of residential accommodation is suitable on the proposed part of the site.
- 8.5. The suitability of the site for the proposed land uses has been considered in detail, and it is considered that the proposed mixed use development including 60 student bed spaces, and residential accommodation would be entirely appropriate and consistent with the planning policy framework for the site. The principle of the student development on the site is considered in the context of planning policy below.
- 8.6. Policy CS6 (Providing Quality Homes) of the Camden Core Strategy (2010) and Policies DP1 (Mixed use development) and DP9 (Student Housing, Bedsits and Other Housing with Shared Facilities) of the Camden Development Policies (2010) document support proposals for additional accommodation in the Borough provided that:
- i. It will not result in the loss of permanent self contained homes;
  - ii. It does not prejudice the supply of self-contained homes, affordable housing and homes for older and vulnerable people;
  - iii. It contributes to mixed and inclusive communities; and
  - iv. It is accessible to public transport, higher education institutions, shops, services and community facilities.
- 8.7. The sections below will address each of these considerations in turn.
- i. It will not result in the loss of permanent self contained homes*
- 8.8. The site is currently vacant therefore the proposed development of this site will not result in the loss of any permanent self contained homes. The proposals within this application seek to provide nine new self contained homes.

*ii. It does not prejudice the supply of self-contained homes, affordable housing and homes for older and vulnerable people;*

8.9. The Core Strategy states that the borough's housing targets as set out in the London Plan can be met from existing and emerging sites that have been allocated for housing development, and where planning permission has already been granted for residential land uses.

8.10. The application site has not been allocated for housing in either the UDP (2006), the Core Strategy (2010), or the Site Allocations DPD (2013); neither has it been granted planning permission for residential uses or been identified as having the potential to support affordable housing or housing for older or vulnerable people. The proposals will therefore not compromise the ability of the Council to supply self-contained homes, affordable housing or homes for older and vulnerable people.

8.11. Developing this site for a primarily student housing scheme would not prejudice the achievement of Camden's housing targets. Furthermore, in the determination of the appeal on Blackburn Road in September 2010, the Inspector cited that supplying additional student housing is likely to reduce the demands placed on existing self contained homes. The Camden Housing Needs Survey Update (2008) indicated that there are almost 28,000 full time students registered in Camden and this figure is expected to grow. Providing dedicated student housing will relieve the demands these students place on self contained homes and make more available for general needs. In addition, the proposal provide nine new residential dwellings which will assist the Council in exceeding their target for further self contained homes, and therefore complies with this policy.

*iii. It contributes to mixed and inclusive communities*

8.12. The Camden Planning Guidance (CPG) (2011) on Housing and student housing states that when considering the location for student housing schemes, the Council will consider any existing concentrations of student accommodation in the area as a proportion of the overall population and the wider housing mix in the community.

8.13. The area surrounding the site is mixed in character. To the south of the site is the O2 centre which provides retail and leisure facilities whilst the buildings to the north and on the opposite side of Finchley Road predominantly have commercial uses at ground floor level with residential accommodation provided above. In addition, the site forms part of the West Hampstead Growth Area as defined by the Core Strategy (2010), and the London Plan (2011) expects this area to deliver a minimum of 800 new homes and 100 new jobs. The area will see

an intensification of uses over the coming years and, as the Site Allocations DPD identifies, the Finchley Road area can expect to experience future development alongside the main growth areas.

8.14. In terms of increasing the student population in the area, the allowed appeal for 347 student bed spaces on Blackburn Road supplied this area with its first dedicated student housing scheme. This site is located within 500m of Midland Crescent but the CPG demonstrates that there are no other proposed student housing schemes and only one existing student housing scheme of under 100 student beds within 1km of the site.

8.15. The CPG on housing outlines that the area of West Hampstead has a student population of 5.52% of the proportion of the usual resident population and this is far less than other areas of Camden such as Belsize (6.18%), Bloomsbury (25.38%), Canteloves (7.88%), Frognal and Fitzjohns (7.58%), Haverstock (5.72%), Holborn and Covent Garden (9.55%), Kentish Town (5.64%), Kings Cross (22.97%), Regent's Park (8.65%) and Swiss Cottage (5.88%).

8.16. Given that the site is located within the West Hampstead Growth area the provision of nine residential units is considered appropriate to the area surrounding the site, and the wider growth area. The area will certainly have even greater capacity to support additional student and residential accommodation whilst still maintaining the mixed community that it currently exhibits.

*iv. It is accessible to public transport, higher education institutions, shops, services and community facilities.*

8.17. The site has excellent access to public transport, as indicated by its PTAL rating of 6a. Finchley Road Underground station is within 250m walk of the site providing access to the Metropolitan and Jubilee Lines. National Rail services can be accessed from Finchley Road and Frognal station which is also within 250m walk of the site and West Hampstead Underground and Thameslink station is within easy reach. Furthermore, Finchley Road is a Red Route with bus lanes on either side of the carriageway. There are 7 bus services available within 640m of the site which include direct routes to Central London. With such excellent public transport access and a number of different travel options available, the area has the transport capacity to serve the student numbers that have been proposed at the site.

8.18. In terms of access to Higher Education Institutions, the Camden Planning Guidance (2010) on housing demonstrates that there are 10 higher education institutions within the borough, 9 of which are less than 5km from the site. However, regard should also be had to the higher

education institutions across London. It is a unique university destination in that students will often travel up to 30-40 minutes between their place of study and their accommodation. With the excellent public transport services available to the site, these higher educational institutions are all readily accessible, as are other institutions across North London and the wider London area.

- 8.19. The site is also well situated in terms of its access to shops, services and community facilities. Finchley Road and the adjacent O2 shopping centre provide access to a number of shops, bars, restaurants, cinema, art gallery, doctor's surgery and many other facilities. The site is also within walking distance of the centres of Swiss Cottage and West Hampstead.

#### *Summary*

- 8.20. For the reasons set out above, the site is considered to be suitable for student and residential accommodation in line with Core Strategy Policy CS6, DP1 and DP9. The site has excellent access to public transport, local amenities and higher education establishments. In addition, the development of this site for student housing with an element of residential accommodation will enhance Camden's achievement of housing targets and support the mixed community which surrounds the site.
- 8.21. Given that the Camden Housing Needs Survey Update (2008) indicated that there are almost 28,000 full time students registered in Camden, a figure which is expected to grow, the site represents an excellent opportunity to deliver student housing in order to meet the needs of local institutions and those across London.
- 8.22. Jones Lang LaSalle have been commissioned to prepare a Student Accommodation Supply and Demand Report which has been submitted with this application. The report indicates that occupational demand for student accommodation remains robust and growth in student numbers are forecast to continue. It is also recognised that 74% of full-time students in London are currently unable to access purpose built student accommodation.
- 8.23. The report also identifies that there are approximately 133,000 students studying in full time higher education at institutions based within a 30 minute travel time of the subject site. Given these above statistics, the site represents an excellent opportunity to deliver student housing in order to meet the needs of local institutions and those across London.

### *Commercial Use*

- 8.24. Policy CS2 indicates that the Borough's growth areas (including the West Hampstead Interchange Intensification Area) are expected to provide a substantial majority of new business floorspace in the period to 2024/25.
- 8.25. The site is located within the Finchley Road/Swiss Cottage Town Centre and Policy CS7 indicates that the Council support the provision of additional retail facilities (Use Class A1) in such locations. Policies CS7 and DP12 also indicates that food/drink facilities (Use Classes A3 and A4) are acceptable in town centre locations provided that they can be operated without harm to the amenity of local residents and the environment. Paragraph 12.4 of the Development Policies indicates that various other town centre uses including hot food takeaways (A5), offices (B1a), hotels (C1), community uses (D1) and leisure uses (D2) are also acceptable in town centre locations providing they comply with policy DP12 and do not harm the vitality/viability of the centre or the amenity of local residents.
- 8.26. The site is currently an open plot of land, and it is considered that a commercial unit facing onto and accessed via Finchley Road will add to the vitality of the town centre.
- 8.27. The commercial units will be modest in size, with a combined floor space of circa 757 sq m, and as such will be sensitive to the amenity of the neighbours and character of the town centre. In addition, Policy DP12 sets out the council's intentions to impose conditions on commercial units in town centre areas which will further ensure that any flexible uses are not to the detriment of local area.
- 8.28. Policy CS1 promotes the concept of mixed use developments in accessible parts of the Borough. The mix of student accommodation with flexible commercial floor space is considered to meet this policy test.
- 8.29. Consideration has been given to the refuse and servicing strategy, and noise and ventilation strategy (please refer to the accompanying Transport Assessment and Noise Impact Assessment respectively) in order to ensure that the proposal would not harm the amenity of the local residents and the environment.
- 8.30. Given the above, it is considered that the proposed flexible commercial unit complies with the relevant policy tests of CS7 and DP12 and is acceptable in principle. In addition, the proposed development will contribute towards delivering business floor area in a growth area as identified in Policy CS2.



8.31. Further details of the intention for the commercial uses within the scheme are set out within the Commercial Space Overview that accompanies this planning application.

### **Residential Amenity and Design**

#### *Air Quality*

- 8.32. Policies CS16 and DP32 outline that the borough has been declared an Air Quality Management Area and developments should take into account their impact on air quality and strive to help reduce air pollution levels.
- 8.33. Ramboll have been commissioned to produce a revised Air Quality Assessment which has been submitted with this planning application.
- 8.34. It has been identified that dust generated during the construction phase is the main source of potential air pollution with regards to this development. The report (and Construction Environmental Management Plan prepared by MAH) identifies a number of mitigation measures that can be implemented in order to ensure that the effects of any such dust generation are negligible. Notwithstanding this, any impacts will be short-term and temporary during the construction phase.
- 8.35. Given the scale and use of the proposed development it is considered that there will be no significant emissions to the air from the proposed development once operational.
- 8.36. The air quality of the future occupants of the scheme will be safeguarded by ensuring that all windows are non-opening (due to the close proximity of the railway line). Ventilation will be from the roof where air quality is considerably better than close to Finchley Road. In addition, ventilation air will be filtered using activated carbon filters which will further reduce NO<sub>2</sub> concentrations within the proposed development.
- 8.37. Given the above measures, it is considered that the scheme will comply with the aforementioned relevant planning policy and will deliver a scheme that has negligible impact on the air quality of the local area.

#### *Amenity and Open Space*

- 8.38. Policies CS15 and DP31 seek to improve the quantity and quality of open space within the borough. This part of the borough is an area which is identified as having an existing deficiency

in public-open space. Policy CS15 states that to tackle this deficiency, on-site open space should be secured in growth areas such as West Hampstead Interchange.

8.39. As indicated in Camden's pre-application advice note dated 1 February 2011 the constraints of the site and its relationship to the adjacent railways render it unfeasible to deliver on-site open space in this instance. A financial contribution towards the maintenance and improvement of open spaces in the local area, for example for improvements to the adjacent habitat at Rosemont Embankment are, however, a more viable option to ensure the scheme complies with the aforementioned policy.

8.40. The proposal provides a common room for students, and amenity (winter gardens and terraces) for the residential which equates to a provision total of 6.7 per bed space. Having discussed communal facilities with Vivienne Lewis of the Councils Regeneration and Partnerships team, it is understood that the Council will seek a minimum of 1sqm of communal floorspace per bed space (excluding communal living rooms in cluster flats). It is, therefore, considered that the proposed on-site provision is adequate to meet the needs of the development. In addition, the location of the site within a town centre means that there are already existing community facilities in the vicinity of the site which will also cater for the needs of the student population. These facilities include the O2 Centre which provides a significant social and leisure resource, and also the nearby centres of Swiss Cottage and West Hampstead.

#### *Unit Mix/Sizes*

8.41. Para 3.21 of CPG2 (*Housing*) indicates that the council expect student developments to comprise a range of accommodation. A range of clustered study bedrooms with some shared facilities, double units (often suited to post-graduate students) and single units are encouraged.

8.42. The scheme proposes to deliver a mix of single bedrooms (50) and studio units (10). The studio units are situated across the upper basement to second floor levels to serve as accommodation for postgraduate students.

8.43. In terms of residential unit mix Policy DP5 seeks a 'very high' provision of 2 bedroom dwellings, 'medium' provision of 3 bedroom dwellings and, 'lower' provision of 1 bedroom dwellings. The mix therefore proposed and detailed below is considered inline with this policy, and the guidance set out within para 2.5 of CPG2:

- 2 x 1 bedrooms;
- 5 x 2 bedrooms; and
- 2 x 3 bedrooms.

#### *Density*

- 8.44. The London Plan (Table 3.2) outlines appropriate density ranges for residential developments whilst taking into consideration the setting in terms of location, existing building form and massing, and the index of public transport accessibility (PTAL). Whilst this is not usually a specific consideration for student developments, given the circumstances of the site, it is prudent in this case to consider it.
- 8.45. In this instance, given the central context of the site, coupled with an excellent PTAL rating of 6a, the London Plan guidance indicates that a density in the range of 650-1100 hr/ha should be delivered.
- 8.46. Policy CS1 stresses, in accordance with the London Plan, that the council seek high density development in locations well served by public transport.
- 8.47. The proposed redevelopment of the site will deliver a scheme with a density of 647hr/ha. This is based on a calculation of 97 (70 student, and 27 residential) habitable rooms and a total site area of 0.15ha.
- 8.48. The density of habitable rooms proposed complies with the appropriate densities set out in the London Plan. The scheme strives to meet the policy requirements of the Core Strategy by proposing an appropriately high density development at a site that is within the West Hampstead Interchange Intensification and in close proximity to public transport links.

#### *Design and Crime Prevention*

- 8.49. Policy CS17 states that the Council will require development to demonstrate that design principles which contribute to community safety are incorporated. All development should include appropriate design, layout and access measures to help reduce opportunities for crime, fear of crime and to create a safer and more secure environment.
- 8.50. The proposed development has been designed in consultation with the Council's Secure by Design Officer; please see the Design and Access Statement for further information.

- 8.51. Further to the above, an Environmental Construction Management Plan has been produced by MAH Project Management. The document details all of the mitigation levels in place in order to protect residential amenity whilst the site is being developed.
- 8.52. In respect of the design of the development and the effects of the proposal on the character of the area, the Appeal Inspector found that scheme three would have an acceptable effect on the character of the area.
- 8.53. The Inspector noted that the building would be clearly taller than No 279 Finchley Road and also higher than the parapet of the substantial O2 building but marginally lower than the highest part of the main roof. The Inspector considered there to be a considerable degree of variation in the heights of buildings within the area; those in the more immediate vicinity are generally 3 to 5 storeys but only a few hundred metres in either direction buildings of a greater height are found on Finchley Road. As a general matter, I consider that the height of the frontage element would not be out of keeping with the height of buildings in the area. With respect to the relationship with the building at No 279, although the proposal would be obviously higher, I consider that strict adherence to the height of this smaller building is not necessary and the transition is shown in 2 steps which means that any possible abruptness in the change in heights is avoided (paragraphs 11-12).
- 8.54. The Inspector also identified that “The proposed flank wall of the frontage section facing south would be visible within views along Finchley Road. The adjacent road junction, combined with the railway track which runs between Blackburn Road and the appeal site, would give a degree of spaciousness wherein the impact of the proposal would be reduced. In these views, it would also be seen in conjunction with the substantial form of the O2 building and would not appear out of place”. (paragraph 13)
- 8.55. In relation to the sections of the building to the rear and facing onto Blackburn Road, the Inspector noted that the overall heights of the sections fall along with the fall in levels from Finchley Road along Blackburn Road, although the building height appears to fall less than the ground levels. The Inspector considered that the effects of the building when viewed from Blackburn Road would be significantly tempered by the sense of space created by the railway line. In this respect there would be no realistic feeling of a ‘canyon’ as suggested by the Council as there would be sufficient space between the O2 building and that proposed herein to prevent this (paragraph 14).

8.56. Overall, the Inspector found in respect of the design of the building that its composition would offer an interesting and well mannered addition to the area. The various sections of the building would be broken, visually if not physically, by the inclusion of different height curved sections and the amount of fenestration would prevent a bland impression (paragraph 15).

### **Traffic, Transport, Servicing and Accessibility**

#### *Cycle Parking*

8.57. Camden's pre-application advice note dated 1 February 2011 sets out the requirement for 1 cycle space to be provided per 2 students.

8.58. The proposed development will deliver 60 cycle parking spaces for the student accommodation, 18 for the residential accommodation and 10 visitor spaces for the commercial space. A total of 88 cycle parking spaces are to be provided. The proposals therefore provide in excess of the Council's standards.

#### *Car Parking*

8.59. Policy DP18 indicates that the council expect development to be secured as car-free, i.e. the occupants will be unable to obtain on-street parking permits from the Council in the Finchley Road/Swiss Cottage Town Centre.

8.60. It is intended for the scheme to be a car-free development as outlined in the Transport Assessment prepared by Tim Spencer & Co submitted with this application. The site benefits from excellent public transport links (reflected by its PTAL rating of 6a) and on-site parking is not deemed necessary for this type of accommodation.

8.61. Residents will not be permitted to have Controlled Parking Zone (CPS permits) unless they qualify as a consequence of disability. Any visitors that are holders of Blue Badges can park on-street on a single yellow line (and free of charge for up to three hours) or in a designated CPZ parking bay within the local street network.

8.62. The proposed development will create no additional traffic and have a negligible impact on on-street parking. The car-free nature of the scheme ensures that it complies with the relevant planning policy DP18.

### *Accessibility*

- 8.63. Policy DP29 highlights that all buildings and spaces should be designed to be as accessible as possible and that 10% of any housing (including student housing) should be wheelchair accessible. Paragraph 3.31 of CPG2 (Housing) outlines that the council expect 1 in 10 student bedrooms to be fully wheelchair accessible, or capable of being fully wheelchair accessible.
- 8.64. The scheme proposed to provide a total of 6 student units (comprising 2 bedrooms and 4 studios) as fully wheelchair accessible (10% wheelchair accessible). In terms of residential, the scheme provides in excess of 10% wheelchair accessible and, therefore, fully complies with the aforementioned local planning policy.

### **Ecology**

- 8.65. As part of the Appeal, the Inspector considered the effects of the proposal on the Rosemont Embankment Site of Nature Conservation Interest located to the north of the site. This forms part of the West Hampstead Railsides which form a green corridor running through part of the borough and are designated a Site of Borough Importance for Nature Conservation. The protection and management of the site for nature conservation forms part of a Planning Agreement which related to development of residential units on part of Rosemont Road.
- 8.66. Through the Appeal it was noted that the proposed building would increase shading of the nature conservation site at certain times of the year and day. The Inspector assessed that this would be a relatively minor effect on the nature conservation site:

*“Additional shading would occur on parts of the site at particular times of the year and day. This could have an effect on the range of plant species which will survive in the shaded areas and could have knock-on effects on fauna. However, I see the effect as only a minor change and one which could be compensated for by more appropriate management of the site, including thinning to increase light to the ground layer. This is a matter which is addressed in the Planning Obligation for the Public Open Space Contribution which could include an amount to manage the nature conservation site. Therefore, I find no conflict with Policy CS15.” (paragraph 19)*

- 8.67. That any shading effect on the Site of Nature Conservation Interest remains acceptable in relation to the revised scheme is demonstrated by the Daylight, Sunlight and Overshadowing report by Point 2 Surveyors and the Ecological Impact Assessment by Capita submitted.

## Sustainability and Energy

- 8.68. Policy CS13 seeks to reduce the effects of climate change by minimising carbon emissions from redevelopment, construction and occupation of buildings and ensuring that developments use less energy. To achieve this it adopts the energy hierarchy outlined in the London Plan: Be clean, be lean, and be green. Policy CS13 also seeks to secure a reduction in CO2 emission of 20% from on-site renewable energy generation unless it can be demonstrated that such provision is not feasible.
- 8.69. Camden's pre-application advice note dated 1 February 2012 stresses that the new building(s) should be designed to be as energy efficient as possible and to make use of energy from efficient sources.
- 8.70. Policy DP22 requires development to achieve a minimum 'Excellent' BREEAM rating or code 4 of Code for Sustainable Homes. The policy also indicates that green or brown roofs and green walls should be incorporated wherever possible.
- 8.71. Policy DP23 also indicates that developments should reduce their water consumption, the pressure on the combined sewer network and the risk of flooding. Measures that may help to help address these issues include the use of water efficient fittings, grey-water recycling and rainwater harvesting.
- 8.72. Metropolis Green has been commissioned to prepare a revised Energy Strategy and Sustainability Strategy which has been submitted with this planning application. The Statements focus on the implementation of sustainable systems for energy, water, waste management, recycling, and the use and choice of materials. Attention has been given to reducing the environmental impact throughout the whole lifetime of the building, and not just during occupation.
- 8.73. Through high fabric efficiency and the inclusion of renewable energy technology the scheme will deliver an 18.3% regulated carbon emissions reduction for the site. In accordance with Policy CS13, the greatest possible reduction in CO2 emissions has been achieved on site with regard to site constraints. The total regulated carbon emission reduction for the development is 23.1%.
- 8.74. In accordance with Policy DP22, the BREEAM 2014 New Construction pre-assessment submitted for the student accommodation and commercial areas demonstrates that the proposed development can achieve a rating of Excellent with a score of 70.85%. The Code for

Sustainable Homes (the Code) pre-assessment for the residential apartments demonstrates that the proposed development can achieve Code Level 4 certification with a score of 73.17%

- 8.75. In accordance with Policy DP23, water consumption will be substantially reduced through the incorporation of water efficient fixtures and fittings throughout. Environmentally friendly and responsibly sourced materials will be specified where possible.
- 8.76. The Energy Strategy produced by Metropolis Green (submitted with the planning application) outlines how the scheme proposes to use less energy, generate renewable energy on-site and, therefore, comply with the requirements of Policy CS13 and the 'be clean, be lean and be green' hierarchy of the London Plan.
- 8.77. The report indicates that an appraisal of site suitability and energy calculations have determined that PV and Solar Thermal technology are suitable technologies for the site and can contribute significant energy reductions.
- 8.78. Given the above measures, it is considered that the scheme satisfies the high standards of sustainability as prescribed by the relevant tiers of planning policy.

## **Flooding**

### *Basement*

- 8.79. Policy DP27 states that:

*"The Council will only permit basement and other underground development that does not cause harm to the built and natural environment and local amenity and does not result in flooding or ground instability".*

- 8.80. Ramboll have been commissioned to prepare a Basement Impact Assessment which explores the aforementioned potential impacts of basement development and has been submitted with this planning application.
- 8.81. The Basement Impact Assessment concludes that the proposed scheme will not have a significant impact on surface water flow, flooding, groundwater and slope stability that cannot be readily mitigated as part of the detailed design.
- 8.82. Notwithstanding the above, it is considered that the proposed lower ground floors do not



constitute a subterranean basement in the traditional sense. The site drops from +57.3m AOD at the east of the site fronting Finchley Road to +50m AOD at the west of the site. Given the change in ground level throughout the site, only a small element of excavation works is required.

- 8.83. It is considered that the proposed lower ground floor works will have negligible detrimental impacts and is, therefore, compliant with the requirements of Policy DP27.

### **Planning Obligations**

- 8.84. In addition to the provision of the planning and regeneration benefits set out above, it is anticipated that an appropriate package of planning obligation contributions will be negotiated and agreed with the Council. Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) states that in order to be sought, a planning obligation must be:

- a) Necessary to make the proposed development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

- 8.85. Following submission of the full planning application for the redevelopment of the Midland Crescent/Finchley Road site, Stadium Capital Holdings (the Applicant) will continue to engage with the Council in order to agree the Heads of Terms for the agreement having regard to the particular characteristics of the development proposals, the statutory tests for planning obligations; and the overall viability of the development proposals.

### *S106 Draft Heads of Terms*

- 8.86. In accordance with the Council's guidance, and discussions with the Council through the Appeal it is anticipated that the following S106 contributions for the following will be sought. Any planning obligations are subject to negotiation and review including in relation to the requirements of CIL Regulation 122.

- Affordable Housing;
- Construction Apprentice;
- Education;
- Pedestrian Cyclist and Environmental;
- Public Open space;
- Training and Employment support;

- Travel Plan Monitoring;
- Highways/Transport; and
- Health facilities.

*Community Infrastructure Levy (CIL)*

8.87. It is understood that the proposed development will incur a fee of £50 per m<sup>2</sup> on all new floor area in accordance with the Mayor of London Crossrail CIL charging schedule.

## 9. Regeneration Statement

### Job Creation

9.1. The proposed development is likely to create a number of jobs as a result of the flexible commercial floorspace provided. The below figures (based on Drivers Jonas Deloitte's 'Employment Densities Guide' 2010) illustrate anticipated job creation, dependent on the use class implemented. These figures are based on a total commercial floor area of circa 757 sq m GIA and refer to Full-Time Equivalent (FTE) employees. The guidance indicates that for particular uses (A1, A2, A3 & B1) a net internal area (NIA) should be used rather than GIA. As a general rule of thumb the NIA is 15-20% less than the GIA.

Use Class	Floor Area (m <sup>2</sup> ) 15 – 20% of GIA	Area Per FTE (m <sup>2</sup> )	Estimated number of jobs created
A1	643 - 606	19	34 - 32
A2	643 - 606	16	40 - 38
A3	643 - 606	18	36 - 34
A4	643 - 606	18 (assumed to be the same as for A3)	36 - 34
B1	643 - 606	12 8 47 10	General office: 54 - 51 Call centres: 80 - 76 IT/data centres: 14 - 13 Serviced office: 64 - 61
D1	757 (GIA)	36	21
D2	757 (GIA)	90 -100 40 -100 30 -100	Cinemas: 9 - 8 Amusement & Entertainment Centres: 19 - 8 Sports Centres & Private Clubs: 25 - 8

9.2. Given the above calculations it is anticipated that the proposed development will deliver up to 80 jobs dependent on the mix of commercial uses implemented. It is considered that this generation of jobs will be beneficial to the local economy.

## Floor Space Areas

9.3. The floor space schedules for the proposed student and residential accommodation, and flexible commercial floor spaces are set out below:

### Student Accommodation

Student Facilities								Room Type				
Sub total GEA sqm	Student GIA sqm	Bin Store GIA sqm	Admin GIA sqm	Communal GIA sqm	Student Cycle Area GIA sqm	Student Cycle Rack No.	Amenity Space sqm	Cluster		Studio		Total Rooms
								Standard	Wheelchair	Standard	Wheelchair	
192	168			168			241					
784	708	19			81			14	1	1	1	17
708	632		93					10	0	3	1	14
573	506							14	1	0	0	15
526	519							10	0	3	1	14
<b>2783</b>	<b>2533</b>	Included in total				<b>60</b>	<b>241</b>	<b>48</b>	<b>2</b>	<b>7</b>	<b>3</b>	<b>60</b>

### Residential Accommodation

Residential										
Sub total GEA sqm	Residential GIA sqm	Bin Store GIA sqm	Cycle Storage Area GIA sqm	Cycle Racks No.	Amenity space sqm	Room Type			Habitable Rooms	Total Units
						1 Bed	2 Bed	3 Bed		
53	48	16	27							
54	52									
273	248				18	1	2		8	3
271	243				18	1	2	0	8	3
259	230				26	0	1	1	7	2
204	178				33			1	4	1
<b>1114</b>	<b>999</b>	Included in total		<b>18</b>	<b>95</b>	<b>2</b>	<b>5</b>	<b>2</b>	<b>27</b>	<b>9</b>

### Commercial Accommodation

Commercial			
Sub total GEA sqm	Commercial GIA sqm	Bin Store GIA sqm	Cycle Rack No.
671	614	13	
55	49		
107	94		
<b>833</b>	<b>757</b>	Included in total	

### Community Benefits

9.4. It is considered that the proposed development will provide a number of community benefits including the following:

- The commercial floor area is to be flexible, including D1 and D2 uses which could be used by the local community;
- An influx of student residents will generate additional spending in the local area and will boost the local economy;
- Replacing the vacant site with a development overlooking the street will reduce crime and anti-social behaviour; and
- The proposed active frontage at ground floor level and associated improvements to the footway will boost the street-scene.

### ***Regeneration Strategies***

9.5. The application site falls within the West Hampstead Interchange Growth Area identified in the London Plan 2011. The implications of the growth area designation are that there is a vision for a minimum of 800 new homes and 100 new jobs to be provided in the area between 2011 and 2031. Developing the site for a high quality mixed use development would assist in meeting the vision for growth in the West Hampstead Interchange Growth Area.

### ***Other Scheme Benefits***

9.6. The proposed development will provide further benefits to the London Borough of Camden. The proposed development would offer approximately £772k in 'New Homes Bonus' contribution to the borough.

9.7. Further to this the scheme is expected to produce approximately £971k per annum in 'Wealth Generation' in a worse case scenario. This calculation of expenditure is based on the data provided by the Department for Innovation, Universities and Skills (DIUS, now part of Business for Innovation and Skills (BIS)). It states that on average full time domestic students living in university accommodation spend £10,557 per year. This is a national average and does not reflect the higher cost of living in London and can therefore be considered a worst-case scenario. (DIUS April 2009 Student Income and Expenditure Survey 2007/08: English-Domiciled Student).

## 10. Conclusions

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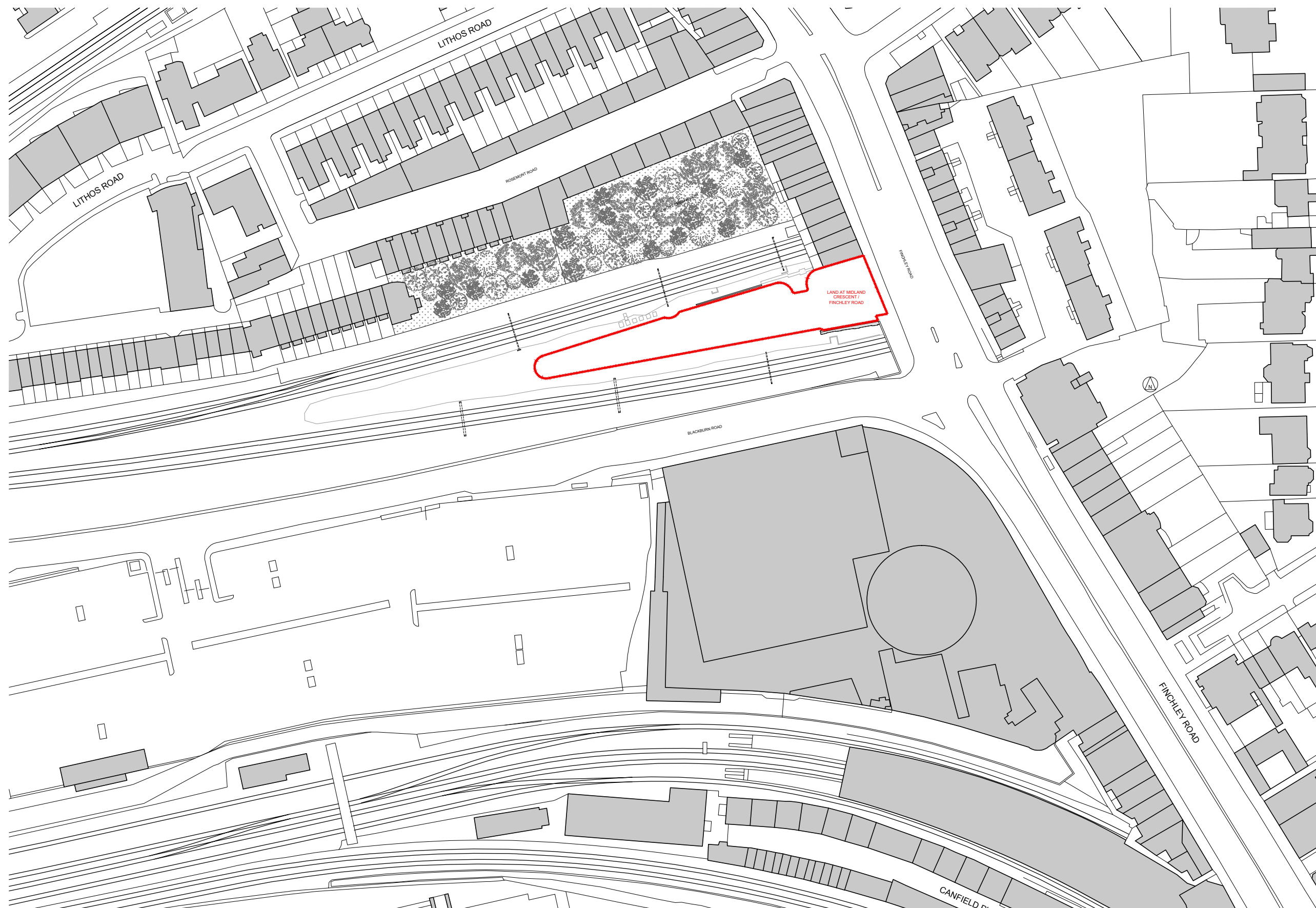
- 10.1. This Town Planning Statement has been prepared on behalf of Stadium Capital Holdings Ltd in support of an application for planning permission for the development of Land at Midland Crescent / Finchley Road.
- 10.2. This application proposes a revised scheme following the dismissal of Appeal ref. APP/X5210/A/13/2209342. In response to the Inspector's reason for refusal, the key design changes relate to a reduction in the bulk, height and massing, and the number of student units proposed. We consider that this revised scheme satisfactorily addresses all the reason for refusal for scheme three. All other aspects of the development are considered acceptable in accordance with the planning policy framework.
- 10.3. The application is made against the backdrop of a number of pre-application meetings, with positive discussions with Officers on this revised scheme, and significant involvement with the local community.
- 10.4. As identified in this Statement, the proposed development will generate numerous benefits for the local area, including:
- This development proposal will make efficient use of this under-utilised "left-over" plot of land and improve this part of the Finchley Road;
  - The provision of student accommodation to help meet the needs for this type of accommodation in Camden, and London as a whole;
  - The provision of residential accommodation will help the Council to exceed their housing target;
  - The provision of flexible commercial uses will create an active frontage to this prominent development site;
  - The proposed development will create employment opportunities for the local community;
  - The scheme will significantly enhance the visual appearance and streetscape of the local area;
  - The proposed development will improve the local environment through a range of initiatives including: zero car parking, cycle parking provision, passive design to limit heat gain, energy efficiency measures, renewable energy and green roofs; and
  - In accordance with national and local planning policy, the proposed development will maximise the use of this highly accessible urban brownfield site.

10.5. In conclusion, the proposed development has been designed to be highly sustainable and architecturally excellent. There is a demand for student and residential accommodation in this highly accessible location, and this is acknowledged by local policy and the London Plan. As such, we respectfully request that planning permission be granted.

# Appendix 1

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Rev: P01 Date: 26.08.14 Drn: BMF Chk: BM  
Issue for Planning.

Do not scale off this drawing  
Report all errors and omissions to the Architect  
Dimensions to be checked on site

**SHEET INFORMATION:**

Plotted by : B.MARTINEZ  
Plot date : 22 August 2014 19:57:38

Client:  
Stadium Capital Holdings

Project:  
Midland Crescent

Title:  
Site Plan  
Red Line Drawing

Drawing status:  
For Planning

Scale @ A3  
1:1250

Drawing No: 2004-00-DR-0101 Rev: P01

## Appendix 2

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Savills  
Lansdowne House  
57 Berkeley Square  
LONDON  
W1J 6ERApplication Ref: **2013/4575/P**  
Please ask for: **Seonaid Carr**  
Telephone: 020 7974 **2766**

17 October 2013

Dear Sir/Madam

**DECISION**Town and Country Planning Act 1990 (as amended)  
Town and Country Planning (Development Management Procedure) Order 2010  
Town and Country Planning (Applications) Regulations 1988**Full Planning Permission Refused**

Address:

**Land at Midland Crescent  
Finchley Road  
London  
NW3 6NA**

Proposal:

Redevelopment of the site by the erection of a part 3, part 4 and part 5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3//A4/B1/D1 &amp; D2) at lower basement and ground floor levels, 92 student bedrooms with communal kitchen, lounge and common room areas, and 9 residential dwellings (Class C3).

Drawing Nos: 1950-00-DR-0101 P03, 1950-00-DR-0108 P04, 1950-00-DR-0109 P04, 1950-00-DR-0110 P04, 1950-00-DR-0111 P04, 1950-00-DR-0112 P04, 1950-00-DR-0113 P04, 1950-00-DR-0114 P03, 1950-00-DR-0116 P04, 1950-00-DR-0401 P03, 1950-00-DR-0402 P03, 1950-00-DR-0403 P03, 1950-00-DR-0404 P03, 1950-00-DR-0405 P03, 1950-00-DR-0601 P03, 1950-00-DR-0602 P03, 1950-00-DR-0603 P03, 1950-00-DR-0604 P03, 1950-00-DR-0605 P03, 1950-00-DR-1001 P01, Local Air Quality Assessment by Ramboll dated 18 June 2013, Ecological Impact Assessment Update (Rev 4) by Capita Symonds dated June 2013, Daylight, Sunlight and Overshadowing Report by Deloitte dated 12 July 2013, Energy Statement by Metropolis Green dated 04 July 2013, Basement Impact



Assessment by Ramboll dated 12 November 2012, Commercial Space Overview by Stadium Capital Holdings, Outline Site Waste Management Plan by Ramboll dated 07 November 2012, Midland Crescent Detailed Noise and Vibration Assessment by Aecom Environment dated August 2013, Student Accommodation Supply & Demand Report by Jones Lang LaSalle dated June 2013, Midland Crescent Project Transport Assessment by Tim Spencer & Co dated June 2013, Construction Environmental Management Plan by MAH Project Management dated July 2013 Rev B, Design Note for Supporting Drainage Design Information by Ramboll dated 21 June 2013, Midland Crescent Student Housing Obtrusive Light Lighting Report by Ramboll dated 11 June 2013, Phase I Geoenvironmental Report by Capita Symonds dated July 2013, Student Management Plan by CRM Ltd dated Spring 2013 and Sustainability Statement by Metropolis Green dated 08 July 2013.

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

#### Reason(s) for Refusal

- 1 The proposed development by virtue of its height, bulk, mass, scale, footprint and detailed design would have an adverse impact on the character and appearance of the surrounding street scene and local area. The application is therefore contrary to policies CS2 (Growth areas), CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage) and DP24 (Securing high quality design) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 2 The proposed development by virtue of its height, bulk, massing and scale would have an adverse impact on the amenity enjoyed by neighbouring residents to the north, namely those within properties on Finchley Road and Rosemont Road in terms of outlook and increased sense of enclosure. The application is therefore contrary to policies CS5 (Managing the impact of growth and development) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 3 The proposed development by virtue of its height, bulk, massing and scale would result in overshadowing during winter months to the detriment of the Site of Nature Conservation Importance located to the north of the application site, contrary to Policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Core Strategy 2010.
- 4 The proposed development, in the absence of a legal agreement to secure a re-appraisal of viability to provide affordable housing once the development is completed would fail to make a contribution towards the supply of additional affordable housing within the Borough, contrary to policies CS6 of the London Borough of Camden Core Strategy (2010), DP3 and DP4 of the London Borough of Camden LDF Development Policies (2010).

- 5 The proposed development, in the absence of a legal agreement to secure a construction management plan, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting Sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy), DP20 (Movement of goods and materials), DP26 (Managing the impact of development on occupiers and neighbours), DP28 (Noise and vibration) and DP32 (Air Quality and Camden's Clear Zone) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 6 The proposed development, in the absence of a legal agreement to secure securing financial contributions towards pedestrian and environmental improvements in the area, would fail to mitigate the impact of the development created by increased trips, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP16 (The transport implications of development), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 7 The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy) and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 8 The proposed development, in the absence of a legal agreement securing a Servicing Management Plan for the commercial element, would likely give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS19 (Delivering and monitoring the Core Strategy), DP20 (Movement of goods and materials) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 9 The proposed development, in the absence of a legal agreement securing a student management plan, would fail to protect the amenities of the surrounding area contrary to policies CS5 (Managing the impact of growth and development), CS19 (Delivering and monitoring the Core Strategy), DP9 (Student housing, bedsits and other housing with shared facilities), DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 10 The proposed development, in the absence of a Residential Travel Plan for the student accommodation, would fail to promote sustainable travel, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP16 (The transport implications of development) and DP17 (Walking, cycling and public transport) of the London Borough of Camden Core Strategy and Development Policies 2010.

- 11 The proposed development, in the absence of a legal agreement for securing contributions for public open space, would be likely to contribute to pressure and demand on the existing open space in this area contrary to policies CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 12 The proposed development, in the absence of a S106 legal agreement to secure contributions towards community facilities, would be likely to result in unacceptable additional pressures on existing facilities in the area, contrary to policy CS5 (Managing the impact of growth and development), CS10 (Supporting community facilities and services) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.
- 13 The proposed development, in the absence of a legal agreement for defining that no part of the student housing element of the development to be sold as a separate self-contained unit and the occupation of the student units should be restricted to students registered at higher education institutions that are based in Camden or the adjoining boroughs and supported by the Higher Education Funding Council for England, contrary to policies DP9 (Student housing, bedsits and other housing with shared facilities) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 14 The proposed development, in the absence of a legal agreement securing a contribution towards educational infrastructure, would place an unacceptable strain on local educational resources, contrary to policies CS10 (Supporting Community Facilities and Services) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy.
- 15 The proposed development, in the absence of a legal agreement to secure local labour and procurement, would fail to contribute towards the creation of local employment and business opportunities and to contribute to the regeneration of the area, contrary to policies CS8 (Promoting a successful and inclusive Camden Economy and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy.

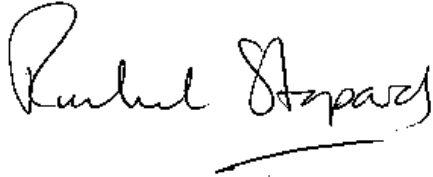
Informative(s):

- 1 The applicant is advised that reasons for refusal numbered 4-15 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rachel Stopard', with a horizontal line underneath.

Rachel Stopard  
Director of Culture & Environment

It's easy to make, pay for, track and comment on planning applications on line. Just go to [www.camden.gov.uk/planning](http://www.camden.gov.uk/planning).

It is important to us to find out what our customers think about the service we provide. To help us in this respect, we would be very grateful if you could take a few moments to complete our [online planning applicants' survey](#). We will use the information you give us to monitor and improve our services.

## Appendix 3

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## Appeal Decisions

Hearing held on 4 and 5 March 2014

Site visit made on 5 March 2014

**by Tim Wood BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 2 April 2014**

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### **Appeal A: APP/X5210/A/13/2207580**

#### **Land at Midland Crescent/Finchley Road, London NW3 6NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Stadium Capital Holdings against the decision of the Council of the London Borough of Camden.
  - The application Ref 2013/2564/P, dated 30 April 2013, was refused by notice dated 31 July 2013.
  - The development proposed is the redevelopment of the site by the erection of a part 4, part 5 storey building together with a double basement and communal balcony at the 4<sup>th</sup> floor level to provide 116 student units (Class Sui Generis) and 1058sqm of flexible commercial space (Classes A1/A2/A3/A4/B1/D1/D2).
- 

### **Appeal B: APP/X5210/A/13/2209342**

#### **Land at Midland Crescent/Finchley Road, London NW3 6NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Stadium Capital Holdings against the decision of the Council of the London Borough of Camden.
  - The application Ref 2013/4575/P, dated 12 July 2013, was refused by notice dated 17 October 2013.
  - The development proposed is the redevelopment of the site by the erection of a part 3, part 4, part 5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3/A4/B1/D1/D2) at lower basement and ground floor levels, 92 student bedrooms with communal kitchens, lounge and common room areas and 9 residential dwellings (Class C3).
- 

## **Decisions**

### ***Appeal A***

1. The appeal is dismissed.

### ***Appeal B***

2. The appeal is dismissed.

## **Preliminary Matters**

3. The appellant has provided Planning Obligations which, in principle, meet the concerns of those relevant reasons for refusal of both appeals. Information submitted by the appellants in relation to Appeal B has satisfied the Council in

relation to the reasons for refusal of Appeal A in relation to noise/vibration, and daylight/sunlight.

4. Account has been taken of the recently published National Planning Practice Guidance when determining these appeals.

### **Main Issues**

5. The main issues in these appeals are as follows;
  - The effects the proposal on the provision for a mixed and inclusive community (Appeal A only)
  - The effects the proposal on the living conditions of neighbours
  - The effects of the proposal on the character of the area
  - The effects of the proposal on the adjacent Site of Nature Conservation Interest.

### **Reasons**

#### ***The effects the proposal on the provision for a mixed and inclusive community (Appeal A)***

6. Policy CS1 of the Camden Core Strategy (CS) seeks a concentration of development in the growth areas, including West Hampstead Interchange, appropriate development in highly accessible locations, including Finchley Road and seeks 12,250 new homes and the best use of land. Policy CS2 relates to growth areas and West Hampstead Interchange is identified for development of a minimum of 2,000 homes and 500 jobs in the period 2001-2026.
7. Policy DP1 of the Camden Development Policies (DP) states, amongst other things, that in town centres (the frontage of this site is within the Finchley Road centre) , where more than 200sqm of additional floorspace is proposed, up to 50% of additional floorspace should be housing. Within the supporting text of Policy DP1 the Council clarifies that the Council will seek permanent self-contained housing (Use Class C3) rather than student or bed-sit accommodation.
8. Within the context of the policies and aims set out in the CS and the DP, I consider that the proposal should include an element of self-contained residential accommodation in order to meet the aims of those policies. It seems that there is no hindrance to the inclusion of such residential accommodation as the appellant has proposed such within the Appeal B scheme. Therefore, in relation to Appeal A, the proposal conflicts with the aims of those policies as set out above.

#### ***The effects the proposal on the living conditions of neighbours***

9. The Council's concerns relate to residents of properties on Finchley Road and in Rosemont Road and I was able to view the rears of these properties at close quarters at my site visit. There are residential properties on the upper floors of the 3 storey terrace on Finchley Road, immediately adjacent to the appeal site. The proposal would be higher than these Finchley Road properties and would project significantly further rearwards. According to the figures set out by the Council, the proposals would project 90m beyond the rear of No 279a Finchley

Road. I consider that the rearward projection of the proposed buildings, combined with their height, would mean that when viewed from these adjacent residential properties on Finchley Road and their outdoor terraces, the proposals would both appear unacceptably dominant and would represent an overbearing feature. I have noted that the proposals would be set at an angle where they adjoin 279 Finchley Road but, taking account of the height, depth and the other element of the building that would project out, I find that these matters would be far from sufficient to render the proposed relationships acceptable. Therefore, in this respect, there is a conflict with the aims of Policies CS5 and DP26 for both appeals.

10. The proposed long north facing elevation of the buildings would face towards the rear of properties on Rosemont Road, many of which are in residential use. The Council states that the proposed elevations would be around 48m from the properties on Rosemont Road, although I note that this figure would vary as the existing and proposed elevations would vary in the line that they take. Even taking account of the substantial size of the proposed elevations that would be viewed from the existing residential properties and the fact that they would be readily visible, I consider that the distance between them would be sufficient to ensure that there would be no unacceptable effects on these neighbouring residents.

### ***The effects of the proposal on the character of the area***

#### *Appeal A*

11. The proposed frontage element would have a maximum of 5 floors which would be arranged so that it would be 3 storeys adjacent to the 3 storey building at 279 Finchley Road, and then step up twice to its full height at the corner nearest Blackburn Road. The building would be clearly taller than No 279 and also higher than the parapet of the substantial O2 building but marginally lower than the highest part of the main roof.
12. There is a considerable degree of variation in the heights of buildings within the area; those in the more immediate vicinity are generally 3 to 5 storeys but only a few hundred metres in either direction buildings of a greater height are found on Finchley Road. As a general matter, I consider that the height of the frontage element would not be out of keeping with the height of buildings in the area. With respect to the relationship with the building at No 279, although the proposal would be obviously higher, I consider that strict adherence to the height of this smaller building is not necessary and the transition is shown in 2 steps which means that any possible abruptness in the change in heights is avoided.
13. The proposed flank wall of the frontage section facing south would be visible within views along Finchley Road. The adjacent road junction, combined with the railway track which runs between Blackburn Road and the appeal site, would give a degree of spaciousness wherein the impact of the proposal would be reduced. In these views, it would also be seen in conjunction with the substantial form of the O2 building and would not appear out of place.
14. In relation to the sections of the building to the rear and facing onto Blackburn Road, the overall heights of the sections fall along with the fall in levels from Finchley Road along Blackburn Road, although the building height appears to fall less than the ground levels. I consider that the effects of the building when

viewed from Blackburn Road would be significantly tempered by the sense of space created by the railway line. In this respect I judge that there would be no realistic feeling of a 'canyon' as suggested by the Council as there would be sufficient space between the O2 building and that proposed herein to prevent this.

15. In respect of the design of the building, I find that its composition would offer an interesting and well mannered addition to the area. The various sections of the building would be broken, visually if not physically, by the inclusion of different height curved sections and the amount of fenestration would prevent a bland impression.

#### *Appeal B*

16. The proposal contained within appeal B has a lower frontage section which is stepped away at the top floor from the edge of the building; the height of the rearmost section is also reduced in comparison. Therefore, for the same reasons that are set out above, I find that the scheme proposed under this appeal would have an acceptable effect on the character of the area.

#### ***The effects of the proposal on the adjacent Site of Nature Conservation Interest***

17. To the north of the site lies a strip of land known as Rosemont Embankment. This forms part of the West Hampstead Railsides which form a green corridor running through part of the borough and are designated a Site of Borough Importance for Nature Conservation. The protection and management of the site for nature conservation forms part of a Planning Agreement which related to development of residential units on part of Rosemont Road.
18. The assessment submitted by the appellant shows that the proposed building would increase shading of the nature conservation site at certain times of the year and day. The Council are concerned that the amount of additional shading would prejudice the biodiversity value of the site and its enjoyment by those residents who have access to it. The appellant acknowledges that there would be a negative impact but sees this as minor.
19. From my assessment of the information submitted, I agree that there would be a relatively minor effect on the nature conservation site as a result of both appeals. Additional shading would occur on parts of the site at particular times of the year and day. This could have an effect on the range of plant species which will survive in the shaded areas and could have knock-on effects on fauna. However, I see the effect as only a minor change and one which could be compensated for by more appropriate management of the site, including thinning to increase light to the ground layer. This is a matter which is addressed in the Planning Obligation for the Public Open Space Contribution which could include an amount to manage the nature conservation site. Therefore, I find no conflict with Policy CS15.

#### **Other Matters**

20. The appellants have submitted 3 Unilateral Undertakings which are designed to meet the Council's concerns about the 2 schemes. The 2 Undertakings for Appeal B have been put forward as there is disagreement between the Council about the need for a deferred contribution for affordable housing (in addition to the agreed affordable housing contribution). There is also some disagreement

about detailed matters contained within the obligations, although I consider that these could have been resolved in time, or a point reached where they did not prejudice the aims of the obligations.

21. Whilst I take account of the matters contained in the Undertakings in reaching my overall conclusion, as the appeals are to be dismissed on their substantive merits and whilst obligations have been submitted, it is not necessary to look at them given that the proposals are unacceptable for other reasons.

**Conclusions**

22. Whilst I have agreed with the appellant in relation to some of the main issues, I find that the harm caused by the conflict that I identify in relation to other issues is not outweighed by these or any other matters. Therefore, both appeals are dismissed.

*S T Wood*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

D Cooper	Solicitor, David Cooper and Co
P Gough	CZWG Architects
R Hepher	Savills
N Ellis	Capita
M Scott	Savills
D Birt	Douglas Birt Consulting

### FOR THE LOCAL PLANNING AUTHORITY:

S Carr	Senior Planning Officer
C Bond	Principal Planner (Conservation and Heritage)
C Birchall	Nature Conservation Officer
A Jones	BPS Chartered Surveyors
J Lunn	Solicitor

### INTERESTED PERSONS:

T Danvers	Local Resident
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## **DOCUMENTS**

- 1 Draft Unilateral Undertakings
- 2 Appeal decision ref: APP/X5210/A/10/2127151
- 3 Copy of The London Plan Policy 3.12 and relevant glossary

## Appendix 4

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March 2014

# Statement of Common Ground

## Land at Midland Crescent/Finchley Road

**Prepared by:**

Savills

*33 Margaret Street, London W1G 0JD*

London Borough of Camden

*Town Hall Extension, Argyle Street, London WC1H 8NJ*

**PINS Reference:**

**APP/X5210/A/13/2207580 (Appeal A)**

**APP/X5210/A/13/2209342 (Appeal B)**

**LPA Reference:**

**2013/2564/P (Appeal A)**

**2013/4575/P (Appeal B)**



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# 1. Introduction

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1.1 This Statement is written in relation to two broadly similar appeals that have been lodged for the redevelopment of land at Midland Crescent, Finchley Road, Camden.

1.2 It sets out matters which are agreed by the appellant, Stadium Capital Holdings Ltd, and the London Borough of Camden (LBC). The appeals are referred to as Appeal A and Appeal B, and the appeal references are provided below:

- Appeal A - Appeal Reference: APP/X5210/A/13/2207580; and
- Appeal B - Appeal Reference: APP/X5210/A/13/2209342.

## **Appeal A**

1.3 The first application was submitted in May 2013. The description of development is as follows:

*“Redevelopment of the site by the erection of a part four, part five storey building, together with double basement and communal balcony at fourth floor level to provide 116 student units (Class Sui Generis) and 1,058 square metres of flexible commercial space (Classes A1/A2/A3/A4/B1/D1 & D2).”*

1.4 The planning application was assigned Council Reference: 2013/2564/P. The application was refused planning permission on 31 July 2013, and an appeal was then lodged against the Council’s decision.

1.5 The decision notice listed 16 reasons for refusal which are as follows:

1. *In the absence of permanent self-contained Class C3 accommodation to the area of the site located within the Finchley Road/Swiss Cottage Town Centre the proposal would be harmful to the provision of a mixed and inclusive community, and would fail to contribute towards the provision of self contained housing contrary to policies CS1 (Distribution of growth), CS2 (Growth areas), CS5 (Managing the impact of growth & development), DP1 (Mixed use development) of the London Borough of Camden Core Strategy and Development Policies 2010;*
2. *The proposed development by virtue of its height, bulk, mass, scale, footprint and detailed design would have an adverse impact on the character and appearance of the surrounding street scene and local area. The application is therefore contrary to policies CS2 (Growth areas), CS5 (Managing the impact of growth and*

development), CS14 (Promoting high quality places and conserving our heritage) and DP24 (Securing high quality design) of the London Borough of Camden Core Strategy and Development Policies 2010;

3. *In the absence of sufficient supporting information regarding the sunlight and daylight impact of the proposed development the applicant has failed to demonstrate that the development would not cause a harmful loss of sunlight or daylight to the residents of surrounding residential properties and is therefore considered to be contrary to policies CS5 (Managing the impact of growth and development) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010;*
4. *The proposed development by virtue of its height, bulk, massing and scale would have an adverse impact on the amenity enjoyed by neighbouring residents to the north, namely those within properties on Finchley Road and Rosemont Road in terms of outlook and increased sense of enclosure. The application is therefore contrary to policies CS5 (Managing the impact of growth and development) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010;*
5. *The proposed development by virtue of its height, bulk, massing and scale would result in overshadowing during winter months to the detriment of the Site of Nature Conservation Importance located to the north of the application site, contrary to Policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Core Strategy 2010;*
6. *In the absence of a sufficiently comprehensive Noise and Vibration Impact Report the applicant has failed to demonstrate that the development would provide a suitable standard of accommodation which would not cause harm to the amenity of future occupiers in respect of noise and vibration levels, contrary to policies CS5 (Managing the impact of growth and development), DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Core Strategy and Development Policies 2010;*
7. *The proposed development, in the absence of a legal agreement to secure a construction management plan, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting Sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy), DP20 (Movement of goods and materials), DP26 (Managing the impact of*

*development on occupiers and neighbours), DP28 (Noise and vibration) and DP32 (Air Quality and Camden's Clear Zone) of the London Borough of Camden Core Strategy and Development Policies 2010;*

- 8. The proposed development, in the absence of a legal agreement to secure financial contributions towards pedestrian and environmental improvements in the area, would fail to mitigate the impact of the development created by increased trips, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP16 (The transport implications of development), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Core Strategy and Development Policies 2010;*
- 9. The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy) and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Core Strategy and Development Policies 2010;*
- 10. The proposed development, in the absence of a legal agreement securing a Servicing Management Plan for the commercial element, would likely give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS19 (Delivering and monitoring the Core Strategy), DP20 (Movement of goods and materials) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010;*
- 11. The proposed development, in the absence of a legal agreement securing a student management plan, would fail to protect the amenities of the surrounding area contrary to policies CS5 (Managing the impact of growth and development), CS19 (Delivering and monitoring the Core Strategy), DP9 (Student housing, bedsits and other housing with shared facilities), DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010;*
- 12. The proposed development, in the absence of a Residential Travel Plan for the student accommodation, would fail to promote sustainable travel, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP16 (The transport implications of development) and DP17*

*(Walking, cycling and public transport) of the London Borough of Camden Core Strategy and Development Policies 2010;*

- 13. The proposed development, in the absence of a legal agreement for securing contributions for public open space, would be likely to contribute to pressure and demand on the existing open space in this area contrary to policies CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and Development Policies 2010;*
- 14. The proposed development, in the absence of a legal agreement to secure local labour and procurement, would fail to contribute towards the creation of local employment and business opportunities and to contribute to the regeneration of the area, contrary to policies CS8 (Promoting a successful and inclusive Camden Economy and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy;*
- 15. The proposed development, in the absence of a S106 legal agreement to secure contributions towards community facilities, would be likely to result in unacceptable additional pressures on existing facilities in the area, contrary to policy CS5 (Managing the impact of growth and development), CS10 (Supporting community facilities and services) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies; and*
- 16. The proposed development, in the absence of a legal agreement for defining that no part of the property to be sold as a separate self-contained unit and the occupation of the student units should be restricted to students registered at higher education institutions that are based in Camden or the adjoining boroughs and supported by the Higher Education Funding Council for England, contrary to policies DP9 (Student housing, bedsits and other housing with shared facilities) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and Development Policies 2010.*

1.6 In summary, there are six reasons for refusal relating to specific matters, these are:

- Land Use;
- Design;
- Sunlight and Daylight;
- Outlook;
- Overshadowing to the Site of Nature Conservation Importance; and
- Noise and Vibration.

1.7 The other 10 reasons for refusal relate to the absence of a legal agreement.

## **Appeal B**

1.8 In July 2013 a third application was submitted to the LBC, this application forms the basis of Appeal B. It was validated by the Council and given application reference: 2013/4575/P.

1.9 The description of development is as follows:

*“Redevelopment of the site by the erection of a part 3, part 4 and part 5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3//A4/B1/D1 & D2) at lower basement and ground floor levels, 92 student bedrooms with communal kitchen, lounge and common room areas, and 9 residential dwellings (Class C3).”*

1.10 This application was refused on 17 October 2013. The decision notice for Appeal B references 15 reasons for refusal which are as follows

- 1. The proposed development by virtue of its height, bulk, mass, scale, footprint and detailed design would have an adverse impact on the character and appearance of the surrounding street scene and local area. The application is therefore contrary to policies CS2 (Growth areas), CS5 (Managing the impact of growth and development), CS14 (Promoting high quality places and conserving our heritage) and DP24 (Securing high quality design) of the London Borough of Camden Core Strategy and Development Policies 2010.*
- 2. The proposed development by virtue of its height, bulk, massing and scale would have an adverse impact on the amenity enjoyed by neighbouring residents to the north, namely those within properties on Finchley Road and Rosemont Road in terms of outlook and increased sense of enclosure. The application is therefore contrary to policies CS5 (Managing the impact of growth and development) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.*

3. *The proposed development by virtue of its height, bulk, massing and scale would result in overshadowing during winter months to the detriment of the Site of Nature Conservation Importance located to the north of the application site, contrary to Policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Core Strategy 2010.*
4. *The proposed development, in the absence of a legal agreement to secure a reappraisal of viability to provide affordable housing once the development is completed would fail to make a contribution towards the supply of additional affordable housing within the Borough, contrary to policies CS6 of the London Borough of Camden Core Strategy (2010), DP3 and DP4 of the London Borough of Camden LDF Development Policies (2010).*
5. *The proposed development, in the absence of a legal agreement to secure a construction management plan, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting Sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy), DP20 (Movement of goods and materials), DP26 (Managing the impact of development on occupiers and neighbours), DP28 (Noise and vibration) and DP32 (Air Quality and Camden's Clear Zone) of the London Borough of Camden Core Strategy and Development Policies 2010.*
6. *The proposed development, in the absence of a legal agreement to secure financial contributions towards pedestrian and environmental improvements in the area, would fail to mitigate the impact of the development created by increased trips, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP16 (The transport implications of development), DP17 (Walking, cycling and public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Core Strategy and Development Policies 2010.*
7. *The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy) and DP18 (Parking standards and limiting the availability of car parking) of the London Borough of Camden Core Strategy and Development Policies 2010.*

8. *The proposed development, in the absence of a legal agreement securing a Servicing Management Plan for the commercial element, would likely give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS19 (Delivering and monitoring the Core Strategy), DP20 (Movement of goods and materials) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.*
9. *The proposed development, in the absence of a legal agreement securing a student management plan, would fail to protect the amenities of the surrounding area contrary to policies CS5 (Managing the impact of growth and development), CS19 (Delivering and monitoring the Core Strategy), DP9 (Student housing, bedsits and other housing with shared facilities), DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.*
10. *The proposed development, in the absence of a Residential Travel Plan for the student accommodation, would fail to promote sustainable travel, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP16 (The transport implications of development) and DP17 (Walking, cycling and public transport) of the London Borough of Camden Core Strategy and Development Policies 2010.*
11. *The proposed development, in the absence of a legal agreement for securing contributions for public open space, would be likely to contribute to pressure and demand on the existing open space in this area contrary to policies CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and Development Policies 2010.*
12. *The proposed development, in the absence of a S106 legal agreement to secure contributions towards community facilities, would be likely to result in unacceptable additional pressures on existing facilities in the area, contrary to policy CS5 (Managing the impact of growth and development), CS10 (Supporting community facilities and services) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.*



13. *The proposed development, in the absence of a legal agreement for defining that no part of the student housing element of the development to be sold as a separate self-contained unit and the occupation of the student units should be restricted to students registered at higher education institutions that are based in Camden or the adjoining boroughs and supported by the Higher Education Funding Council for England, contrary to policies DP9 (Student housing, bedsits and other housing with shared facilities) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and Development Policies 2010.*
14. *The proposed development, in the absence of a legal agreement securing a contribution towards educational infrastructure, would place an unacceptable strain on local educational resources, contrary to policies CS10 (Supporting Community Facilities and Services) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy.*
15. *The proposed development, in the absence of a legal agreement to secure local labour and procurement, would fail to contribute towards the creation of local employment and business opportunities and to contribute to the regeneration of the area, contrary to policies CS8 (Promoting a successful and inclusive Camden Economy) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy.*

1.11 In summary, there are three reasons for refusal relating to specific matters, these are:

- Design;
- Outlook enjoyed by existing residential neighbours; and
- Overshadowing to the Site of Nature Conservation Importance.

1.12 The other 12 reasons for refusal relate to the absence of a legal agreement.

## 2. Site Description

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### **Site**

- 2.1 The appeal site (which is the same for both appeals) is located within the London Borough of Camden.
- 2.2 The site is located on the west side of Finchley Road, adjacent to number 279. It is a triangular piece of redundant land measuring circa 0.2 hectares, and is locked between two east/west running railway tracks and Finchley Road.
- 2.3 The site has a Public Transport Accessibility Level (PTAL) rating of 6a indicating that it has 'excellent' links to public transport.
- 2.4 The site is located within the West Hampstead Interchange Growth Area as defined in the Council's Local Development Framework Core Strategy. The front part of the site is also located within the Finchley Road/Swiss Cottage Town Centre area.
- 2.5 The site is not located within a Conservation Area and, does not comprise any Listed Buildings.
- 2.6 The site has no nature conservation designation.

### **The Surrounding Area**

- 2.7 The site fronts the busy A41 (Finchley Road), which at this point is a wide seven lane road .
- 2.8 The surrounding area is mixed use. To the south of the site is the modern O2 Centre which provides retail, food and drink, cinema, and gym facilities. The O2 centre extends to 24m in height.
- 2.9 The buildings to the north are predominantly retail/food and drink at ground floor level with residential accommodation on the upper floors. These buildings vary between three and four storeys in height.
- 2.10 The buildings on the east side of the street are generally commercial at ground floor with residential above and range in height between three and four storeys. Further to this, there is also a seven storey hotel (Holiday Inn Express) located on the east side of the street.

- 2.11 The land to the north of the site, located to the rear of properties along Rosemont Road is identified as a site of nature conservation importance in the Core Strategy (Rosemount Embankment).
- 2.12 In terms of surrounding building heights, the immediate area provides three to seven storeys.

### 3. Planning History

3.1 The site is a redundant brownfield site which does not have any existing buildings on it, there is however, a range of planning history on the site.

Application Reference	Site Address	Description of Development	Status
PWX0002163	Land at Midland Crescent	Erection of a basement plus four storey building, with retail (Class A1) and food & drink (Class A3) uses on the front part of the ground floor and office use (Class B1a) in the basement, part ground floor and three upper floors.	Granted Subject to a Section 106 Legal Agreement 25-10-2005
2008/4958/P	Land at Midland Crescent	Details of reserved matters, including siting, design, external appearance, means of access and landscaping, pursuant to the outline planning permission granted on 25th October 2005 (ref: PWX0002163) for the "Erection of a basement plus four storey building, with retail (Class A1) and food & drink (Class A3) uses on the front part of the ground floor and office. use (Class B1a) in the basement, part ground floor and three upper floors.	Granted 02-01-2009
2013/0880/P	Land at Midland Crescent	Redevelopment of the site by the erection of a four/five storey building, including double basement and communal balcony at fourth floor level to provide 138 student units (Class Sui Generis) and 1,240 square metres of flexible commercial space (Classes A1/A2/A3/A4/B1/D1 & D2).	Refused 4 June 2013
2013/2564/P	Land at Midland Crescent	Erection of a part-4 and part-5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3/A4/B1/D1 & D2) at lower basement and ground floor levels, 116 student bedrooms with communal kitchen, lounge and common room areas at upper basement to fourth floor levels and an outdoor communal balcony at fourth floor level.	Refused 31 July 2013
2013/4575/P	Land at Midland Crescent	Redevelopment of the site by the erection of a part 3, part 4 and part 5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3//A4/B1/D1 & D2) at lower basement and ground floor levels, 92 student bedrooms with communal kitchen, lounge and common room areas, and 9 residential dwellings (Class C3).	Refused 17 October 2013

## 4. Appeal Proposals

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- 4.1 Both appeal schemes seek to redevelop the site to provide a high quality student accommodation led mixed use building. Further details are enclosed below.

### **Appeal A –**

- 4.2 Appeal A sought planning permission for:

*“Redevelopment of the site by the erection of a part four, part five storey building, together with double basement and communal balcony at fourth floor level to provide 116 student units (Class Sui Generis) and 1,058 square metres of flexible commercial space (Classes A1/A2/A3/A4/B1/D1 & D2).”*

#### Student Housing

- 4.3 The appeal proposals will provide 116 student units in the following unit mix:

##### Cluster Units

- 71 x Standard Cluster; and
- 9 x Wheelchair Accessible Cluster.
- Cluster Units Comprising
  - 13 x 6 bed cluster; and
  - 1 x 2 bed.

##### Studio Units

- 33 x Standard Studio; and
- 3 x Wheelchair Accessible Studio.

#### Flexible Commercial Floorspace

- 4.4 The development proposals provide 1,058 sq m of flexible commercial floorspace, to be used under the following uses:

- Class A1 (Retail);
- Class A2 (Financial and Professional Services);
- Class A3 (Restaurants and Cafes);

- Class A4 (Drinking Establishment);
- Class B1 (Office);
- Class D1 (Non- residential Institutions); and
- Class D2 (Assembly and Leisure).

4.5 The 1,058 sq m of proposed commercial floorspace is located on the lower ground – 2, lower ground -1 and ground floor of the building.

#### Residential Housing

4.6 No residential accommodation in the form of permanent private or social housing is proposed on site. However, as stated above student accommodation is proposed which is recognised as a form of housing within The London Plan (2011).

#### Accessible Housing

4.7 All of the proposed units have been designed to meet Lifetime Homes standards and Code for Sustainable Homes Level 4.

4.8 12 of the 116 units proposed are to be wheelchair accessible units. This equates to 10.3% of the units being wheelchair accessible.

#### Density

4.9 The proposed development will have a density of 650 habitable rooms per hectare (hrph). Which is based on 130 habitable rooms on a site area of 0.2 hectares.

#### Amenity Space

4.10 All students will have access to indoor communal lounge areas. A total of 135 sq m lounge areas are provided at fourth floor level.

4.11 An external communal terrace measuring 15 sq m is proposed at fourth floor.

4.12 An external green visual amenity space measuring 130 sq m is proposed a third floor.

4.13 The commercial space has access to a terrace area at lower ground – 2 level of 176 sq m.

### Transport and Servicing

- 4.14 The development will be car-free. No vehicular access, or car parking facilities are proposed.
- 4.15 101 covered cycle spaces are proposed at lower ground floor level, in a gross internal area (GIA) of 123 sq m. 91 of these are for use by the student accommodation, and 10 by the commercial floorspace. Secure access arrangements and CCTV coverage are proposed to enhance levels of security.
- 4.16 Servicing for the student and commercial uses will take place from the Red Route loading bay within the Finchley Road. Servicing will not take place between 16.00 – 19.00 (Monday to Saturday) as this is when the bus lane is in use.

### Sustainability and Energy

- 4.17 The development will achieve Code for Sustainable Homes Level 4, and a BREAM rating of 'Very Good'.
- 4.18 Measures will be taken to ensure that the development proposals are sustainable and that they maximise reductions in carbon dioxide emissions.

## Appeal B

4.19 Appeal B sought planning permission for:

*“Redevelopment of the site by the erection of a part 3, part 4 and part 5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3//A4/B1/D1 & D2) at lower basement and ground floor levels, 92 student bedrooms with communal kitchen, lounge and common room areas, and 9 residential dwellings (Class C3).”*

### Student Housing

4.20 The appeal proposals will provide 92 student units in the following unit mix:

#### Cluster Units

- 74 x Standard Cluster; and
- 4 x Wheelchair Accessible Cluster.
- Cluster Units consist of:
  - 1 x 1 bed;
  - 1 x 2 bed; and
  - 13 x 6 bed.

#### Studio Units

- 8 x Standard Studio; and
- 6 x Wheelchair Accessible Studio.

### Flexible Commercial Floorspace

4.21 The development proposals provide 808 sq m of commercial floorspace, to be used under the following uses:

- Class A1 (Retail);
- Class A2 (Financial and Professional Services);
- Class A3 (Restaurants and Cafes);
- Class A4 (Drinking Establishment);
- Class B1 (Office);
- Class D1 (Non- residential Institutions); and
- Class D2 (Assembly and Leisure).



4.22 The 808 sq m of proposed commercial floorspace is located on the lower ground – 2, lower ground -1 and ground floor of the building.

Residential Housing

4.23 Nine residential units are proposed, in a GIA of 907 sq m. The units are proposed in the following mix:

- 2 x One bed units;
- 4 x Two bed units; and
- 2 x Three bed units.

4.24 The units proposed are located on the first, second, third and fourth floor at the front of the building fronting Finchley Road.

Space Standards

4.25 The net internal area of the units sizes are as follows:

	Flat Type	NIA [Sq M]	NIA [Sq Ft]	1 Bed	2 Bed	3 Bed
LG -2	-					
LG -1	-					
Ground	-					
<b>1st</b>						
1.01	1B 2P	54	581	1		
1.02	2B 4P	82	882		1	
1.03	2B 3P	74	796		1	
<b>2nd</b>						
2.01	1B 2P	54	581	1		
2.02	2B 4P	82	882		1	
2.03	2B 3P	74	796		1	
<b>3rd</b>						
3.01	3B 5P	96.7	1040			1
3.02	2B 3P	74.6	803		1	
<b>4th</b>						
4.01	Penthouse	179	1926			1
<b>Total</b>		<b>770</b>	<b>8288</b>	<b>2</b>	<b>5</b>	<b>2</b>

### Accessible Housing

- 4.26 All of the proposed student and residential units have been designed to meet Lifetime Homes standards and Code for Sustainable Homes Level 4.
- 4.27 10 of the 92 student units proposed are to be wheelchair accessible units. This equates to 10.8% of the student units being wheelchair accessible.
- 4.28 All of the proposed residential units have been designed to meet Lifetime Homes standards and Code for Sustainable Homes Level 4.

### Density

- 4.29 The proposed development will have a density of 670 habitable rooms per hectare (hrph). Which is based on a calculation of 134 (107 student, and 27 residential) habitable rooms on a site area of 0.2 hectares.

### Amenity Space

- 4.30 All students will have access to indoor communal lounge areas. A total of 14 lounge areas are provided.
- 4.31 An external communal terrace measuring 176 sq m is proposed at level -2.
- 4.32 An external green amenity space measuring 99 sq m is proposed a third floor.
- 4.33 A common room available to all students, with external terrace measuring 176 sq m, is proposed at level -2.
- 4.34 84 sq m of amenity floorspace is proposed for the nine residential properties.

### Transport and Servicing

- 4.35 The development will be car-free. No vehicular access, or car parking facilities are proposed.
- 4.36 97 cycle spaces are proposed at lower ground floor -1 level, in a gross internal area of 109 sq m. 83 of these are for use by the student accommodation, and 14 by the commercial floorspace.
- 4.37 Secure access arrangements and CCTV coverage are proposed to enhance levels of security.

- 4.38 Servicing for the student and commercial uses will take place from the Red Route loading bay within the Finchley Road. Servicing will not take place between 16.00 – 19.00 (Monday to Saturday) as this is when the bus lane is in use.

*Sustainability and Energy*

- 4.39 The development will achieve Code for Sustainable Homes Level 4, and a BREAM rating of 'Excellent'.
- 4.40 Measures will be taken to ensure that the development proposals are sustainable and that they maximise reductions in carbon dioxide emissions.

## 5. Planning Policy

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### **National Planning Policy**

- 5.1 The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is an important material consideration.

### **Regional Planning Policy**

#### *London Plan (2011)*

- 5.2 The London Plan was adopted in July 2011. The following policies may be relevant to the appeal proposals.

- Policy 1.1 (Delivering the Strategic Vision and Objectives for London);
- Policy 3.3 (Increasing Housing Supply);
- Policy 3.4 (Optimising Housing Potential);
- Policy 3.5 (Quality and Design of Housing Developments);
- Policy 3.6 (Children and Young People's Play and Informal Recreation Facilities);
- Policy 3.8 (Housing Choice);
- Policy 3.11 (Affordable Housing Targets);
- Policy 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes);
- Policy 4.1 (Developing London's economy);
- Policy 5.1 (Climate change mitigation);
- Policy 5.2 (Minimising carbon dioxide emissions);
- Policy 5.3 (Sustainable design and construction);
- Policy 5.7 (Renewable energy);
- Policy 5.13 (Sustainable Drainage);
- Policy 6.3 (Assessing effects of development on transport capacity);
- Policy 6.9 (Cycling);
- Policy 6.10 (Walking);
- Policy 6.11 (Smoothing traffic flow and tackling congestion);
- Policy 6.13 (Parking);
- Policy 7.1 (Building London's neighbourhoods and communities);
- Policy 7.2 (An inclusive environment);

- Policy 7.3 (Designing out crime);
- Policy 7.4 (Local Character);
- Policy 7.5 (Public Realm);
- Policy 7.6 (Architecture);
- Policy 7.8 (Heritage Assets and Archaeology);
- Policy 7.18 (Protecting Local Open Space and Addressing Local deficiency);
- Policy 7.19 (Biodiversity and Access to Nature);
- Policy 8.2 (Planning obligations); and
- Policy 8.3 (Community Infrastructure Levy).

## **Local Planning Policies**

### *LBC Core Strategy*

5.3 The LBC Core Strategy was adopted in November 2010. The following policies may be relevant to the appeal proposals.

- CS1 – Distribution of Growth;
- CS2 – Growth Areas;
- CS5 – Managing the impact of growth and development;
- CS6 - Providing Quality Homes;
- CS7 – Promoting Camden’s centres and shops;
- CS8 – Promoting a successful and inclusive Camden economy;
- CS11 – Promoting sustainable and efficient travel;
- CS13 – Tackling climate change through promoting higher environmental standards;
- CS14 – Promoting high quality places and conserving our heritage;
- CS15 – Protecting and improving our parks and open spaces and encouraging biodiversity;
- CS16 – Improving Camden’s health and well-being;
- CS17 – Making Camden a safer place;
- CS18 – Dealing with our waste and encouraging recycling; and
- CS19 – Delivering and monitoring the Core Strategy.

### *Camden's Development Policies*

5.4 The Development Policies were adopted at a full Council meeting on 8 November 2010. The following policies are considered most relevant to this application:

- DP1 – Mixed use development;
- DP2 – Making full use of Camden's capacity for housing;
- DP3 – Contributions to the supply of affordable housing;
- DP5 – Homes of different sizes
- DP6 – Lifetime Homes and wheelchair housing
- DP9 – Student housing, bedsits and other housing with shared facilities;
- DP12 – Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses;
- DP13 - Employment premises and sites;
- DP15 – Community and leisure uses;
- DP16 – The transport implications of development;
- DP17 – Walking, cycling, and public transport;
- DP18 – Parking standards and limiting the availability of car parking;
- DP20 – Movement of goods and materials;
- DP21 – Development connecting to the highway network;
- DP22 – Promoting sustainable design and construction;
- DP23 – Water;
- DP24 – Securing high quality design;
- DP26 – Managing the impact of development on occupiers and neighbours;
- DP27 – Basements and lightwells;
- DP28 – Noise and vibration;
- DP29 – Improving access;
- DP31 – Provision of, and improvements to, public open space and outdoor sport and recreation facilities; and
- DP32 – Air quality and Camden's clear zone.

### *Camden Planning Guidance (CPG)*

5.5 The LDF is accompanied by the 'Camden Planning Guidance' (CPG) which is a material planning consideration. The following CPGs are considered relevant to this application:

- CPG 1 Design (adopted April 2011);
- CPG 2 Housing (April 2011);

- CPG 3 Sustainability (April 2011);
- CPG 5 Town Centres, Retail and Employment (September 2011);
- CPG 6 Amenity (September 2011);
- CPG 7 Transport (September 2011); and
- CPG 8 Planning Obligations (September 2011).

## 6. The Agreed Principles

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- 6.1 The following principles are agreed between the LBC and the appellant. This section is split into Appeal A and Appeal B.
- 6.2 Due to the further information provided through application 2013/4575/P (Appeal B) some of the concerns raised by the Council that led to two of the reasons for refusal have been addressed through application 2013/2564/P (Appeal A). This was specifically in relation to the reasons for refusal for daylight and sunlight and noise and vibration. In light of the additional information that we have submitted in relation to these issues we have confirmed that the Council are now satisfied and no longer wish to pursue these as reasons for refusal at the Hearing.
- 6.3 We have agreed with the Council that the relevant supporting reports submitted for Appeal A will be updated to include reference to the new information and have been appended to this Statement.
- 6.4 Further to this, the Appellant is producing a Unilateral Undertaking which the Council has been drafting with them. Assuming the legal agreement is submitted as per the discussions between the Appellant and Council, then the Council do not wish to pursue the 'absence of a legal agreement' reasons for refusal applicable to Scheme A. In relation to Scheme B, the requirement to secure a reappraisal of affordable housing viability on completion of the development in order to overcome reason for refusal 4 is not agreed. Notwithstanding this, the Appellant has produced 2 versions of the Unilateral Undertaking in relation to Scheme B (one with this obligation and one without) in order that the Inspector take a view as to whether this obligation needs to be secured.

### **Appeal A**

#### **Amendments to Drawings**

- 6.5 It has been agreed between the LPA, the Appellant, and PINS that the following amendment to the proposals are suitable:
- Slight colour change to the external tiles, due to Network Rails safety request.



6.6 This change has resulted in the following drawings being superseded to reflect the revised colour.

<b>Considered Application Drawing</b>	<b>Amended Drawing</b>
1928-00-DR-0602-P01	1928-00-DR-0602-P02
1928-00-DR-0603-P01	1928-00-DR-0603-P02
1928-00-DR-0604-P01	1928-00-DR-0604-P02
1928-00-DR-0605-P01	1928-00-DR-0605-P02

#### **Removal of Reason for Refusal 15 - 'Community Facilities Contribution'**

6.7 It has been agreed that the development proposals are not applicable to contribute towards community facilities. It has therefore been agreed between the Council and the Appellant that reason for refusal 15 is withdrawn.

6.8 The 'Community Facilities Contribution' Clause has therefore been removed from the Section 106 Agreement as it is not required.

#### **Student Accommodation**

6.9 The principle of redeveloping the site is considered acceptable.

6.10 It is agreed that the new student accommodation will comply with all relevant standards in terms of space and facilities. The site is easily accessible to public transport, shops and services.

6.11 With regard to the amount of student accommodation within the area, it is agreed that there is not a high concentration within the surrounding area.

6.12 The mix of cluster units and smaller units is considered acceptable.

6.13 The proposal provides a level of amenity space which exceeds the requirement of 1 sq m per bedroom.

- 6.14 The levels of noise and vibration would be considered acceptable subject to mitigation measures secured via condition.
- 6.15 It is agreed that all of the student rooms would experience a reasonable level of outlook.
- 6.16 It is agreed that a sufficient level of daylight and sunlight will be achieved.

#### **Commercial Use**

- 6.17 The proposition to have a retail unit at ground floor level is a welcomed addition.
- 6.18 The proposal to have A3 and A4 within this area would accord with the requirements of Policy CS3 which seeks to have food and drink uses within growth areas and town centres.
- 6.19 The Council welcomes the provision of B1 employment floorspace.
- 6.20 D1 and D2 uses are considered acceptable on the site, and comply with Policy CS2.

#### **Other**

- 6.21 The principle of redeveloping the site is considered acceptable.
- 6.22 This is an unusual piece of land requiring an innovative and high quality scheme.
- 6.23 It is considered that the proposed development would not have a detrimental impact on the amenity enjoyed by neighbouring residents in regard to sunlight and daylight.
- 6.24 Given the sitting of the terrace at fourth floor level adjacent to the common room, in relation to neighbouring residents, it is not considered there would be a loss of privacy to neighbouring residents.
- 6.25 In terms of the residents to the north along Rosemont Road, it is considered there are sited a sufficient distance for there not to be an impact on the privacy enjoyed by these residents.
- 6.26 The proposal would provide a car free development which is considered acceptable and compliant with Policy CS11 and DP18.
- 6.27 The level of cycle parking provision exceeds the TfL cycle parking standards minimum requirement for student accommodation, and we have agreed to provide 10 of the spaces to service the commercial floorspace following the Council's advice.
- 6.28 It is agreed that conditions could be used to secure satisfactory mitigation measures which would not result in the harm to the air quality experienced by future occupiers.
- 6.29 The Council's community safety team raise no objections.

## Appeal B

### Amendments to Drawings

6.30 It has been agreed between the LPA the Appellant, and PINS that the following amendments to the proposals are suitable:

- Slight colour change to the external tiles, due to Network Rails safety request;
- Reduced height on the Finchley Road frontage by 550mm;
- Further setback top floor/penthouse on Finchley Road frontage; and
- Slightly darker cream tile to external facade.

6.31 The amendments have resulted in the following drawings being superseded to reflect the slight colour change, and reduced mass:

<b>Considered Drawing</b>	<b>Amended Drawing</b>
1950-00-DR-0101-P03	1950-00-DR-0101-P03
1950-00-DR-0108-P04	1950-00-DR-0108-P04
1950-00-DR-0109-P04	1950-00-DR-0109-P04
1950-00-DR-0110-P04	1950-00-DR-0110-P04
1950-00-DR-0111-P04	1950-00-DR-0111-P04
1950-00-DR-0112-P04	1950-00-DR-0112-P04
1950-00-DR-0113-P04	1950-00-DR-0113-P04
1950-00-DR-0114-P04	1950-00-DR-0114-P05
1950-00-DR-0116-P04	1950-00-DR-0116-P05
1950-00-DR-0401-P03	1950-00-DR-0401-P04
1950-00-DR-0402-P03	1950-00-DR-0402-P04
1950-00-DR-0403-P03	1950-00-DR-0403-P04
1950-00-DR-0404-P03	1950-00-DR-0404-P04
1950-00-DR-0405-P03	1950-00-DR-0405-P04
1950-00-DR-0601-P03	1950-00-DR-0601-P05
1950-00-DR-0602-P03	1950-00-DR-0602-P05
1950-00-DR-0603-P03	1950-00-DR-0603-P05
1950-00-DR-0604-P03	1950-00-DR-0604-P05
1950-00-DR-0605-P03	1950-00-DR-0605-P05
1950-00-DR-1001 P01	1950-00-DR-1001 P01

6.32 A full set of which has been issued to the Planning Inspectorate ahead of the Hearing for the Inspector's consideration.

### **Removal of Reason for Refusal 12 - 'Community Facilities Contribution'**

- 6.33 It has been agreed that the development proposals are not applicable to contribute towards community facilities. It has therefore been agreed between the Council and the Appellant that reason for refusal 12 is withdrawn.
- 6.34 The 'Community Facilities Contribution' Clause has therefore been removed from the Section 106 Agreement as it is not required.

### **Student Accommodation**

- 6.35 The provision of student accommodation within the proposal is considered an acceptable land use, and would not prejudice the Council's ability to meet the target of the supply of additional self-contained homes.
- 6.36 It is agreed that the new student accommodation will comply with all relevant standards in terms of space and facilities. The site is easily accessible to public Transport, shops and services.
- 6.37 With regard to the amount of student accommodation within the area, it is agreed that there is not a high concentration within the surrounding area.
- 6.38 The mix of cluster units and smaller units is considered acceptable.
- 6.39 The proposal provides a level of amenity space which exceeds the requirement of 1 sq m per bedroom.
- 6.40 It is agreed that all of the student rooms would experience a reasonable level of outlook.
- 6.41 It is agreed that a sufficient level of daylight and sunlight will be achieved.

### **Residential Accommodation**

- 6.42 The principle of residential accommodation is suitable on the proposed part of the site.
- 6.43 The proposed mix of accommodation accords with the requirements of the Dwelling Size Priority Table in DP5 which seeks at least 40% of market units to be 2 bed.
- 6.44 All units will exceed the required space standards, and provide appropriate provision of amenity space.
- 6.45 The units will provide good levels of outlook, privacy, private amenity space, and good levels of daylight and sunlight.

### **Commercial Use**

6.46 The proposal to have A3 and A4 uses within this area would accord with the requirements of Policy CS3.

6.47 The Council welcomes the provision of employment floorspace.

6.48 D1 and D2 uses are considered acceptable on the site, and comply with Policy CS2.

**Other**

6.49 The principle of redeveloping the site is considered acceptable.

6.50 This is an unusual piece of land requiring an innovative and high quality scheme.

6.51 It is considered that the proposed development would not have a detrimental impact on the amenity enjoyed by neighbouring residents in regard to sunlight and daylight.

6.52 Given the sitting of the terraces at third and fourth floor level which service the C3 accommodation, in relation to neighbouring residents, it is not considered there would be a loss of privacy to neighbouring residents.

6.53 In terms of the residents to the north along Rosemont Road, it is considered they are sited a sufficient distance for there not to be an impact on the privacy enjoyed by these residents.

6.54 The proposal would provide a car free development which is considered acceptable and compliant with Policy CS11 and DP18.

6.55 The level of cycle parking provision exceeds the TfL cycle parking standards minimum requirement and is therefore acceptable.

6.56 It is agreed that conditions could be used to secure satisfactory mitigation measures which would not result in the harm to the air quality experienced by future occupiers.

6.57 The Council's community safety team raise no objections.

## 7. Planning Obligations

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- 7.1 The LBC and appellant will continue to negotiate on the necessary planning obligations required for each appeal proposal. The LBC and the appellant will seek to ensure that signed legal agreements will be submitted to the Planning Inspectorate prior to the Hearing.

## 8. Planning Conditions

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- 8.1 It is agreed that should the Inspector be minded to allow either one or both of the appeals and grant planning permission, planning conditions should be attached. A set of conditions is included at **Appendix 1**.

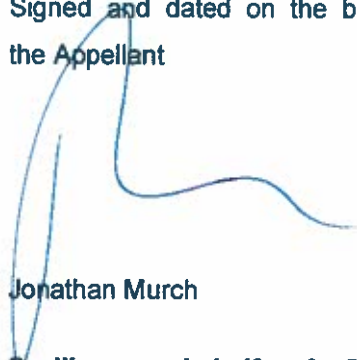


## 9. Declaration

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9.1 The above matters have been agreed by the LBC and the Appellant.

Signed and dated on the behalf of  
the Appellant



Jonathan Murch

**Savills on behalf of Stadium  
Capital Holdings Ltd**

Date: March 2014

Signed and dated on the behalf of  
the London Borough of Camden



**London Borough of Camden**

Date: March 2014

## **Appendix 1 – List of Conditions**

## Appeal A

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents:

1928-00-DR-0101 P01, 1928-00-DR-0108 P01, 1928-00-DR-0109 P01, 1928-00-DR-0110 P01, 1928-00-DR-0111 P01, 1928-00-DR-0112 P01, 1928-00-DR-0113 P01, 1928-00-DR-0114 P01, 1928-00-DR-0115 P01, 1928-00-DR-0116 P01, 1928-00-DR-0401 P01, 1928-00-DR-0402 P01, 1928-00-DR-0403 P01, 1928-00-DR-0404 P01, 1928-00-DR-0405 P01, 1928-00-DR-0601 P01, 1928-00-DR-0602 P02, 1928-00-DR-0603 P02, 1928-00-DR-0604 P02, 1928-00-DR-0605 P02, Local Air Quality Assessment by Ramboll dated 16 April 2013, Phase I Geoenvironmental Report by Capita Symonds dated April 2013, Daylight, Sunlight and Overshadowing Report by Deloitte dated April 2013, Ecological Impact Assessment Update by Capita Symonds dated April 2013, Energy Strategy by Metropolis dated April 2013, Sustainability Statement by Metropolis Green dated April 2013, Midland Crescent Noise and Vibration Assessment by Aecom Environment dated April 2013, Midland Crescent Student Accommodation Transport Assessment by Tim Spencer & Co dated April 2013, Outline Site Waste Management Plan by Ramboll dated 07 November 2012, Midland Crescent Student Housing Obtrusive Light Lighting Report by Ramboll dated 07 November 2012, Student Accommodation Supply & Demand Report by Jones Lang LaSalle dated November 2012, Student Management Plan by CRM Ltd dated Spring 2013, Design Note for Supporting Drainage Design Information by Ramboll dated 17 April 2013, Construction Environmental Management Plan by MAH Project Management dated March 2013 and Basement Impact Assessment by Ramboll dated 12 November 2012.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Notwithstanding the approved plans, prior to the occupation of the commercial floorspace, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority indicating the layout and use of each unit annotating floor areas. The commercial floorspace shall be occupied by a mixture of uses within Classes A1/A2/A3/A4/B1/D1 & D2 as noted within the Commercial Space Overview unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of a mix of uses to enhance the West Hampstead Interchange Growth Area and Finchley Road/Swiss Cottage Town centre.

4. Before any A3 or A4 use commences, any extract ventilating system shall be provided with acoustic isolation and sound attenuation in accordance with the scheme approved by the Council. The acoustic isolation shall thereafter be maintained in effective order to the reasonable satisfaction of the Council. In the event of no satisfactory ventilation being provided, no primary cooking shall take place on the premises.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

5. Any units within the commercial floorspace hereby permitted shall not be carried out outside the following times: 08:00hrs to 22:00hrs Monday to Thursday, 08:00hrs to 23:00hrs Friday and Saturday and 10:00hrs to 22:00hrs on Sundays and Bank holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

6. Before occupation of the hereby approved development, details of the location, design and method of waste storage and removal (including recycled materials) shall be submitted to and approved by the Council and the approved facility shall therefore be provided prior to the first occupation of any of the new units and permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the site and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

7. Before development commences, a scheme of mitigation against noise and vibration with the development, including details of acoustic screening and sprung foundations, shall be submitted to, and approved in writing by, the local planning authority. The scheme of mitigation shall include details of how noise and vibration levels within each unit shall comply with the relevant standards. The development shall thereafter not be carried out other than in complete compliance with the approved scheme and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.

Reason: To safeguard the amenities of the future occupants of the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

8. Details of bird and bat nesting boxes/bricks and details of measures taken to enhance local populations of Biodiversity Action Plan priority species shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design. The nesting boxes / bricks shall be installed at the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting boxes / bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: To ensure the development contributes towards creation of habitats and valuable areas for biodiversity in accordance with Camden Core Strategy Policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

9. Full details of the landscaping scheme, biodiverse substrate-based extensive living roof and green walls, including a biodiversity enhancement plan, shall be submitted to and approved by the Local Planning Authority, in writing, before the development commences. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied. This must include a detailed long term maintenance plan, construction details and the materials used, to include a section at a scale of 1:20, and full planting details. The substrate depth of the living roofs should vary between 80mm and 150mm with peaks and troughs, but should average at least 130mm. The design and planting scheme should be informed by a site biodiversity assessment and reflect the local conditions and species of interest.

Reason: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building. To comply with Camden Core Strategy Policy CS15 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP22 and DP24 of the London Borough of Camden Local Development Framework Development Policies.

10. All hard and soft landscaping works, including living roofs and walls shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development or prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a

period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

11. All green roofs shall not be used as terraces or outdoor amenity area and shall not be accessed for any purposes other than maintenance.

Reason: To safeguard the amenities of the adjoining residents and the area generally in accordance with the requirements of policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbour) of the London Borough of Camden Local Development Framework Development Policies.

12. Prior to occupation of the development, details of the proposed cycle storage areas shall be submitted to and approved by the local planning authority, a minimum of 10 cycle spaces shall be provided for the commercial uses, this shall be annotated on the plans to be submitted and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any part of the site, and thereafter permanently maintained and retained.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

13. The development shall include the provision of and ongoing retention of two lifts with a minimum dimension of 2 metres by 2 metres. Each lift shall be able to accommodate at least 2 people with their bicycles at any one time.

Reason: To ensure development provides level access to the cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

14. Prior to commencement of development dispersion modelling shall be undertaken to identify the optimum location for the inlet for mechanical ventilation, carbon filters must be added to the inlet. Details of the final location and filters must be submitted to an approved in writing by the local planning authority. The approved details shall thereafter be provided in their entirety prior to the first occupation of any part of the site, and thereafter permanently maintained and retained.

Reason: To ensure the development would be well protected by air pollution in accordance with the requirements of policy CS16 of the London Borough of Camden Local Development Framework Core Strategy and policy DP32 of the London Borough of Camden Local Development Framework Development Policies.

15. All doors providing access to the green roofs and the communal terrace at fourth floor shall be self-closing.

Reason: To ensure the development would be well protected by air pollution in accordance with the requirements of policy CS16 of the London Borough of Camden Local Development Framework Core Strategy and policy DP32 of the London Borough of Camden Local Development Framework Development Policies.

16. The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

17. At least 28 days before development commences:

- (a) A written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority; and

(b) Following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written verification report detailing the remediation shall be submitted to and approved by the local planning authority prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

18. In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11), and where mitigation is necessary a scheme of remediation must be designed and implemented to the satisfaction of the local planning authority before any part of the development hereby permitted is occupied.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

19. The details of the following shall be submitted to, and approved in writing by, the Local Planning Authority before any work is commenced on the relevant part of the development.
- a) Shopfronts; including sections, elevations and materials;
  - b) All facing materials and finishes;
  - c) Annotated elevation drawings of all elevations at a minimum scale of 1:20, showing typical elevation details including all building components, eg windows, doors, panel designs, tiles, etc.
  - d) 1:20 plans and sections of all important junctions such as windows, doors, panelling, tiling where they adjoin other materials and components.



The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the site and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

## Appeal B

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents:

1950-00-DR-0101 P03, 1950-00-DR-0108 P04, 1950-00-DR-0109 P04, 1950-00-DR-0110 P04, 1950-00-DR-0111 P04, 1950-00-DR-0112 P04, 1950-00-DR-0113 P04, 1950-00-DR-0114 P04, 1950-00-DR-0116 P04, 1950-00-DR-0401 P04, 1950-00-DR-0402 P04, 1950-00-DR-0403 P04, 1950-00-DR-0404 P04, 1950-00-DR-0405 P04, 1950-00-DR-0601 P05, 1950-00-DR-0602 P05, 1950-00-DR-0603 P05, 1950-00-DR-0604 P05, 1950-00-DR-0605 P05, 1950-00-DR-1001 P01, Local Air Quality Assessment by Ramboll dated 18 June 2013, Ecological Impact Assessment Update (Rev 4) by Capita Symonds dated June 2013, Daylight, Sunlight and Overshadowing Report by Deloitte dated 12 July 2013, Energy Statement by Metropolis Green dated 04 July 2013, Basement Impact Assessment by Ramboll dated 12 November 2012, Commercial Space Overview by Stadium Capital Holdings, Outline Site Waste Management Plan by Ramboll dated 07 November 2012, Midland Crescent Detailed Noise and Vibration Assessment by Aecom Environment dated August 2013, Student Accommodation Supply & Demand Report by Jones Lang LaSalle dated June 2013, Midland Crescent Project Transport Assessment by Tim Spencer & Co dated June 2013, Construction Environmental Management Plan by MAH Project Management dated July 2013 Rev B, Design Note for Supporting Drainage Design Information by Ramboll dated 21 June 2013, Midland Crescent Student Housing Obtrusive Light Lighting Report by Ramboll dated 11 June 2013, Phase I Geoenvironmental Report by Capita Symonds dated July 2013, Student Management Plan by CRM Ltd dated Spring 2013 and Sustainability Statement by Metropolis Green dated 08 July 2013.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Notwithstanding the approved plans, prior to the occupation of the commercial floorspace, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority indicating the layout and use of each unit annotating floor areas. The commercial floorspace shall be occupied by a mixture of uses within Classes A1/A2/A3/A4/B1/D1 & D2 as noted within the Commercial Space Overview unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of a mix of uses to enhance the West Hampstead Interchange Growth Area and Finchley Road/Swiss Cottage Town centre.

4. Before any A3 or A4 use commences, any extract ventilating system shall be provided with acoustic isolation and sound attenuation in accordance with a scheme approved by the Council. The acoustic isolation shall thereafter be maintained in effective order to the reasonable satisfaction of the Council. In the event of no satisfactory ventilation being provided, no primary cooking shall take place on the premises.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

5. Any units within the commercial floorspace hereby permitted shall not operate outside the following times: 08:00hrs to 22:00hrs Monday to Thursday, 08:00hrs to 23:00hrs Friday and Saturday and 10:00hrs to 22:00hrs on Sundays and Bank holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

6. Before occupation of the hereby approved development, details of the location, design and method of waste storage and removal (including recycled materials) shall be submitted to and approved by the Council and the approved facility shall therefore be provided prior to the first occupation of any of the new units and permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the site and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

7. Before development commences, a scheme of mitigation against noise and vibration with the development, including details of acoustic screening and sprung foundations, shall be submitted to, and approved in writing by, the local planning authority. The scheme of mitigation shall include details of how noise and vibration levels within each unit shall comply with the relevant standards. The development shall thereafter not be carried out other than in complete compliance with the approved scheme and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.

Reason: To safeguard the amenities of the future occupants of the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

8. Details of bird and bat nesting boxes/bricks and details of measures taken to enhance local populations of Biodiversity Action Plan priority species shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design. The nesting boxes / bricks shall be installed at the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting boxes / bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: To ensure the development contributes towards creation of habitats and valuable areas for biodiversity in accordance with Camden Core Strategy Policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

9. Full details of the landscaping scheme, biodiverse substrate-based extensive living roof and green walls, including a biodiversity enhancement plan, shall be submitted to and approved by the Local Planning Authority, in writing, before the development commences. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied. This must include a detailed long term maintenance plan, construction details and the materials used, to include a section at a scale of 1:20, and full planting details. The substrate depth of the living roofs should vary between 80mm and 150mm with peaks and troughs, but should average at least 130mm. The design and planting scheme should be informed by a site biodiversity assessment and reflect the local conditions and species of interest.

Reason: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building. To comply with Camden Core Strategy Policy CS15 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP22 and DP24 of the London Borough of Camden Local Development Framework Development Policies.

10. All hard and soft landscaping works, including living roofs and walls shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development or prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a

period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

11. All green roofs shall not be used as terraces or outdoor amenity area and shall not be accessed for any purposes other than maintenance.

Reason: To safeguard the amenities of the adjoining residents and the area generally in accordance with the requirements of policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbour) of the London Borough of Camden Local Development Framework Development Policies.

12. Prior to occupation of the development, details of the proposed cycle storage areas shall be submitted to and approved by the local planning authority, a minimum of 10 cycle spaces shall be provided for the commercial uses and 11 cycle spaces for the residential (Use Class C3), this shall be annotated on the plans to be submitted and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any part of the site, and thereafter permanently maintained and retained.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

13. The development shall include the provision of and ongoing retention of two lifts with a minimum dimension of 2 metres by 2 metres. Each lift shall be able to accommodate at least 2 people with their bicycles at any one time.

Reason: To ensure development provides level access to the cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

14. Prior to commencement of development dispersion modelling shall be undertaken to identify the optimum location for the inlet for mechanical ventilation, carbon filters must be added to the inlet. Details of the final location and filters must be submitted to an approved in writing by the local planning authority. The approved details shall thereafter be provided in their entirety prior to the first occupation of any part of the site, and thereafter permanently maintained and retained.

Reason: To ensure the development would be well protected by air pollution in accordance with the requirements of policy CS16 of the London Borough of Camden Local Development Framework Core Strategy and policy DP32 of the London Borough of Camden Local Development Framework Development Policies.

15. All doors providing access to the green roofs and the communal terrace at fourth floor shall be self-closing.

Reason: To ensure the development would be well protected by air pollution in accordance with the requirements of policy CS16 of the London Borough of Camden Local Development Framework Core Strategy and policy DP32 of the London Borough of Camden Local Development Framework Development Policies.

16. The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the London Borough of Camden Local Development Framework Development Policies.

17. At least 28 days before development commences:

- (a) A written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority; and

(b) Following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written verification report detailing the remediation shall be submitted to and approved by the local planning authority prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

18. In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11), and where mitigation is necessary a scheme of remediation must be designed and implemented to the satisfaction of the local planning authority before any part of the development hereby permitted is occupied.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

19. The details of the following shall be submitted to, and approved in writing by, the Local Planning Authority before any work is commenced on the relevant part of the development.
- a) Shopfronts; including sections, elevations and materials;
  - b) All facing materials and finishes;
  - c) Annotated elevation drawings of all elevations at a minimum scale of 1:20, showing typical elevation details including all building components, eg windows, doors, panel designs, tiles, etc.
  - d) 1:20 plans and sections of all important junctions such as windows, doors, panelling, tiling where they adjoin other materials and components.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To safeguard the appearance of the site and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.