

<b>Address:</b>	<b>1-11A Swains Lane &amp; 109-110 Highgate West Hill London N6 6QX</b>		<b>10</b>
<b>Application Number:</b>	2013/6674/P	<b>Officer: Richard McEllistrum</b>	
<b>Ward:</b>	Highgate		
<b>Date Received:</b>	<b>15/10/2013</b>		
<b>Proposal:</b> Erection of a part 2 / part 3 storey (above part basement level) building comprising 5 retail units (Classes A1/A2/A3) and 7 residential units (Class C3) on upper floors; and a 3 storey building comprising 3 retail units (Classes A1/A2/A3) and 5 residential units (Class C3) on upper floors; with associated car parking, landscaping and works to the public realm (following the demolition of existing buildings).			
<b>Drawing Numbers:</b> SWL/PL/0.1; /1.0; /1.1; /1.2; /2.1; /2.2; /2.3; /2.4; /3.1; /3.2; /4.1; /4.2; /10.0 rev B; /10.1 rev B; /11 rev B; /11.1 rev G; /11.2 rev E; /11.3 rev E; /11.4 rev C; /12.1 rev C; /12.2 rev E; /12.3 rev D; /12.4 rev D; /13.1 rev D; /13.2 rev D; /13.4 rev B; /13.5 rev B; /14.1 rev B; /14.2 rev B; SWL/DAS/16.1 rev C; /16.2 rev C; /16.3 rev B; DFC 1246 TPP rev C; Nathaniel Lichfield & Partners letter dated 23 June 2014 ref 13015/JF/HP/7003760v1; Nathaniel Lichfield & Partners letter dated 23 April 2014 ref 13015/JF/HP/6657845v3 (including attached Area Schedule); Nathaniel Lichfield & Partners letter dated 17 February 2014 ref 13015/JF/HP/6321548v1; Nathaniel Lichfield & Partners letter dated 24 January 2014 ref 13015/JF/DPa/6132890v2; 120578A/A/03; /AT/D01; /AT/D02; /AT/D03; /AT/D04; /AT/D05; /SK/01 D; Servicing Management Plan prepared by Vectos dated April 2014; Draft Construction Management Plan prepared by Nathaniel Lichfield & Partners dated 22 April 2014 ref 6672285v1; Landscape Proposals for Swain's Lane prepared by Fisher Tomlin & Bowyer dated February 2014 ref April V5 2014; Assessment of Affordability of Retail Units Proposed prepared by Nathaniel Lichfield & Partners ref 5991349v1; Crime Impact Statement prepared by Nathaniel Lichfield & Partners ref 5958999v1; Basement Impact Screening Study prepared by Cundall dated 05/12/2013 ref 1005586 RPT 010; Ground Investigation prepared by Harrison Environmental dated November 2013 ref GL16486 GI rev 2; Air Quality Assessment prepared by Air Quality Consultants dated 7 October 2013; Arboricultural Impact Assessment prepared by DF Clark Bionomique Ltd, dated 17 September 2013 ref DFC 1246 rev C; Daylight, Sunlight and Overshadowing Assessment prepared by Nathaniel Lichfield & Partners dated October 2013 ref 13015/JF/BK; Drainage Strategy prepared by Cundall dated October 2013 ref 1005586-RPT-00009 A; Energy & Sustainability Report prepared by Cundall dated 7 October 2013 rev B; Environmental Noise Report prepared by Cundall dated 7/10/2013 ref 1005586-RPT-0001 C; Heritage Impact Assessment prepared by Nathaniel Lichfield & Partners dated October 2013 ref CL13015; Planning Statement prepared by Nathaniel Lichfield & Partners dated October 2013 ref 13015/JF/DPa; Transport Statement prepared by Vectos dated October 2013; Design and Access Statement prepared by Liam O'Connor Architects dated October 2013 ref SWL/DAS/16.0; Statement of Community Involvement prepared by M&N Place Limited dated October 2013; Tree Protection Plan DFC 1246 TPP rev B.			

**RECOMMENDATION SUMMARY: Grant conditional permission subject to a Section 106 Legal Agreement**

<b>Applicant:</b>	<b>Agent:</b>
The Earl of Listowel c/o Agent	Nathaniel Lichfield & Partners 14 Regents Wharf All Saints Street LONDON N1 9RL

**ANALYSIS INFORMATION**

Land Use Details (All GEA):		
	Use Class	Floorspace
Existing	A1 Shop / A2 Financial & Professional / A3 Restaurants & Cafes Garages (General parking/storage)	554m <sup>2</sup> 169m <sup>2</sup>
Proposed	C3 Dwelling House A1 Shop / A2 Financial & Professional / A3 Restaurants & Cafes	1,395m <sup>2</sup> 633m <sup>2</sup>

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

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	5*	0
Proposed	4	1

\* 5 garages on Highgate West Hill (also informal parking in front of the garages and to the rear of the site in the car wash)

## OFFICERS' REPORT

### Reason for Referral to Committee:

**Major development for more than 10 residential units [clause 3(i)]; is subject to the completion of a Section 106 legal agreement for matters which the Director of Culture and Environment does not have delegated authority [clause 3(vi)].**

### 1. SITE & SURROUNDINGS

- 1.1 The 0.18ha application site comprises the buildings and land at 1-11a Swains Lane and 109-110 Highgate West Hill. As well as the buildings and land between or to the rear of them, the site also includes a large part of the immediate highway on both frontages. This land is within the applicant's ownership but is for the greater part adopted Public Highway. The site exhibits a moderate rise in ground levels from south to north, which continues and steepens from the site northwards in the direction of Highgate.
- 1.2 The site predominantly comprises two single storey flat roof buildings (east and west) with a single garage and two storage containers adjoining the boundary with 108 Highgate West Hill (HWH). The west building incorporates three shops and a restaurant with frontages on Swains Lane and HWH and five garages which front onto and are accessed via HWH. The east building includes 4 shops and a café. The land in the area between / behind the main buildings functions as an external car wash, with vehicular access from HWH. External seating areas were set out in front of the Forks and Corks units, and there is also an existing external seating / dining area to the rear of these units. At the time of the officers site visit (December 2013), approximately half of the retail floorspace was vacant. The table below lists the existing occupiers and empty units:

No.	Name	NIA
110	On reflection shop	38m2
1 and 109	Indian Spice Lounge Restaurant (vacant)	129m2
3	Vacant	36m2
3a	Covington Florists	48m2
5	Fitzroys Residential Sales & Letters (vacant)	43m2
7	Mickey's Greengrocers	56m2
7a-9	Forks	91m2
9-11	Corks	65m2
11a	Baba (vacant)	47m2
	<b>Total</b>	<b>505m2</b>

*(Please note these figures are Net Internal Area (NIA) for each unit and the total therefore differs from the GIA figures given in the Land Use Details table above)*

- 1.3 The site is located in the Dartmouth Park Conservation Area (sub area 8 – St Albans Road) and directly adjoins the Holly Lodge Estate Conservation Area to the north and east, with the Highgate Conservation Area a close distance to the northwest. The buildings on site (excluding the garage buildings) are identified as Positive Contributors within the Conservation Area Appraisal and Management Statement. The site adjoins the Grade II Listed 107/108 Highgate West Hill to the north, and forms the foreground for views of the Grade II Listed St Anne's Church.

The value of views of, from and through the site are referred to in the Conservation Area Appraisal at paragraph 7.96, and general views northwards from Highgate Road of the Church are noted as being of particular value. The neighbouring terrace to the east lies within the Holly Lodge Conservation Area and is also an identified Positive Contributor.

- 1.4 The site partly lies within a defined Neighbourhood Centre (shop units being in the neighbourhood centre and not the garages or car wash). The site is not in a highly accessible location (the site benefits from a PTAL of 2-3).

## 2. THE PROPOSAL

### Original

- 2.1 The proposal is for the demolition of all buildings on site and the erection of two buildings fronting Swains Lane and Highgate West Hill:
- The western building is at the corner of both streets with frontages on both and is part 2 / part 3 storeys with a small basement and contains 5 retail units (Classes A1/A2/A3) at ground floor level and 7 residential units on the upper floors.
  - The eastern building is adjacent to the rest of the existing parade on Swain's Lane and is 3 storeys with 3 retail units (Classes A1/A2/A3) at ground floor level and 5 residential units (Class C3) on the upper floors;
  - Off street car parking for the residential units is proposed to the rear of the buildings (5 spaces in total).

### Revisions

- 2.2 The scheme has been amended to remove one unit and the residential mix has been amended from 1 x 1b, 10 x 2b and 2 x 3b units to 9 x 2b and 3 x 3b units as a result of the following design changes:
- Rendered facades replaced with brickwork
  - Window fenestration has been changed
  - First floor corner balcony removed
  - The neo-classical design replaced with contemporary approach
  - Increased set back of the vertical mansard at 2<sup>nd</sup> floor level on Swains Lane elevation by 0.95m;
  - Set back of the mansard on the west building from the Highgate West Hill by 8.6m;
  - Lowering of the height of the parapet on both buildings by 0.485m;
  - Simplified approach to the mansard roof profile with lower and more defined roof parapet and removal of step.
  - Bringing forward 1<sup>st</sup> floor residential accommodation to create a continuous façade;
  - Incorporation of projecting windows at 2<sup>nd</sup> floor level
  - Amendments to window pattern at 1<sup>st</sup> and 2<sup>nd</sup> floor to provide a coherent approach across the development. Bronze casement windows with 2 large panes of glass are now proposed.

- Shopfronts have been raised to a height of 4.3m and the brick pillars between each shopfront have changed to painted render;
  - Ground floor railings along Church Walk changed to brick with timber slats.
- These revisions were subject to a second round of public consultation

2.3 Updated swept path analysis has been submitted, additional drawings have been submitted showing loading bay proposals and residential parking layout (cycle and car) and the Servicing Management and Construction Management Plans have been updated.

- 2.4 Since the receipt of the second round of consultation responses the scheme has been changed as follows (in addition to the revisions and additional info secured in para 2.2 and 2.3 above) :
- The parapet has been lowered to a height of 915mm at the highest point on the eastern end of the West Building rising to 1100mm at the western end and around the junction with Highgate West Hill.
  - The timber fins have been increased in width to 75mm (from 50mm) and will extend up to the coping.
  - All windows have been widened to 1400mm (from 1110mm), except the four sitting room windows on the junction at Highgate West Hill which have been widened to 1650mm (from 1110mm). The brick columns between the windows are of changing widths which add variety between the brick and glazing.
  - The 18mm window reveals will be treated with white render.
  - The metal balustrades have been increased to a height from 1100mm from the internal floor level and positioned within the window recess.
  - A dark (and not orange) brick is proposed.
  - The planters have been lowered to be no higher than the parapet.
  - The roof is to be dark copper (pre-patinated tecu copper or bronze cladding or similar) to match the largely clay tile roofs of the adjoining buildings.
  - The first floor balustrade is to be finished in bronze to match the window frames.

Please note that the CGI's in the appendices have not been updated to take into account these final amendments and the updated CGI's will be presented in the Supplementary Agenda.

### 3. RELEVANT HISTORY

#### *Application Site*

3.1 A scheme (PEX0100720 and CEX0100721) proposing 5 commercial units and 18 flats was withdrawn prior to a committee meeting on 3 December 2001 where it had been recommended for refusal due to:

- The proposed development would by reason of its height and massing represents an over development of the site, which would be out of scale and character within the context of the surrounding area. It would be detrimental to long distance views through and from the surrounding Conservation Areas and to the setting of surrounding listed buildings. Overall it fails to relate satisfactorily to its surroundings, failing neither to preserve nor enhance the character or

appearance of the Dartmouth Park Conservation Area or adjoining Conservation Area.

- The proposed development would by reason of details of its design and appearance would constitute an undesirable form of development, detracting from the character and appearance of this part of Dartmouth Park Conservation Area, and would appear as an intrusive and incongruous development in context with the street scene, specifically in relation to the roof form, entrances to residential units, size and design of shop fronts and balconies and balustrade.
- The proposed parking layout and lack of satisfactory service vehicle access does not comply with Council standards. Therefore the proposal is likely to prejudice the safety of pedestrian and vehicle users as a result of kerbside parking at the front and unsatisfactory parking and servicing arrangements at the rear.
- The proposed development would by reason of its excessive density represent an over intensive form of development of this site, detrimental to the amenities and character and appearance of the surrounding area.
- The proposed development would result in an unacceptable mix of residential units, failing to provide for family sized units, including proposals for affordable housing mix.

3.2 A subsequent submission was made and withdrawn in August 2003 within a few weeks of being submitted and was not therefore formally assessed (PEX0200580 and CEX0200638/C).

#### *108 Highgate West Hill*

3.3 Permission granted for the residential subdivision of the building. (2013/2508/P granted 17 July 2013)

3.4 Erection of a single storey dwellinghouse within a plot formed from the easternmost part of its garden. (2013/2797/P - Resolution by DC Committee to grant permission currently awaiting s106 agreement completion)

#### *Carob Tree*

3.5 Permission refused and appeal dismissed for the erection of side and roof extensions and conversion of upper floors into 5 self-contained flats. (2010/2274/P refused 10 September 2010 appeal dismissed 19 Jan 2011). In his decision the Inspector referred to the 'strong feeling of expansive openness' in the wider area (para 7). The value of the St Anne's Church spire as a landmark (para 8) and the 'predominance of single storey buildings' in the immediate context (para 10). The proposed extensions were found to 'dominate the appearance of No 2 (Swains Lane) in a form that would be incongruous and out of keeping with the pattern of development along Swain's Lane' (para 10).

3.6 Planning permission granted for change of use of upper floors from ancillary restaurant accommodation (Class A3) to create three (2x2 and 1x3 bed) self-contained flats (Class C3) including rear (south) extensions at first and second floor level and roof extension to create new third floor level with external terrace areas and associated alterations. (2011/3819/P on 30<sup>th</sup> March 2012). Subsequent

applications for the attached refuse and cycle bin conditions have been refused due to sensitivities regarding their location.

## 4. CONSULTATIONS

### Summary of consultation carried out

- First consultation by council - Letters were sent to 148 local addresses on 7 November 2013. Site Notices were erected between 13 November and 4 December 2013 and a press notice placed within the Ham & High newspaper between 21 November and 12 December 2013.
- Applicant consultation - Following the first consultation detailed above the applicant carried out their own consultation and meetings with local residents as follows:
  - 16 January 2014
  - 23 January 2014
  - 28 January 2014
  - 20 February 2014
  - 20 March 2014
  - 19 May 2014
- Second consultation by council - Letters were sent to 148 local addresses on 7 May 2014. Site Notices were erected between 9 May and 30 May 2014 and a press notice placed within the Ham & High newspaper between 15 May and 5 June 2014.
- Update by council – An email was sent to representatives of local groups on 20 June 2014 notifying them of further detailed design changes.

### Conservation Area Advisory Committee

#### First consultation

#### *Highgate CAAC*

4.1 Object to the application for the following reasons:

- The buildings are too bulky and too high; two storeys are the maximum permissible in this location.
- The materials are very unsympathetic to the context and must be changed to a warmer brick facade.
- Damage caused to setting of valued heritage assets.
- Damage caused to the important view of Highgate from the Heath.
- No social housing is included in the scheme; this area has no shortage of expensive flats.

#### *Holly Lodge CAAC*

4.2 Object to the application for the following reasons:

- Height, bulk and form (2 storey height is appropriate but if a 3<sup>rd</sup> storey is present, it should be set back from the floor below)
- Roof design appears to be a mix of styles that loom over Swain's Lane and does not curve with the building below.
- Use of render is inappropriate 'in an area predominantly comprising of varying colours and types of brick'.

- There are underground petrol storage tanks and contamination must be dealt with.
- There is no provision for shoppers parking or off-street loading.

### Second consultation

#### *Dartmouth Park CAAC*

#### 4.3

- Isn't a scheme that anyone in the community says 'this is what I pictured for the future of Swains Lane'.
- The buildings are still unacceptably bulky and mostly three storeys.
- A bare majority of the CAAC considers that the basic architecture is, with tweaking, sufficiently improved to make it 'just tolerable', if the scheme proposed a tangible assurance of a vital and viable future for our long blighted neighbourhood centre and community hub. But we are not convinced that it does.
- The set back of the top floor falls short of attenuating the impact of the third floor when viewed from Swains Lane; the parapet at second floor is too high.
- The window reveals should be rendered; the windows to the corner should be widened; and the bricks need to be carefully considered and local people should see sight of the brick samples in a range of colours (it is normal to make approval of materials a condition of any permission).
- Even if the design and mass has improved the offer in relation to the crucial enhancement of the public realm has deteriorated significantly. The gap between the two buildings has included a significant area of public realm and in the current proposal this has been reduced to a token area backed by a wall/fence with the bulk being used for private parking. The area between the buildings needs to be restored as public realm.
- The shops have limited internal storage especially for refuse, it is a recipe for disaster claiming that it will be briefly transferred to the pavement for collection. The refuse bins for the residents (particularly the east block) will have to be taken from their remote locations onto the pavement for collection. The pavement must not be cluttered with refuse bags, wheelie bins and provision must be made for some provision for vehicular access.
- Two on-street delivery bays will unacceptably limit parking for shoppers and aggravate the problem of spillage into parking intended for existing residents.
- The scheme needs to be entirely car free, with the exception of disabled parking, and the use of the yard should be for servicing the shops and flats.
- Would like the community forum to guide shopping policy and this should be included in any S106 agreement.

### **Local Groups**

#### First consultation

#### *Swain's Lane Residents & Neighbourhood Watch Association*

#### 4.5 Object to the application for the following reasons:

- Height / Bulk / Design
- Inadequate Servicing / Parking
- Absence of discussion regarding Construction Management with local community
- Pollution from fuel tanks sub-surface



### *Save Swain's Lane Steering Committee (aka Swain's Lane Development Project)*

#### 4.6 Object to the application for the following reasons:

- As proposed, the plans leave too many unanswered questions that need to be resolved before the community can endorse what should be submitted and approved. Shouldn't there be:
  - An environmental study on the substances remaining in the storage tanks and the potential hazard they present BEFORE the application is approved?
  - A Construction Management Plan developed and distributed to the community BEFORE the application is approved?
  - A more detailed Traffic Study that doesn't begin with the assumption that traffic, parking and loading will not change from current levels?
  - An imperative to provide an affordable retail solution to ensure long-term success in lieu of public housing?
- Beyond these pressing questions, there are other issues, which should be addressed to facilitate the kind of development and design that everyone would accept and benefit. They are relatively modest in their requirements and could easily be accommodated by the architect and developer with a result that would improve the project considerably:
  - The treatment of existing shopkeepers and continuity during the transition.
  - The preference for a better method of finishing with brick instead of rendering.
  - The desire for the roofline to return to some form of two-story treatment.
  - The question of the unresolved roof corner junction.
  - The overall impact of the new design on the quality of life on the lane.
- I am opposed to the proposed plan as it does not address critical issues essential to the health, safety; economic success of Swain's Lane as well as consideration that would do much to retain its unique environment and culture that it currently enjoys.

### Second consultation

#### *Swain's Lane Residents & Neighbourhood Watch Association*

#### 4.7 There have been considerable improvements but further changes are needed.

Those residents responding have indicated support for the replies by the Dartmouth Park CAAC and SSLSC (Save Swan's Lane Steering Committee).

- While there have been some comments about the colour of the brick, and the third floor, it is clear that Swain's Lane residents have particular concerns about the design of the ground floor and how the retail units would operate if this is to be a vibrant community shopping area.
- The Service Management Statement falls far short of what is required for such a project. It fails to recognise that several retail units are unoccupied at present and that the plan is for greater shopping activity. It is also clear that the authors are unaware of the growing demands for a safe North/South crossing in Swain's Lane because of the increasing traffic and the numbers of older residents and young children, as well as the influx of children from the local schools visiting the shops. The obvious location for a pedestrian crossing is at the junction with Highgate Road, replacing the existing limited island crossing. This is because of the direct route from Highgate West Hill to the bus terminus

and also, via the existing pedestrian crossing, to the Heath. This would limit the opportunity for another loading bay in Swain's Lane.

- Many residents also feel that the retail units should be serviced at the rear using small vans, not trucks. This would allow better use of the South facing forecourt than having this busy pedestrian route interrupted by deliveries and collections.
- The plans for the storage and collection of waste are unclear. At present, it appears that the business waste will have to be temporarily stored within the units and collected at regular intervals from the forecourt in front of the retail units. This would detract from the amenity of the Lane. Similarly, if the 9 (possibly 12) bins of residential waste have to be wheeled out onto the forecourt to await collection and then to be moved back, this would need precise onsite management. As Tesco has demonstrated, waste on the forecourt in front of shops has an adverse effect on amenity.
- There appears to be only limited flexibility in respect of the retail units and limited storage space. For instance, it seems that only Unit 6 could be used as a Cafe/Restaurant because of space for a kitchen and the siting of an extractor unit. Also, the area at the rear of unit 6 seems unsuitable for outside eating, being enclosed by a three storey building and a high wall, as well as its negative effect on Church Walk residents.
- Overall, it is felt that not enough attention has been paid to the opportunity the site affords to create and improve the public amenity. In particular, much public space is lost by having a barrier between the two buildings to accommodate residents parking bays and a turning space. Should the decision be made to retain this two-building format with the open space between the buildings, there should be no wall or obstruction other than bollards to limit vehicular traffic.

#### *Save Swain's Lane Steering Committee (aka Swain's Lane Development Project)*

4.8 These comments are based on internal discussions and the recently conducted public meeting held at St. Anne's Church on Monday 19<sup>th</sup> May.

- **Overview** We see the current proposal as a significant improvement on the previously submitted designs, but continue to maintain that there are elements that could easily be addressed prior to committee as a response to this round of consultations. Each of the points below has already been raised with the design team but thus far, not yet addressed.
- **Brick colour** Overwhelming concern was expressed over the brightness / orange hue of the bricks at our Steering Committee meeting. In addition, at the public meeting, a show of hands was taken and most of those attending felt that the brick was too bright. Consequently, we would request that a more toned-down, less orange, softer, and more varied brick is presented. We understand the issues of CGI visuals, so we would like to see an actual sample of the brick suggested. We would like to see this prior to committee and do not believe it is possible to support the proposal until the design intent of the brickwork is described properly in a contextual CGI drawing.
- **Proportions of brickwork** It was also felt that the render band at coping level could be 1 or 2 bricks thicker to make the brickwork feel less dominant. Some of those at the public meeting felt that a subtle marking of the corner would be appropriate (one suggested a clock, others some simple signwriting on the render over the curve). In any case, something that gently added to the sense of place.

- **Detail in brickwork** As part of the Steering Committee meeting, the image previously presented at the meeting with the Council's Design Officer was discussed. Many liked the moderate, single brick detail band a few rows below parapet level.
- **Window reveals** Committee members also raised concerns about the window reveals being too plain and the detail around them was discussed at length. No one wanted an overly elaborate historic detail, but some definition was discussed. Everyone agreed that the windows would be softened if the sides and top were rendered and painted to match the off-white colour of the render coping. This would help to animate the sweep of the building looking down the lane. We have already made this point and maintain our view.
- **Window design** The window pattern on the 1<sup>st</sup> floor was commented as being too uniform and it was noted that the curved dormer window on the 2<sup>nd</sup> floor was a successful way of strengthening the curve. A gentle widening of the three 1<sup>st</sup> floor windows on the curve would also provide variety. It was further suggested that the end windows of each block be widened to mark the principal rooms on the plan and add incident along the elevation. At least this should be done at the corner to help define it.
- **Top floor design** There was strong concern that the trellis continues to look thin, has no top, and is too close to the building. As has been consistently raised, this element must look architecturally convincing, with or without planting. Therefore, it was suggested that if the trellis was more substantial, set further forward towards the dormer edge (not necessarily in line), and had a horizontal top edge (which could be in timber like a pergola, with a weathered top), then this might address these concerns. It is suggested that the group wants this to be 're cast' as something more dominant. Our group maintains the same view that this element needs to be part of the architecture, be dominant and look good, with or without the planting. It is strongly felt that this element needs more work and we would not support the design as drawn. We would welcome a review of this detail.
- **Gap between buildings** There remained concerns over the fenced area between the disabled parking space and the lane. Many still feel that this space should be bridged at 1<sup>st</sup> and 2<sup>nd</sup> floors, and that the increase in area on those floors be lost on the top floor. Most would be happy if this gate did not exist at all so that the public pedestrian and car parking or loading areas were one. Bollards might be used to limit through traffic. This seems natural and informal, just as is the present arrangement.
- **Retail** The 'vision' of a *Retail Forum* to be created in an effort to ensure that the occupants of the new shops meet the needs and requirements of the community was also discussed. It will play an increasingly important role in the success of the development. We would welcome Camden's tying the developer into an agreement obliging him to set up this forum. Specifically, the issue of unit size has been repeatedly mentioned. It is felt that 50 sq. meters is too small to be viable and the bulk of the units should be around 100 sq. meters. There are also concerns about the amount / size of storage areas and configuration of the toilets within each unit. In essence, a *Retail Forum* begins with a requirement embodying enough flexibility in the architectural design and servicing to ensure accommodation of various-sized retails units (e.g., converting Nos. 1 & 2 into a single unit for a restaurant) and continues by working together with representatives of the community, the traders, the

landlord and the architect to identify the appropriate mix of retail services and offerings and to provide 'affordable retail leases' to secure viable, long-term retailer commitment.

- **Parking and loading** Concerns were expressed at the meeting about the transport strategy and the answers to questions raised. There is a need for a North / South pedestrian crossing in Swain's Lane close to the junction with Highgate Road (to create a safer crossing for pedestrians to access the bus terminus and the Heath.) Depending where this is placed, it might, however, limit the availability for a second loading bay. Consequently, it is felt by some that the rear parking area should be dedicated to loading for the shops and that the strategy for loading (i.e. as existing), is inadequate. If a loading bay is added to Swain's Lane as proposed, then feedback from the traders is that it should be from 8am till 10am, not 10am till 12noon as most deliveries come early in the morning.
- **Phasing** It was mentioned at the public meeting that the two buildings of the development might be phased to enable continued trading. We are supportive of this idea on the basis that the remaining shops are required to be let during the construction, rather than left empty, as they have been.
- **View from Church Walk** The residents of Church Walk and the Vicarage have, on a number of occasions, requested a CGI showing clearly what their view will be. The strong feeling from these residents most affected is that their view, quality of amenity and sense of openness will be severely damaged by the scheme. The elevation provided of the rear of building does not give them comfort that this important element of the scheme has been sensitively designed with this in mind, in terms of greening, brick colour, and elevation treatment. Church Walk residents repeated their concerns that they would prefer a maximum of two storeys, not three.
- We hope that the above will be taken up with the developer through the consultation process and that the developer will attempt to address these points so as to maximise the chances of support from this group at committee. At present it must be said that without some consideration to these points, the Steering Committee would not be in a position to unanimously support the application.

#### June email update

#### *Save Swain's Lane Steering Committee (aka Swain's Lane Development Project*

#### 4.9 Following the email update to local groups

- a) **Final proposal is inadequate.** There is a strong feeling that, whilst the applicant has attempted to address individual points raised through the consultation, the resultant scheme is far from an exemplary replacement for the existing structures, which are identified in the Conservation Area Statement as being of value. It does not represent a first-rate architectural contribution to Camden that the council requires under policy and that this important site deserves.
- b) **Final design does not deliver.** Many still dislike the architectural design, which they say is unattractive, mundane, and of mediocre architectural quality. Swain's Lane has an informal, easy feel, which it is felt will be lost if this site is developed with this design. It neither preserves nor enhances the character of the Conservation Area. If this scheme were to be built as submitted, many see this as another lost opportunity.

- c) **Insufficient consideration given to retail requirements.** There is widespread concern over the nature of the retail proposal shown in the drawings, that these units are inadequately-sized to be viable and do not capture the unique character of the lane, which is the lifeblood of the area. The design does not make provision for proper loading, servicing, retail storage (a significant problem for viability), refuse/recycling and parking; with supporting documentation generally using a 'like for like' justification suggesting that the circumstances will not change from the current situation. The reality is that several shops have been kept closed in recent years by the site owner. Therefore a new, arguably more vibrant, development requires much more consideration if it is not to create congestion, danger to pedestrians and piles of refuse on streets. The existing arrangement is inadequate and today's standards more onerous. Other consultees have correctly pointed out that Church Walk is currently used as an illegal loading area for existing shops, blocking fire access and regularly preventing Church Walk residents from leaving their homes. Any new scheme must be better than the existing situation and this one, as currently proposed, is not.
- d) **Inefficient use of space surrounding buildings.** The creation of a gated, private parking area to the rear is much to blame for many of these fundamental retail problems (Point "c"). Space that should logically be used for servicing, deliveries/loading, refuse/recycling, and storage is given over to private parking, despite being in direct conflict with Camden's car free policies. The gap between the buildings is blocked with a metal railing, which adds to the sense of exclusion. This only further bolsters residential value in parking at the expense of the most important element, the viability and safety of our local high street. The parking area at the rear has been stretched to the limit to enable it to work. Indeed, a section of the building has had to be chamfered off to make it so. All this suggests a poorly conceived idea, with proper loading and access to retail units lost in favour of a private parking area that has been squeezed in. This has been consistently been raised through the process but the developer has chosen not to address it.
- e) **Residential refuse area (in the west building) appears unworkable.** Nine "wheelie" bins are shown that, once a week, will need to be transported down an internal corridor and left on the street. Either the residents will be required individually to drag their bins to the lane weekly, and return them immediately to avoid the bins blocking the footpath or street, or the refuse collectors will be expected separately to return all nine bins up and down an internal corridor while a refuse truck blocks the lane. This suggests that a proper access area to the rear should be proposed instead of space given over to private parking.
- f) **No provision for vertical ducting.** Assuming that the one or more retail units will be identified for a potential A3 use (in particular the corner); no provision for ducting has been made internally. This will mean that a potential A3 user will be forced to apply for a surface mounted duct to the rear elevation, which would directly face the Grade 2 Listed dwelling at 106 West Hill. This again suggests that the retail has not adequately been considered.
- g) **The Construction Management Plan is too vague.** It needs to be more specific on issues of dust – possible need for some sort of covering during demolition and excavation. Dust could have a considerable impact on the other retail units in the Lane. It must also address the very real concerns of ground contamination, road closure and traffic. It is questionable whether the best exit route for construction traffic is East along Swain's Lane, affecting a significant number of residents, instead of via Highgate Road.

- h) **The Service Management Plan and the Transport Statement are also inadequate.** The latter has not been updated as had been promised. Both fail to recognise the current traffic situation in the Lane and the effect of a more active retail sector. Added to which, it is surely naive to suggest that a Site Management Company will be so efficient that nine or more bins are not left on the pavement in front of the shops for a considerable time (Point “e”)
- i) **No provision for pedestrian crossing.** With more shops, new flats and increased footfall, there is an increasing need for a proper N/S pedestrian crossing at the junction that will reduce the area for parking/ unloading.
- j) **Given the existing proposal, the following design points are still strongly felt:**
- Although made marginally wider in the last iteration, the windows are still too relentless in their arrangement and make an unrelieved and heavy composition.
  - The brick is still generally disliked and inappropriate for the setting.
  - The shop fronts are heavy, unattractive and alien to the rest of the building with inelegant structure between units.
  - The roof design is still seriously unsuccessful. The idea that the cladding / trellis would be integral to the architecture (a point agreed with the architect) just isn't working and the design just looks like a heavy metal box with insubstantial timber battens stuck on. In order for such an idea to work it should have depth, shadow modelling and relief.
  - The rear elevation to Church Walk is unrelieved and unattractive. Little has been done to address concerns over this important elevation, which seriously affects the visual amenity of several local residents.
  - The railings between the buildings sit at an awkward angle, generated by the disabled parking space behind them. Ideally they shouldn't be there at all, but if they are, they should at least be designed to enhance the elegant sweep of the lane. Concern has consistently been raised about the whole idea of the gap between the buildings; with many thinking it is a remnant of an earlier scheme and of little townscape value.
  - The coping still doesn't look right.
  - The corner still feels weak and unmarked.

As articulated in Patrick Lefevre's representation on the previous iteration, *'This isn't a scheme that anybody in our community looks at and says, 'This is what I pictured for the future of Swain's Lane.'* We feel that the planners would have done the right thing for Swain's Lane if they deferred this scheme to another committee until such time as there is a design that, at least, a reasonable portion of the community would welcome. The question is whether it is possible for this to happen with the current architect, given the struggle it has been to reach to a point where the design is still disliked by almost everyone who has documented a view.

#### *Swain's Lane Residents & Neighbourhood Watch Association*

4.10 The Residents Association has reviewed the revised drawings registered on 30 June, 2014 and consulted with Swains Lane and Holly Village residents. The conclusion is that changes made to the overall design represent a marginal improvement. However, there is overall disappointment that an opportunity has been missed for a development that would enhance the neighbourhood and create a vibrant retail space. There is particular concern that no changes have been made to the ground floor layout. The outcome is:

- i) A very boring rehash of the existing row of shops, which is unlikely to provide the vibrancy for a successful shopping area. Certainly, while units could be amalgamated, the plans provide for very limited flexibility for locating different types of retail.
  - ii) The Service Management Plan and the Transport Statement are inadequate and fail to recognise the current traffic situation in the Lane and the impact of a more active retail sector. As a result, loading, waste disposal, etc., are all to be from the front. The suggestion that deliveries will only be made at limited specified times does not reflect the current situation especially where units have inadequate storage. This will mean a lost opportunity to improve the amenity by avoiding deliveries constantly crossing a busy pedestrian thoroughfare in front of the retail units. Likewise, we do not feel that a site management company would prevent a line of residential waste bins from sitting on the pavement in front of the shops for several hours before and after collection. This is in addition to the waste from the retail units.
  - iii) The developers have largely ignored their pledge to enhance the public realm. Instead, a large area on the ground floor is being taken up for residents' car parking and turning space. The end result is a gated community which is undesirable and effectively eliminates circulation within the shopping area.
  - iv) Finally, it should be re-iterated that there is an increasing demand for a safe North/South crossing at the junction of Swain's Lane and Highgate Road and this would have implications for the planned increase in loading bays.
- There is support for the views of the Save Swain's Lane submission and the Association would oppose the application. We trust these additional comments can be reflected in your report.

### **Adjoining Occupiers**

	<b>Original</b>	<b>R1</b>
<i>Number of letters sent</i>	148	148
<i>Total number of responses received</i>	154	47
<i>Number of electronic responses</i>		
<i>Number in support</i>	1	5
<i>Number of objections</i>	134	25

### **First consultation**

4.11 The main concerns set out by the 134 objectors related to:

- Lack of justification to remove / not reuse existing buildings
- Excessive height & bulk (particularly in regard to western building)
- Obstruction to views of Church / harm to verdant, open local character / harm to village feel
- Unacceptable view of the rear of the scheme from existing residents – it will be of a brick wall, dustbins and a car park.
- Inappropriate / poor / clumsy design & detailing
- Inadequate parking provided on site
- Excessive parking provided (should be car free)
- Car Free s106 restrictions are not effective
- Loss of existing site parking

- Inadequate Loading / Servicing facilities and impact on traffic congestion. Servicing should be from the rear of the site.
- Lack of delivery management plan
- Illegal parking that takes place on Church Walk and Swain's Lane will get worse.
- Impact on local traffic levels
- Loss of outlook
- Loss of privacy
- Loss of light
- Incorrect assumptions of surrounding building layouts within sunlight / daylight assessment
- Lack of Construction Management Plan
- Lack of Basement Impact Assessment
- Lack of Ground Investigation
- Inadequate Traffic Assessment
- Failure to demonstrate retail unit affordability
- Loss of/impact on independent shops and opposition to chains
- Overly numerous / small retail units
- Excessive level of retail floorspace proposed
- Noise pollution
- Potential loss of trees
- Loss of employment from car wash
- Failure to guarantee protection of existing traders
- Pressure on local Healthcare & Education Facilities

#### Second consultation

4.12 25 objections have been received covering the following points:

- Lack of justification to remove / not reuse existing buildings
- Excessive height & bulk (particularly in regard to western building). Some views state 2 storey maximum on site, others state west end should remain single storey with 2 storey to rest, others state 3 storey acceptable but only at eastern end;
- Obstruction to views of Church / harm to verdant, open local character / harm to village feel
- Unacceptable view of the rear of the scheme from existing residents – it will be of a brick wall, dustbins and a car park.
- Inappropriate / poor / clumsy design & detailing (particularly re the type of brick proposed)
- Detailed design changes needed - render band should become thicker on the curve; a single brick band a few rows below parapet level would help the building to feel less dominant; rendering and painting the window reveals would help to break up the relentless feel of the brick wall; the trellis should form an integral part of the design of the building as a whole (a darker and more substantial wood structure would help to make the roof level feel more recessive);
- Some state the fence does not work in the gap between the buildings and amenity space should be provided; others not convinced that there should be a gap at all (bridging it at 1st floor level would allow the roof storey to be smaller);



- Inadequate parking provided on site
- Inadequate Loading / Servicing facilities and impact on traffic congestion. Servicing should be from the rear of the site.
- Illegal parking that takes place on Church Walk and Swain's Lane will get worse.
- Loss of outlook
- Loss of privacy
- Loss of light
- Loss of/impact on independent shops and opposition to chains
- Overly numerous / small retail units
- No provision for affordable housing;
- Health and safety/contamination issues relating to fuel tanks under the car part and asbestos in garage roof
- Disruption during construction
- Tree planting choice to roof as prunus avium grow very large
- Insufficient refuse storage provided
- Need a new zebra crossing here

17 comments have been received covering the following points:

- Inappropriate / poor / clumsy design & detailing (particularly re the type of brick proposed)
- Residents have been negotiating with the architect for nearly 2 years and there are still a number of negative comments on the scheme. The site demands architecture of exceptional quality.
- Insufficient refuse storage provided
- Tree protection barriers needed for all trees on and surrounding the site and root protection needed for TPO tree. Three trees in particular are offsite and were not inspected and because of their huge amenity value they should be inspected before and after work is done by Camden tree officer.
- Servicing the shops and the general parking arrangements need careful review.
- None of the flats should be entitled to apply for CA-U resident parking permits.
- The retail units should be available at a cost that allows small independent businesses to prosper and maintain a vibrant community.
- The retail units should not all be restaurants.
- Development should be done in two phases to allow present traders to remain trading throughout the development period.
- There is an error in the CIL form - number 3 is incorrectly shown as being occupied.

5 letters of support have been received covering the following points:

- General support for the revised application. It will enhance the local environment and improve the village nature of Swains Lane.
- Design greatly improved. Splitting the site into two buildings helps reduce the overall impact. The third floor is not overbearing as currently designed.
- Support the design improvements and the wider pavements, subject to the colour and finish of the bricks.

- Scheme has improved significantly and welcome the commitment to attract locally acceptable shops (whilst recognising the need to provide commercially viable businesses and the danger of an empty parade).
- Need a commitment to involve the community to guide the shopping policy.

## 5. **POLICIES**

### 5.1 LDF Core Strategy and Development Policies

CS1	Distribution of growth
CS4	Areas of more Limited Change
CS5	Managing the impact of growth and development
CS6	Providing Quality Homes
CS7	Promoting Camden's Centres & Shops
CS10	Supporting community facilities and services
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 waste and encouraging recycling
CS19	Delivering and monitoring the Core Strategy
DP1	Mixed use development
DP2	Making full use of Camden's capacity for housing
DP3	Contributions to the supply of affordable housing
DP4	Preventing the loss of affordable housing
DP5	Homes of different sizes
DP6	Lifetime Homes & Wheelchair Housing
DP10	Helping and promoting small and independent shops
DP12	Supporting strong centres
DP16	Transport implications of development
DP17	Walking, cycling and public transport
DP18	Parking standards and limiting the availability of car parking
DP19	Managing the impact of 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
DP25	Conserving Camden's heritage
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.
- DP32 Air quality and Camden's clear zone

## 5.2 Supplementary Planning Policies

Camden Planning Guidance (CPG)

- CPG 1 Design (2013)
- CPG 2 Housing (2013)
- CPG 3 Sustainability (2013)
- CPG 4 Basements (2013)
- CPG 5 Town Centres, Retail & Employment (2011)
- CPG 6 Amenity (2011)
- CPG 7 Transport (2011)
- CPG 8 Planning Obligations (2011)

## 5.3 Other Policy / Relevant Considerations

NPPF (2012)

London Plan (2011)

Dartmouth Park Conservation Area Appraisal and Management Statement (2009)

## 6. **ASSESSMENT**

6.1 The principal consideration material to the determination of this application and summarised as follows:

- Principle of Development
- Housing
- Demolition / Design / Impact on conservation area
- Neighbouring residential Amenity
- Parking / Servicing & Highways Impact
- Basement Impact Assessment
- Sustainability
- S106 / CIL

### 6.2 **Principle of Development**

6.2.1 The site lies predominantly within a defined Neighbourhood Centre (shop units only being in the Neighbourhood Centre and not the garages or car wash). It is not within a defined 'area of growth' (Policy CS1), instead it is within an area of more limited change (Policy CS4). It is currently host to a range of 'small and independent' retail uses which are encouraged by policies CS7 and DP10.

#### Creating a mixed use scheme with housing

6.2.2 Mixed use development is encouraged under policy DP1 and new housing is the priority land use (Policy CS6). Therefore the creation of 12 units of housing above a new retail use is supported. As the site falls into an 'area of more limited change'

(Policy CS4), particular care is required to ensure that the form and quantum of development are appropriate for the site and context. The housing section will discuss housing density in more detail.

#### New retail floorspace

- 6.2.3 Policy CS7 expects re-provision of the existing retail floorspace on the site and states that the Council will seek to retain a strong element of convenience shopping within neighbourhood centres and ensure that any development in them does not harm the function, character or success of that centre. The scheme would result in a small increase in commercial floorspace when measured using the Gross External Area (GEA); with an increase from 620sqm to 633sqm. This is welcomed.
- 6.2.4 Like the existing units, a range of small and medium sized shop units would be provided (existing range is 32m<sup>2</sup> to 122m<sup>2</sup>, whereas the proposed scheme would include 38m<sup>2</sup> to 95m<sup>2</sup> units). Given the fact that a similar number and size of units is to be re-provided, it is considered that the proposed A1 Shop / A2 Financial & Professional / A3 Restaurants & Cafes floorspace is acceptable. The specific use of each commercial unit is unknown at this stage and a condition is therefore recommended to ensure that there will not be an over-concentration of food and drink uses and a retail function will present at ground floor level, with a minimum of 50% of the ground floor units being required to be in class A1 retail use.

#### Small independent shops

- 6.2.5 Policy DP10 establishes that unit size is the primary attribute to encourage use of units by independent businesses (broadly considered to be businesses with no more than 5 stores). All of the proposed units fall within the definition of 'small' being less than 100m<sup>2</sup> in size, which is welcomed and would preserve the retail character of the existing Neighbourhood Centre. It is only in the context of large retail developments (over 1,000sqm) that the use of planning obligations to limit the occupation of those units to independent businesses or to secure affordable rents can be considered. In this case there is only a small increase in retail, therefore it is not considered a large retail development.
- 6.2.6 Although there is no absolute policy requirement to provide small, independently occupied units, in response to officer's requests, information regarding retail affordability and suitability for small and independent businesses was provided by the applicant. This information sets out that the scheme, in re-providing units of similar small sizes to the existing accommodation, would be inherently more attractive to such users, and that a comparison of rate levels show that Swains Lane premises are at least in this manner more affordable than other centres in the borough. This is considered to adequately address the general aims as set out in Policy CS7. A S106 head of term is also proposed to encourage small and independent businesses by limiting occupants to businesses with no more than ten other stores in London (and no more than five in Camden). Residents have raised concern that some of the units are too small and would not be viable for some of the existing tenants. It is acknowledged that the largest proposed unit at 95sqm is smaller than the largest existing unit at 122sqm and that some amalgamation of units may be beneficial to the viability and vitality of the parade, however a balance needs to be had in order to prevent the creation of very large units (e.g. if all the units in the west building were combined they would create a 381sqm unit). A

condition is therefore proposed which requires a layout plan for the ground floor units to be submitted and that a minimum of five units and a maximum of eight units shall be on site at any one time.

- 6.2.7 The applicant has agreed that discussions will continue with the local community by way of a local forum. The forum would meet leading up to and during construction to discuss the construction process and letting of the new shops and the intention is that it would comprise of representatives of the local residents associations (Swain's Lane, Highgate West Hill and Holly Lodge Estate), the Swain's Lane Traders Association, existing tenants as well as the applicant, the building contractor and retail agents. A S106 head of term is proposed to secure this.
- 6.2.7 In light of the above, the principle for development involving the re-provision of existing retail floorspace, and for the introduction of new residential development is strongly supported by the Council's relevant retail and housing policies. However this remains subject to a full assessment of the loss of the existing buildings and their replacement, which will be considered under the design section of this report.

### 6.3 **Housing**

#### Affordable housing

- 6.3.1 Policy CS6 expects all developments with a capacity to provide 10 units or more (or 1,000sqm GEA or more) to make a contribution to affordable housing. Policy DP3 introduces a sliding scale for developments between 10 units and 50 units. Policy DP3 expects the affordable housing contribution to be made on site, but where it cannot practically be achieved on site the Council may accept off site affordable housing or exceptionally a payment in lieu. Policy DP3 states that the Council will negotiate the development of individual sites to seek the maximum reasonable amount of affordable housing. In line with the sliding scale approach, the provision of 1,395sqm of housing requires a 13% affordable housing contribution that should be provided on site (181sqm) in the first instance. This equates to two housing units.<sup>1</sup>
- 6.3.2 DP3 goes on to list six criteria to be taken into account when assessing whether affordable housing can practically be provided on site as follows:
- Access to public transport, workplaces, shops, services and community facilities;
  - The character of the development, the site and the area;
  - Site size and constraints on including a mix of market and affordable tenures;
  - The economics and financial viability of the development including any particular costs associated with it;
  - The impact on the creation of mixed and inclusive communities; and
  - Any other planning objectives considered to be a priority for the site.
- The supporting text for this policy lists at paragraph 3.14 additional criteria to be taken into account which in summary are any physical constraints of the site; service charges which would be too costly; particular development costs; timings for affordable housing funding; and whether an off-site contribution will maximise

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<sup>1</sup> Each 100sqm of floorspace is considered to create capacity for an additional dwelling and 13% of 1,395sqm is therefore expected, which equates to 181sqm.

the overall delivery of housing and affordable housing.

6.3.3 In line with policy DP3 the assessment of the affordable housing provision has focused on whether there are any physical reasons why affordable housing cannot be provided on site; whether there are any management/service charge reasons and whether there are any viability reasons (including whether the overall offer would be better with off-site provision).

6.3.4 *Physical matters*

The sensitive heritage nature of the site location has limited the number of residential units that can be provided on site (limit on height, bulk and massing) and the resultant policy has only the requirement for two units. Given the low number of units required it would be difficult to provide a separate entrance for two affordable units (to reduce service charge costs). The possibility of two private entrances was also investigated, however this would have impacted upon the re-provision of retail floorspace, which is important for the development in the Neighbourhood Centre.

6.3.5 *Management issues*

Policy DP3 acknowledges that there may be situations where the management or service charges of an on-site scheme would be too costly for affordable housing providers or occupiers to meet. The applicant has approached 18 Housing Associations to see if they are interested in managing two affordable units on this site and they have all confirmed that they are not interested in such a small number of units due to inefficiencies with management and maintenance, potential high service charge levels and difficulties with managing units within predominantly private blocks.

6.3.6 *Viability issues*

The applicant has not provided any information with regard to the impact of the provision of two on site units on the viability of the scheme. Given that there is no Housing Association interest in the units and that the proposed financial contribution is policy compliant it is considered that further viability information is not required.

6.3.7 Policy DP3 allows for the provision of off-site affordable where provision cannot practically be achieved on site and the overall percentage of affordable housing is considered across the aggregate floorspace on both sites. In line policy DP3 and CPG2 (housing), with 1,395sqm and 12 units provided 15% affordable housing should be provided off site (209sqm).<sup>2</sup> The applicant has confirmed that they do not have any other landholding in the area capable of providing two standalone affordable housing units.

6.3.8 Policy DP3 states that a financial contribution may be accepted if no suitable affordable housing sites are likely to come forward in the short or medium term or the appropriate affordable housing contribution is too small to form a stand-alone development and there are no opportunities to link it to an alternative development. In line with the CPG calculation the application has agreed to a financial contribution of £479,650 and this will be secured with a S106 legal agreement.

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<sup>2</sup> Because an off-site location would increase the overall floorspace the CPG includes an additional calculation and the percentage is larger than the on-site provision expected.

#### Mix of housing

- 6.3.9 Policy DP5 states that residential development should provide an appropriate mix of unit sizes including large and small units and highlights the different dwelling size priorities for market housing. There is a large proportion of 2 and 3 bed units which have a 'very high' and 'medium' priority' respectively, and it is therefore considered that an appropriate mix of units are provided.

#### Access

- 6.3.10 Policy DP6 requires all new dwellings be designed to meet Lifetime Homes standards. The applicant has submitted a Lifetime Homes statement and this shows that the criteria have been met. A condition is therefore recommended requiring further information to be submitted on these points and requiring all lifetime homes features and facilities to be provided on site. Policy DP6 also requires 10% of the units to be easily adaptable as wheelchair accessible units. Two wheelchair units are proposed and the size and layout of these units is in accordance with Camden guidance.

#### Housing density

- 6.3.11 The site is has a Public Transport Accessibility Level (PTAL) of 2-3 (moderate) and a proposed density of 227 habitable rooms per hectare (as stated within the application documents, the officer calculation is 240 HRH). The London Plan seeks to optimise the potential of sites by '*ensuring that development proposals achieve the optimum intensity of use compatible with local context, design principles and with public transport capacity*'. The London Density Matrix indicates appropriate densities within different PTAL categories and for a site with a PTAL of 2-3 in a suburban context, densities of between 150-250 habitable rooms per hectare are considered acceptable. The proposed density is within the range recommended in the London Plan.

#### Standard of accommodation

- 6.3.12 Policy DP2 seeks to maximise the supply of additional residential accommodation within the borough which meets acceptable standards. All of the proposed residential units meet the minimum space standards for residential units outlined in Camden Planning Guidance. The proposed units will all receive adequate natural light and ventilation.
- 6.3.13 Camden Planning Guidance states that outdoor amenity space can be provided in the form of private garden space, balconies, terraces, roof gardens or communal amenity space. Where practical all new dwellings should have access to some private outdoor amenity space. Minimum areas for this amenity space are not given, but the space should have level access and receive adequate daylight. The majority of units have access to their own external amenity space (balconies at lower levels and roof terrace for uppermost unit).

### **6.4 Demolition / Design / Impact on conservation area**

- 6.4.1 The site contains a single storey range of commercial units dating from circa 1912. The buildings are brick built, simply adorned with hints of art deco detailing. The adopted Dartmouth Park Conservation area appraisal records the buildings as

making a positive contribution to the character and appearance of the CA. Close inspection has confirmed that the buildings of the site are of limited value in terms of their architectural treatment.

- 6.4.2 The site itself forms a particularly prominent position at the junction with Highgate Road, Highgate West Hill and Swains Lane. The prominent and open position forms a focal point in the northward view from Highgate Road and allows long vistas and aspect of the mature trees, and openness which provides a 'green' chain linking Parliament Hill Fields with Highgate West Hill, the Church of St. Anne's and adding to the particularly strong 'village' feel at this point. It is considered that the relatively low height of the buildings on the site, which allows views and offers the 'green' chain, is what provides their positive contributor quality. This low height preserves views from Swains Lane and Highgate Road towards the St Anne's Church spire and trees north and provides a visual connection between these two significant historic spaces and the open space of Parliament Hill.
- 6.4.3 Moreover the limited height and function of the pleasing vernacular aesthetic serves as a reminder of former and historic use of the site as gardens connected with the parsonage of St Anne's Church. This also provides the value attributed to the structures and the reason for highlighting them as contribution positively.
- 6.4.4 The sites primary use comprising small independent shop units is also considered to add to the character of the area by adding a vibrant and active streetscape patronised by locals and people coming to the area for the heath and parliament hill fields.
- 6.4.5 The value of views of, from and through the vicinity of the site are referred to in the Dartmouth Park CAAMS (2009) at paragraph 7.96, and general views northwards from Highgate Road of the Church are noted as being of particular value.

*7.96 The junction of Swains Lane, Highgate Road and Highgate West Hill is an important landmark in the area. The views along Highgate Road to the shopping frontage, the views along Swains Lane, the vista northwards towards St. Anne's Church and its attractive broach spire (visible over the single-storey shops in Swains Lane), meet at this point.*

The long views across the site, of open aspect and mature trees contribute to the feel of the conservation area. The semi-rural quality of this area on the fringes of the Heath, is an important aspect of its character and appearance. The low rise structures within the site and what space exists around and between them makes a significant contribution to the Conservation Areas and the setting of local Listed Buildings.

- 6.4.6 Whilst the immediate vicinity contains a variety of architectural styles there is a broad local vernacular created from the predominant Edwardian red-brick or arts and crafts building in the area and the proximity to the influential Brookfield Park, Holly Lodge and Holly Village. The area also provides a semi-rural feel character to the area, in which the open boundary to Parliament Hill and awareness of space and vegetation created by the appreciation and views of tress viewed as the land rises toward Holly Lodge and the summit at Highgate Village.



### Policy context

6.4.7 On 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The policies contained in the NPPF are material considerations which should be taken into account in determining planning applications. Chapter 7 and 12 of the NPPF are the most relevant. Chapter 7 (Requiring good design) states that “Planning policies and decisions should aim to ensure that developments “respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.” Paragraph 60 continues by saying that, “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”

6.4.8 Chapter 12 (Conserving and enhancing the historic environment) considers how to determine applications, requiring Local authorities to account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 137 is clear that “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.”

### Demolition

6.4.9 The adopted Dartmouth Park Conservation Area appraisal records the buildings as making a positive contribution to the character and appearance of the conservation area. As discussed the reason for highlighting the building as contributing positively to the area is principally due to its low scale and function and provides a visual connection between Parliament Hill and verdant landscape north of the site.

6.4.10 In this regard it would be possible to demolish the buildings without causing harm through the loss of the building fabric itself. Therefore demolition would be acceptable subject to the replacement building enhancing the character and appearance of the site and preserving the views and visual connections through the site to an appreciably greater extent than those existing.

### Design / Impact on the Conservation Area

6.4.11 In summary officers are satisfied that the scheme has progressed considerably from the original submission and would satisfactorily enhance the area compared with the existing development on the site. The scheme would preserve the ‘green chain’ though limiting the height of the development, particularly in key long views from Highgate Road and has satisfactorily responded to and reinforced the broad character and appearance as described in paragraphs 6.4.1-6.4.3 above.

### Scale

- 6.4.12 The proposed development at two and part three storeys in height conforms to the prevailing parapet /eaves height of the adjoining buildings. This is also considered to fit satisfactorily with the varying heights of building in the area.
- 6.4.13 However it is clear that the significance of the site comprises not only the relationship in terms of the height and scale with the adjoining built development, but also the importance of the gap above and around the built form that is on the site, affording views above and to the side of the site. Nonetheless there is considered to be scope to increase the height of the existing built form whilst preserving these views. The additional scale will inevitably reduce the views as well as the openness of the site. However the development would retain principal views through and over the site and would preserve the verdant chain which provides a link between Parliament Hill and the hill slope toward Highgate.
- 6.4.14 The part two storey element on building A (western block) will still allow the upper parts of the tree canopies to be clearly visible above and the gap between the two blocks will allow views through the site to St Anne's Church. Foreground trees would still remain visible above the proposed development.
- 6.4.15 The three storey block on the eastern part of the site relates to the scale of the neighbouring parade of shops at nos.15-25 Swain's Lane, across Church Walk, and is positioned so as not to impact on the sensitive or long range views through the site.
- 6.4.16 In addition the perception of scale has been reduced by setting back the top floor from the floor below and the provision of a timber trellis and drip irrigated climbing planting has been included in the design of the top floor of both blocks. This would 'green' the upper floor to enhance the green chain and continue to mediate between the additional scale on the site and the desire to retain the verdant character of the area whilst providing an interesting and strong piece of architecture.

### Footprint

- 6.4.17 The footprint of the proposed scheme would be the same as the existing building except for the gap between the blocks (which is wider than existing and slightly repositioned)and less pronounced apex. The footway would be widened to the Highgate Road frontage and apex.

### Design

- 6.4.18 The Ground floor comprises a continuous parade of shops to replace the parade of existing shops with a similar number and sizes of units all being less than 100m<sup>2</sup>. The parade would preserve the retail character and existing village feel of the area. The shopfront traditional painted timber with a loggia distinguishing the corner.
- 6.4.19 The first floor comprises warm brick façade with large bronze frame French doors with bronze balustrade. The windows are wider at the apex of the development and the render coping deeper to accentuate the corner.

- 6.4.20 The second floor comprises set back roof storey with projecting dormer. The façade is finished with standing seam, pre patinated copper/bronze roof to reflect the darkened clay tile roof predominantly found in the area. Timber fins extending the length of the façade allow for plants to cover the visible faces of the proposed roof. Planters set below the parapet feed these trellis structures with climbing planting. The curved façade on the western bloc is set back from Highgate Road by up to 8.6m and incorporates a private terrace, as a base waterproof layer and a secondary structure supporting timber louvered trellis.
- 6.4.21 The overall design provides replacement shopping parade with simple and, rational, brick built façade above relying on the fenestration to provide visual interest and depth to the elevations. The gaps between the windows vary subtly to create an informal aesthetic consistent with the look and feel of the area. The pared back design is envlined by the second floor roof in bronze, projecting dormer windows and planting.
- 6.4.22 The scheme is considered to comply with the bullet points set out in chapter 12 of the NPPF outlined in paragraph 6.4.8 above. The scheme sustains and enhances the significance of the conservation area (heritage asset) through preserving the views across the site and enhancing the character and distinctiveness of the area compared with the existing buildings on the site. The scheme provides for sustainable community of local shops which will enhance the economic vitality and character of the area.

Impact on the setting of the nearby listed building.

- 6.4.23 Due to the relatively low height and proximity the setting of the Grade II Listed 107/108 Highgate West Hill to the north, and Grade II Listed St Anne's Church are considered to be unaffected by the proposals.

**6.5 Neighbouring Residential Amenity**

- 6.5.1 Policies CS5 and DP26 seek to ensure that the existing sensitive residential amenities of neighbouring properties are protected, particularly with regard to privacy, daylight / sunlight and outlook.

Privacy

- 6.5.2 The properties to the rear and north of the site on St Anne's Close, Church Walk and Highgate West Hill are between 19m and 27m away from the rear façade of the eastern building and 108 Highgate West Hill is 27m away from the rear façade of the western building. Tree planting is proposed to the roof terrace along the northern boundary to provide a screen from the terrace and minimise overlooking into the adjacent gardens on Highgate West Hill and a condition is recommended to secure this. The properties to the south of the site are on the opposite side of Swain's Lane approximately 20m away from the front façades of the development and the properties to the west of the site are on the opposite side of Highgate West Hill approximately 21m away. It is therefore considered that there will not be any unacceptable levels of overlooking.
- 6.5.3 Planning permission has been granted for a single storey property within the grounds of 108 Highgate West Hill close to the boundary with the application site.

This property has not been built. The applicant has submitted further information showing potential views between the two sites as there are distances of between 8m and 13m between windows. The boundary wall between the two sites effectively blocks most views between habitable room windows and obscure glazing is proposed to one second floor level window. It should also be noted that when the scheme for the new house was assessed it included a close boarded fence and tree planting in order to provide further privacy. It is therefore considered that there will not be any unacceptable levels of overlooking of the new neighbour, should it be built.

#### Daylight / Sunlight

- 6.5.4 A daylight/sunlight assessment has been provided to analyse the impact on neighbouring residential properties and it shows that the scheme would not detrimentally affect daylight and sunlight reaching habitable rooms to any existing properties in accordance with BRE recommendations. The results show that one bedroom window to the property proposed in the grounds of 108 Highgate West Hill does not meet the VSC calculation, however this window would meet the ADF calculation. Therefore the development is not considered to harmfully impact on this window.

#### Outlook

- 6.5.5 Objections have been received from residents at St Anne's Close and Church Walk with regard to the outlook from their properties onto the rear elevation of the development. The properties to the rear of the site on St Anne's Close and Church Walk are between 19m and 27m away from the rear façade of the eastern building and 108 Highgate West Hill is 27m away from the rear façade of the western building. It is acknowledged that the new buildings will be visible from these properties, but given these significant distances it is considered that there will not be any unacceptable impact on outlook from these existing properties.
- 6.5.6 The property proposed in the grounds of 108 Highgate West Hill has been designed with three small courtyards to provide outlook and light. The applicant has submitted further information showing the impact on the two relevant courtyards, which demonstrates that the boundary wall between the two sites would effectively blocks any views of the new development from these courtyards.

#### Noise

- 6.5.7 A Noise Impact Assessment has been submitted and the applicant is proposing appropriate sound insulation to the building facades in order to achieve the reasonable internal noise levels recommended Policy DP28 and the World Health Organisations Community Guidelines.
- 6.5.8 The exact plant specifications are unknown at this stage, however a Noise Impact Assessment has been provided and this states that the proposed plant will be designed to meet the Council's noise standards of 5dBA below background levels. A condition will be imposed requiring all plant to comply with the Council noise standards and a further condition to seek revised noise assessments once the plant has been determined.

## **6.6 Parking / Servicing & Highways Impact**

- 6.6.1 The site is bounded by Swains Lane and Highgate West Hill and has a Public Transport Accessibility Level (PTAL) of 2- 3 (moderate). It is located within Controlled Parking Zone CA-U, which operates between 10am and 12 noon Monday to Friday. The CPZ is not under stress with 0.66 permits issued per parking space. There is vehicle access to the car wash on site is from Highgate West Hill and the vehicular exit is onto Swain's Lane from between the two existing buildings. There are 5 existing garages to Highgate West Hill providing off street car parking spaces, with informal parking to the forecourt and to the rear of the site in the car wash.
- 6.6.2 The proposal includes five off street parking spaces in the area to the rear of the buildings (including one disabled parking bay), accessed from Highgate West Hill. These five spaces are to be allocated to five of the twelve residential units and no private parking will be associated with the retail units. Policy DP18 states that the Council will seek to ensure that developments provide the minimum necessary car parking provision and the associated parking standards state a maximum of one space per dwelling could be provided. The residential units will be car capped and residents will be unable to obtain on-street parking permits from the Council, and this will be secured with a S106 legal agreement. Given the low PTAL level of the site the proposed car parking provision, at less than half a space per unit, is considered acceptable.
- 6.6.3 The proposal includes pushing back the building footprint to increase the pavement width to 9.1m on Highgate West Hill and this is welcomed. In order to mitigate the impact of the increase in trips this development will generate, and to knit the development into the surrounding urban environment, a financial contribution is required to carry out various highway works surrounding the site. This will include repaving the footways adjacent to the site; repaving over the redundant vehicle crossovers; construction of the proposed loading bay; consultation and changes to the TMO and parking arrangements; and any other public realm improvements or improvements to safety of the highway.
- 6.6.4 The applicant has submitted a draft servicing management plan and has amended the servicing details. In response to residents' concerns regarding existing servicing arrangements along Swain's Lane, the proposal now includes the provision of an additional 9.5m loading bay as well as the retention of the existing 10m long loading bay, both on Swain's Lane in front of the shop units (both operating between 10am – noon Monday to Friday, as existing). The proposed loading bay replaces the redundant crossover previously used by the car wash use and there will therefore be no loss of on-street parking spaces on Swain's Lane. There will therefore be an increase in loading bays on Swain's Lane to cater for essentially the same amount of retail floorspace. In addition outside of loading/unloading operational hours the area provides additional on street parking kerb space.
- 6.6.5 To comply with policy DP17 and TfL's guidance, 25 cycle parking spaces are required (1 space for each 1 bed unit, 2 spaces for each 3 bed unit and 2 spaces for each retail unit). Due to the size of the retail units, it was agreed that 1 space per unit should be provided. The scheme therefore provides 24 cycle parking

spaces and these are located in secure covered areas to the rear of the buildings (10 josta stands to the west building and 3 Sheffield stands to the east building for residents and 4 Sheffield stands to the east building for retail staff parking). The cycle parking provided is therefore considered acceptable.

- 6.6.6 Refuse and recycling storage is proposed in two stores, with the space for the retail units to the rear of the west building accessed from Highgate West Hill and for the residential units to the rear of the east building accessed from the stair core. It is noted that not all the residential units are accessed from the east building stair core and those to the west building have their entrance from Highgate West Hill. It may therefore be more appropriate for the units in the west building to use the refuse area closest to their entrance. A condition is recommended requiring further details of the refuse storage to ensure that they are of a sufficient size and location.
- 6.6.7 Policies DP20 and DP21 seek to protect the safety and operation of the highway network. For some development this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP) secured via S106. The constrained nature of the site and sensitive local uses mean a CMP is considered necessary as part of the S106 agreement. The draft CMP includes two construction options; a one phase development with a construction period of 18 months and a two phased development with a construction period of 26 months.

## 6.8 **Basement Impact Assessment**

- 6.8.1 The proposal involves excavation to provide a small new basement level underneath one of the units in the western building for the CHP plant and lift overrun, measuring 99sqm to a depth of approximately 3m. The site is within an area susceptible to surface water flooding and partially within an area susceptible to ground water flooding and slope stability issues (the southern corner). Policy DP27 states that developers will be required to demonstrate with methodologies appropriate to the site that schemes including basements maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impacts upon structural stability or water environment in the local area. The applicant has therefore submitted a basement impact assessment screening study in line with policy DP23 and DP27.
- 6.8.2 The screening study identifies that the site is within 100m of the river Fleet, that London Clay is present at shallow depth; that some shrink/swell effects will be present; that there is up to 1.5m of made ground; that the site is within 5m of a highway/pedestrian right of way; and that Swain's Lane experienced surface water flooding in 1975. The study concludes that the river Fleet is culverted and will not be impacted by basement construction; that the foundations and basement will be designed taking the possible effects of swelling and the presence of made ground; that temporary support will be designed so that there is no impact on the stability of nearby roads/footpaths; that external levels will be designed to deflect surface water away from building entrances and the basement will be designed so that ingress of water is not possible via low level vents or surface ducts. Officers are satisfied that the moderately sized basement would cause no harm, however a

'Basement Construction Plan' is secured in the S106 to ensure that it is excavated and built out with due diligence.

## 6.9 Sustainability

- 6.9.1 The overall approach to energy should be in line with the Mayor's Energy Hierarchy (i) using less energy; ii) supplying energy efficiently; ii) using renewable energy. In line with the first element of the hierarchy Policy DP22 requires BREEAM assessments to meet a minimum 'excellent' rating and Code for Sustainable Homes level 4. Camden's CPG also goes beyond these requiring a minimum 50% score in the energy, water and materials categories for the Code for Sustainable Homes and a minimum score of 60% in the energy, 60% in the water and 40% in the materials categories for the BREEAM assessment.
- 6.9.2 In line with LDF and CPG requirements an Energy and Sustainability Statement has been submitted. The Code for Sustainable Homes pre assessment indicates that the building will achieve a total score of 69.7% and a code level 4. This is welcomed. It is recommended that a clause be added to the section 106 agreement should be included to ensure submission of a full assessment which carries through the results of the pre-assessment toolkit.
- 6.9.3 The submitted energy statement considers the Mayor's energy hierarchy and includes measures to improve the buildings efficiency such as low design air leakage rates, low U-values and mechanical ventilation heat recover units. The feasibility of connecting to an existing or proposed district network has been investigated, however no district heating network exists near the site nor is there any provision for a future network. A natural gas fired CHP is proposed, which can satisfy up to 69% of the residential development's head load and a potential reduction of 7.3% in the development's annual CO<sub>2</sub> emissions. A Refrigerant based air source heat pump is proposed in the retail units which can reduce CO<sub>2</sub> emissions by a further 3.8%.
- 6.9.4 The Energy and Sustainability Statement explains how other renewable energy methods such as wind turbines, biomass boilers, ground source heat pumps and solar hot water systems have been considered. However, as the development's base heat load is being met by the CHP there is limited scope for including any base heat technologies, such as biomass or solar thermal. Wind turbines are not considered acceptable and the proposed green and brown roofs to not leave any space for PV. It is recommended that a head of term be included in the Section 106 agreement securing the measures outlined in the Energy Statement. Overall the proposals are considered to achieve a very good level of efficiency and sustainability for a conversion in line with policy.
- 6.9.5 A brown roof is proposed on the entire roof of the eastern building (except for the lift/access hatch area) and to the majority of the roof of the western building. This is welcomed in terms of policy CS15, which seeks to ensure that new development conserves and enhances wildlife habitats by greening the environment. It is recommended that a condition be attached to any permission requiring the submission of details of the brown roofs.

## 6.10 S106 / CIL

- 6.10.1 The proposal will be liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm or one unit of residential accommodation. The CIL charge is likely to be £44,150 (883sqm uplift x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to indexation in line with the construction costs index. An informative is recommended advising the applicant of this charge.
- 6.10.2 In addition to those matters assessed in the relevant sections above, the proposed development would necessitate contributions and agreement in the following areas.
- **Education** In accordance with the Policy CS19 and Section 34 of Camden Planning Guidance, a contribution should be made towards the provision of educational infrastructure. The formula in the CPG requires the provision of £2,213 per 2-bed unit and £6,322 per 3-bed unit, therefore a contribution of £38,883 is required towards educational infrastructure.
  - **Community** In accordance with the Section 4.12-4.16 of Camden Planning Guidance, a contribution should be made towards the provision of community facilities. The formula in the CPG requires the provision of £980 per bedroom, therefore a contribution of £26,460 is required towards educational infrastructure.
  - **Open Space** Policy CS15 and the guidance in CPG6 requires the provision of 9sqm of open space per person for residential developments providing 5 or more additional dwellings. The Council initially expects for open space provision to be provided on site. Where a site cannot provide this level of general open space provision on site the preferred option would be to provide suitable open space off-site, but at a maximum of 400m from the development. There is a requirement for 228sqm of open space to be provided on site for the residential units. Having considered the existing constraints of the site it is clear that communal open space cannot be provided on site. It would therefore be expected for this development to provide £18,687 to improve existing public open spaces or towards the provision of new public open spaces within the area.

## 7. CONCLUSION

- 7.1 The demolition of these buildings in a conservation area is considered acceptable. The proposed buildings are considered to be of an acceptable height, bulk and design and provide a suitable mix of residential units of different sizes and retail floorspace. There is not considered to be a detrimental impact on the nearby listed buildings and the development would preserve the character and appearance of the Dartmouth Park Conservation Area. The proposed buildings would not have a negative effect on the residential amenity of existing neighbours. Subject to the recommended planning conditions the proposal is considered to be compliant with policy.
- 7.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-
- £479,650 Financial contribution towards affordable housing



- £18,687 Financial contribution towards public open space
- £38,883 Financial contribution towards education
- £26,460 Financial contribution towards community facilities
- To set up a Retail forum with local representatives
- Limit retailers to encourage small and independent businesses with no commercial occupiers with more than ten other stores in London (and no more than five in Camden)
- Financial contribution towards public realm improvements in the area
- Financial contribution for pedestrian and cycle improvements
- Residential and business car free/car capped development
- Servicing Management Plan
- Construction Management Plan
- Local labour and local procurement (including apprenticeships and payment towards recruitment/support costs during construction phase)
- Full Code for Sustainable Homes assessment and post construction review
- Full Breeam assessment and post construction review
- To fully explore the potential for the site to connect with neighbouring sites for decentralised energy
- Compliance with the energy statement/sustainability statement
- Basement Construction Plan

## 8. LEGAL COMMENTS

8.1 Members are referred to the note from the Legal Division at the start of the Agenda. Condition(s) and Reason(s):

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: SWL/PL/0.1; /1.0; /1.1; /1.2; /2.1; /2.2; /2.3; /2.4; /3.1; /3.2; /4.1; /4.2; /10.0 rev B; /10.1 rev B; /11 rev B; /11.1 rev G; /11.2 rev E; /11.3 rev E; /11.4 rev C; /12.1 rev C; /12.2 rev E; /12.3 rev D; /12.4 rev D; /13.1 rev D; /13.2 rev D; /13.4 rev B; /13.5 rev B; /14.1 rev B; /14.2 rev B; SWL/DAS/16.1 rev C; /16.2 rev C; /16.3 rev B; DFC 1246 TPP rev C; Nathaniel Lichfield & Partners letter dated 23 June 2014 ref 13015/JF/HP/7003760v1; Nathaniel Lichfield & Partners letter dated 23 April 2014 ref 13015/JF/HP/6657845v3 (including attached Area Schedule); Nathaniel Lichfield & Partners letter dated 17 February 2014 ref 13015/JF/HP/6321548v1; Nathaniel Lichfield & Partners letter dated 24 January 2014 ref 13015/JF/DPa/6132890v2; 120578A/A/03; /AT/D01; /AT/D02; /AT/D03; /AT/D04; /AT/D05; /SK/01 D; Servicing Management Plan prepared by Vectos dated April 2014; Draft Construction Management Plan prepared by Nathaniel Lichfield & Partners dated 22 April 2014 ref 6672285v1; Landscape Proposals for Swain's Lane prepared by Fisher

Tomlin & Bowyer dated February 2014 ref April V5 2014; Assessment of Affordability of Retail Units Proposed prepared by Nathaniel Lichfield & Partners ref 5991349v1; Crime Impact Statement prepared by Nathaniel Lichfield & Partners ref 5958999v1; Basement Impact Screening Study prepared by Cundall dated 05/12/2013 ref 1005586 RPT 010; Ground Investigation prepared by Harrison Environmental dated November 2013 ref GL16486 GI rev 2; Air Quality Assessment prepared by Air Quality Consultants dated 7 October 2013; Arboricultural Impact Assessment prepared by DF Clark Bionomique Ltd, dated 17 September 2013 ref DFC 1246 rev C; Daylight, Sunlight and Overshadowing Assessment prepared by Nathaniel Lichfield & Partners dated October 2013 ref 13015/JF/BK; Drainage Strategy prepared by Cundall dated October 2013 ref 1005586-RPT-00009 A; Energy & Sustainability Reprot prepared by Cundall dated 7 October 2013 rev B; Environmental Noise Report prepared by Cundall dated 7/10/2013 ref 1005586-RPT-0001 C; Heritage Impact Assessment prepared by Nathaniel Lichfield & Partners dated October 2013 ref CL13015; Planning Statement prepared by Nathaniel Lichfield & Partners dated October 2013 ref 13015/JF/DPa; Transport Statement prepared by Vectos dated October 2013; Design and Access Statement prepared by Liam O'Connor Architects dated October 2013 ref SWL/DAS/16.0; Statement of Community Involvement prepared by M&N Place Limited dated October 2013; Tree Protection Plan DFC 1246 TPP rev B.

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

3. Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:
  - a) Plan, elevation and section drawings, including jambs, head and cill, of all new external windows and doors at a scale of 1:10 with typical glazing bar details at 1:1.
  - b) Typical details of new railings and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing.
  - c) Details elevations and sections showing typical facing brick arrangement including expansion joints vertical and horizontal banding and parapet coping detail.
  - d) Details elevations and sections at a scale of 1:5 as well as method of fixing and materials and manufacturers details of the 2<sup>nd</sup> floor 75mm fins and ground floor timber screens.
  - e) Typical details of the new shopfronts at a scale of 1:20 including any integrated security shutters and tenants signage strategy.
  - f) Samples and manufacturer's details of new facing materials including brickwork, surface materials; windows and door frames, glazing, balconies, balustrades, timber, render panels and any other facing

materials shall be submitted to and approved by the local planning authority prior to commencement of the development and implemented in accordance with any such approval.

In addition a sample panel of brickwork no less than 1m by 1m including junction with window opening demonstrating the proposed colour, texture, face-bond, pointing, expansion joints and vertical and horizontal banding, shall be erected on site for inspection for the local planning authority.

The relevant part of the works shall then be carried in accordance with the approved details

Reason: To safeguard the appearance of the premises 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.

4. The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made and full planning permission has been granted for the redevelopment for which the contract provides

Reason: To protect the visual amenity of the area in accordance with the requirements of policy CS14 of the Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

5. No development shall commence until:
  - (a) a written Preliminary Risk Assessment (PRA) and scheme of investigation has been submitted to and approved by the local planning authority in writing; the PRA must take account of the historical and environmental context of the site and can be based on a desk study or the Enhanced Environmental Information Review detailed below; and
  - (b) following the approval detailed in paragraph (a), a written scheme of remediation measures has been submitted to and approved by the local planning authority in writing.

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

6. 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

7. Prior to the commencement of any works on site, details demonstrating how trees to be retained (and trees on adjacent land) shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

8. Details of hard and soft landscaping including tree/plant species and sizes, all hard landscape materials, play structures, and means of enclosure of all unbuilt, open areas shall be submitted to and approved in writing by the local planning authority before the relevant parts of work are begun. Such details shall include details on how the spaces are accessible by all including details on level access, ramp gradients, landings, handrails, step dimensions, colour contrast nosings etc. Implementation of the hard and soft landscaping and the boundary treatment shall be carried out in accordance with the approved details.

Reason: To enable the Council to ensure a reasonable standard of visual amenity in the scheme in accordance with the requirements of policies CS14 and 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.

9. All hard and soft landscaping works 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 relevant part of the development. Any newly planted 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 local planning authority 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 policies CS14, and 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.

10. Full details, including maintenance, in respect of the brown roofs and green walls in the area indicated on the approved roof plans shall be submitted to and approved by the local planning authority before the relevant part of the development commences. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies CS13, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

11. The use of the roof as a terrace shall not commence until the screen of trees as shown on the approved drawings, has been installed. The screen shall be permanently retained and maintained thereafter. Should the trees die they shall be replaced within one month.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

12. Prior to the occupation of the ground floor of the development a scheme for the layout of the units shall be submitted and approved by the Council and thereafter implemented in accordance with the approved scheme. Notwithstanding the layout shown on drawing ref: SWL/PL/11.1 Rev G the approved scheme shall contain no less than three and no more than five units in the West Building and no less than two and no more than three units in the East Building unless otherwise agreed.

Reason: To ensure that suitable retail facilities are provided in this location in

accordance with the requirements of policy CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP10 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

13. A minimum of 50% of the ground floor flexible retail/restaurant floorspace to both buildings shall be provided as class A1 retail floorspace

Reason: To ensure a minimum provision of retail space and to prevent an over concentration of food and drink uses in this Central London location in accordance with policy CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP12 of the London Borough of Camden Local Development Framework Development Policies.

14. Notwithstanding the provisions of Class D of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 as amended by any Order revoking and re-enacting that Order, no change of use of the ground floor units to Swains Lane and Highgate West Hill shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.

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 policies DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

15. Prior to the first use of the premises for any A3 floorspace hereby permitted, full details of a scheme for extract ventilation, including manufacturers specifications, noise levels and attenuation, shall be submitted to and approved by the Local Planning Authority in writing. The use shall not proceed other than in complete accordance with such scheme as has been approved. All such measures shall be retained and maintained in accordance with the manufacturers' recommendations. In the event of no satisfactory ventilation plant and / or machinery 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 policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

16. Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A)

below the LA90, expressed in dB(A).

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

17. Prior to the commencement of any plant being used, a noise survey shall be carried out to ascertain the noise levels in condition 16 from the machinery are being met. A Noise Report shall be submitted for the approval of the Local Planning Authority. The Noise Report shall clearly contain map/plan showing all measurements locations, tabulated and graphically raw data, calculations /façade corrections /assumptions made, time date, etc.

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

18. No plant or machinery shall be installed on the external parts of the building other than in the areas indicated as switch/plant rooms on the approved plans.

Reason: To ensure that the appearance of any external plant is compatible with the appearance of the building and the area and to ensure that residential amenities are protected, in accordance with the requirements of policies CS5 and CS14 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24, DP25 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

19. The lifetime homes features and facilities in each relevant part of the approved development, as indicated on the drawings and documents hereby approved, shall be provided in their entirety prior to the first occupation of any of the new residential units within that part.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies

20. No meter boxes, flues, vents, pipes or satellite dishes shall be fixed or installed on the street and return elevations of the new buildings or any elevations that can be seen from the highway, without the prior written consent of the local planning authority.

Reason: To safeguard the appearance of the premises 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 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

21. Full details of the position, specification in terms of luminance and typical design of fixtures in respect of external lighting has been submitted to and approved by the Local Planning Authority before work starts on the relevant part of the development. The details shall include the provision of street lighting on the facades of the building where possible. The details shall not be implemented other than in accordance with the scheme as approved.

Reason: To ensure a satisfactory standard of visual amenity and a safe and secure environment in accordance with the requirements of policies CS14 and 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.

22. Before the development commences, details of secure and covered cycle storage area for 24 cycles shall be submitted to and approved by the local planning authority in writing. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and thereafter permanently retained thereafter.

Reason: To ensure that the scheme makes adequate provision for cycle users in accordance with Policies CS5 and CS11 of the London Borough of Camden Local Development Framework Core Strategy and policies DP16, DP18, DP19 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

23. Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26, DP28 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

24. No loading or unloading of goods associated with the use of the buildings, including fuel, by vehicles arriving at or departing from the premises shall be carried out outside the following times: 07:00-20:00 Monday to Saturday and 08:00 - 20.00 Sunday and on Public/Bank Holidays.

Reason: To safeguard 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 policies DP26 and DP12 of the London Borough of Camden Local



Development Framework Development Policies.

25. No loading or unloading of goods, including fuel, by vehicles arriving at or departing from the premises associated with the use of the buildings shall be carried out at the application site otherwise than via the on street servicing bays to Swains Lane.

Reason: To avoid obstruction of the surrounding streets and to safeguard amenities of adjacent premises in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP16 of the London Borough of Camden Local Development Framework Development Policies.

26. The windows on the north elevation denoted on the approved plans, shall be permanently obscure glazed and fixed shut up to a height of 1.7m above the floor of the room in which the windows are installed before occupation of the building hereby permitted and shall be permanently retained and maintained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policies CS1 (Distribution of growth) and CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

1. Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
2. Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
3. The Mayor of London introduced a Community Infrastructure Levy (CIL) to help

pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

4. Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
5. Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.