

<b>Delegated Report</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	31/12/2014
		N/A / attached	<b>Consultation Expiry Date:</b>	23/12/2014
<b>Officer</b>			<b>Application Number(s)</b>	
Jonathan McClue			2014/6928/P	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Bourne Estate South Portpool Lane London EC1N			Refer to Draft Decision Notice	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
Removal of condition 19 (obscuration of windows) of planning permission 2012/6372/P dated 31/10/13 for a mixed use development comprising of two new buildings with 75 residential units.				
<b>Recommendation(s):</b>	Grant Permission for Removal of Condition			
<b>Application Type:</b>	Variation or Removal of Condition(s)			

<b>Conditions or Reasons for Refusal:</b>	Refer to Draft Decision Notice					
<b>Informatives:</b>						
<b>Consultations</b>						
<b>Adjoining Occupiers:</b>	No. notified	<b>261</b>	No. of responses	<b>03</b>	No. of objections	<b>00</b>
<b>Summary of consultation responses:</b>	<p> Advertised in the Ham &amp; High on 24/12/2014  Site Notice displayed on 19/12/2014 </p> <p> <i>Occupier at 17 Laney House, comment:</i></p> <p> The resident did not understand the basis of the application. </p> <p> <u>Officer Comment:</u> The name of the condition to be removed forms part of the description and a planning statement was included within the submitted documents to clearly explain the nature of the proposal. </p> <p> <i>Occupier at 28 Redman House, comment:</i></p> <p> The proposal was unclear to the resident who was concerned that the variation of conditions would allow the building of a structure to block light in front of adjoining windows. The resident stated that obscuring windows would impact on a loss of light. </p> <p> <u>Office Comment:</u> The proposal relates to the removal of a condition relating to the obscure glazing of a window within a proposed new building. No new structures are proposed and no windows would be obscured. </p> <p> <i>Occupier at 18 Nigel House, comment:</i></p> <p> The comment relates to the condition of the residents own property. No reference is made to the planning application and no material planning considerations are raised. </p>					
<b>CAAC/Local groups* comments:</b> *Please Specify	None consulted					

## Site Description

The application site comprises the southern portion of the Bourne Estate and has a total area of 1.07ha. The site is bound by the existing perimeter blocks of the estate, Nigel and Laney buildings, to the north and east, and by Baldwins Gardens and St Alban's Church of England Primary School to the south west. To the East, the site is bound by Verulam Street and an existing office block which fronts onto Gray's Inn Road.

The Bourne Estate is partially located within the Hatton Garden Conservation Area. The estate is recognised as one of the main examples of early and innovative housing estates designed by London County Council Architects department and built 1905-9 and is grade II listed.

## Relevant History

**2012/6372/P - Full Planning Permission:** Granted on 31/10/2013

Mixed use development comprising two new buildings to provide 75 units of new/replacement mixed tenure residential (Class C3); 216sqm of new/replacement community facilities (Class D1); an energy centre, substation, cycle parking and caretaker's facilities and associated landscape and public realm improvement works including the relocation and reprovision of an existing multi use games area and children's play space and the relocation and reorganisation of car parking within the site and on Portpool Lane, following demolition of Mawson House, an existing tenants hall, caretaker's facilities and a substation.

**2012/6388/C - Conservation Area Consent:** Granted on 05/11/2013

Demolition of Mawson House (Class C3), an existing tenant's hall (Class D1), caretaker's facilities and a substation.

**2012/6759/L - Listed Building Consent:** Granted on 05/11/2013

Alterations to the flank wall and chimney stack of Nigel buildings to enable the construction of a new residential block on Portpool Lane.

**2014/1539/L - Listed Building Consent:** Granted on 12/05/2014

Alterations to the flank wall and chimney stack of Nigel buildings to enable the construction of a new residential block.

**2014/1563/P – Variation or Removal of Condition(s):** Granted on 13/05/2014

Variation of condition 2 (approved drawings) of planning permission granted on 31/10/2013 (ref: 2012/6372/P for the mixed use development comprising two new buildings to provide 75 units of new/replacement mixed tenure residential (class C3); 216sqm of new/replacement community facilities (class D1); an energy centre, substation, cycle parking and caretaker's facilities and associated landscape and public realm improvement works [shortened version].), namely the increase of 0.75m in the height of the proposed Block 1 & 2, alterations to the southern communal entrance at Block 1 and the reduction in size of the basement.

**2014/6181/P - Variation or Removal of Condition(s):** Granted on 18/12/2014

Variation of conditions 2 (approved plans) and 11 (facilities for cycles) of planning permission 2012/6372/P dated 31/10/2013 (for the mixed use development comprising two new buildings to provide 75 units of new/replacement mixed tenure residential (class C3); 216sqm of new/replacement community facilities (class D1)), namely internal and external alterations to stair/lift cores, bin stores, meter cupboards, single storey rear extension, gates and doors, windows, terraces and boundary treatment.

## Relevant policies

### LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

DP22 (Promoting sustainable design and construction)

DP24 (Securing high quality design)

DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)

### Camden Planning Guidance 2013

CPG1 (Design)

CPG3 (Sustainability)

CPG6 (Amenity)

### National Planning Policy Framework 2012

### London Plan 2011

## Assessment

### Proposal

Planning permission (under a Section 73 application) is sought to remove condition 19 (obscuration of windows) of 2012/6372/P for a mixed use development comprising two new buildings to provide 75 units of new/replacement mixed tenure residential (class C3); new/replacement community facilities (class D1); an energy centre; substation and other associated works. The removal of the condition would allow side facing windows serving habitable rooms of 3 proposed flats to be unobscured. Condition 19 states:

*The courtyard facing windows serving the living/kitchen rooms in units 2.18, 2.28, and 2.39 of Block 2 shall be obscurely glazed prior to occupation and shall be permanently retained thereafter.*

*Reason: In order to prevent unreasonable overlooking of neighbouring properties in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.*

A planning statement has been submitted to justify the removal of the condition. The statement considers that the condition would be detrimental to the development by harming the standard of living accommodation for the proposed units it relates to; would harm the appearance of the building by introducing obscure panels within an elevation that contains none other and due to the rationale of the condition being flawed, as the windows are secondary ones serving living/kitchen/dining rooms which means that if issues relating to a loss of privacy arose, occupiers could gain their own privacy through using blinds and/or curtains.

Informal discussions were had with planning and conservation officers and it was considered that the proposed development would merit a formal submission. The main issues to consider here relate to the appearance of the proposed building and the resulting quality of life and level of privacy for the prospective occupiers of the units.

### Design and Visual Amenity

The affected windows consist of 6 panes on the side elevation of the building, facing onto an internal courtyard opposite the other wing of the horseshoe shaped structure, over the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors. The removal of the condition would result in the windows matching the remainder of the glazing on this elevation to maintain consistency. There would therefore be no objections to the removal of condition 19 based on the resulting appearance of the new building.

## **Standard of Living Accommodation and Residential Amenity**

The condition relates to the obscure glazing of the side (west) facing windows of the living/kitchen/dining rooms serving units 2.18, 2.28 and 2.39. These rooms are all served by a north-facing windows and a balcony to the front. While some light would be provided if the subject windows were to remain obscured, it is considered that the provision of light and outlook would be improved for those units if the condition were to be removed. The standard of living accommodation would therefore increase for the prospective occupiers of those units.

The reason for condition 19 was to prevent unreasonable levels of overlooking to the proposed neighbouring flats to the west, which have the same layout as the subject units. The adjacent windows are located some 12-13m away and lie directly opposite. This is contrary to paragraph 7.4 of CPG6 (Amenity) which states that there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. Despite this, the rooms of the adjacent units also benefit from another source of light and outlook (with north-facing windows/doors leading onto a balcony). The future occupiers of these units would therefore have the opportunity to use blinds or curtains as they felt appropriate to gain privacy from this aspect whilst still benefitting from their primary aspect. Furthermore, the adjacent units would also relate to new units so that the proposal would not prejudice any existing residents.

On balance, the removal of condition 19 would improve the standard of living accommodation for the subject units whilst not leading to unreasonable levels of mutual overlooking, given that both units would benefit from other outlooks, and, as the units are still to be constructed, there are no existing levels of privacy to be retained.

### **Conclusion**

Overall, it is considered that there would not be a significant level of harm to the appearance of the building or the resulting living conditions of the new residential units. The removal of condition 19 is therefore recommended for approval.