

Address:	264-270 Finchley Road London NW3 7AA		2
Application Number:	2014/3327/P	Officer: Alex McDougall	
Ward:	Frognal and Fitzjohns		
Date Received:	15/05/2014		
Proposal: Erection of four storey building plus part basement comprising 13 residential units (2 x 1 bed, 7 x 2 bed & 4 x 3 bed) following demolition of 4 x 4 bed single family dwellinghouses.			
Drawing Numbers: 1-464-OS-1, 1-464-009, 1-464-010, 1-464-011, 1-464-012, 1-464-013, 1-464-014, 1-464-100 A, 1-464-101 A, 1-464-102 A, 1-464-103 A, 1-464-104, 1-464-105, 1-464-106 A, 1-464-200 A, 1-464-201 A, 1-464-202, 1-464-203 A, 1-464-204 A, 1-464-300, 1-464-305, Design & Access Statement, Air Quality Assessment, Arboricultural Impact Assessment Ref DFCP 2535, Basement Impact Assessment Revision 1, Construction Management Plan, Daylight and Sunlight and Overshadowing Assessment Issue 03, Energy Assessment & Sustainability Statement v3.0, Noise Assessment v4.0, Planning Statement Ref 9051 & Transport Statement v3.0.			
RECOMMENDATION SUMMARY: Grant conditional permission subject to s106 legal agreement.			
Applicant:		Agent:	
Bliss Space Ltd Morton Road Blakeney Norfolk NR25 7BG		Mr Barry Murphy Dalton Warner Davis 21 Garlick Hill London EC4V 2AU	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3(a)	Dwelling Houses	610sqm GEA
Proposed	C3(a)	Dwelling Houses	1600sqm GEA

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	C3(a) – Dwelling Houses				4					
Proposed	C3(a) – Dwelling Houses	2	8	3						

OFFICERS' REPORT

Reason for Referral to Committee: The proposal is a major development involving the change of use of more than 1,000sqm of non-residential floorspace [Clause 3(i)].

1 SITE

- 1.1 The site is 880sqm in area and is currently occupied by a terrace of four mid-20th century three storey houses, benefitting from forecourt parking and dual vehicular access to Finchley Road.
- 1.2 The site is located on Finchley Road between its intersection with Frognal Lane and Heath Drive, approximately 650m north-west of Finchley Road and Frognal station.
- 1.3 To the rear of the site is a recently completed two storey plus basement dwelling, No. 272 Finchley Road, which shares vehicular access with the subject site. To the south-east is a large 3 storey residential building in use as flats (No. 262 Finchley Road). To the north-west of the site is a 2 storey detached dwelling house (No. 38 Heath Drive).
- 1.4 The site is located immediately adjacent to the Redington & Frognal Conservation Area and opposite the West End Green Conservation Area, but is not itself within a conservation area. The adjoining dwelling to the north-west is identified as making a positive contribution to the character and appearance of the Redington & Frognal Conservation Area.
- 1.5 The site is located in an area with a Public Transport Accessibility Level (PTAL) of 5 (high).

2 THE PROPOSAL

- 2.1 The proposal includes the following elements:
 - Demolition of existing 4 x 4 bed, three storey terraced houses.
 - Erection of four storey plus part basement building comprising 13 flats (2 x 1 bed, 8 x 2 bed & 3 x 3 bed). The design is a double bayed 3 storey building with recessed roof level and part basement to the rear with a 2 storey side 'extension' element. The building would be a maximum of 13.5m in height, and a maximum depth (not including the front bays) of 20.4m. The main front building line would be in line with the adjoining block of flats at No. 262 Finchley Road. The front building line of the 'extension' would be in keeping with the adjoining detached dwelling at No. 38 Heath Drive.
 - The proposal includes 2 disabled car parking spaces, 12 cycle parking stands, and a waste storage area to the front of the building.
 - The proposal includes an additional 13 cycle parking stands in the basement.
 - The proposal includes the felling of 5 trees not the subject of any tree preservation orders.
 - The proposal would include the removal of one of the existing crossovers onto Finchley Road. The proposed dwellings would share vehicular access with No. 272 Finchley Road.

2.2 During the course of assessment the Applicant submitted amended plans with the following changes in response to objections received from the public and advice received from the Council's Planning Officers:

- Reduction in the size of the front setback area accessible to vehicles and replacement with additional communal garden area in front setback.
- The two proposed disabled car parking spaces were moved closer to the access road.
- Minor internal changes to increase accessibility of wheelchair units.
- Amended details of proposed energy efficiency measures from biomass boiler to ground/air heat source pumps and inclusion of solar panels on roof.
- Resolved slight discrepancies in architectural drawings.
- Additional indicative landscaping included along rear boundary.

3 RELEVANT HISTORY

3.1 264-270 Finchley Road (application site)

2013/7184/P - Erection of five storey building comprising 13 apartments (2 x 1 bed, 8 x 2 bed & 3 x 3 bed), following demolition of existing four terraced houses. Refused 03/03/2014 for the following reasons (note that references to policies have been omitted for brevity):

1. *The proposed development by virtue of its height, bulk, mass, scale, design and materials would have an adverse impact on the character and appearance of the surrounding street scene and local area including the setting of the adjoining conservation area.*
2. *The proposal ground floor by reason of its poor layout, fails to provide a high quality design with a suitably convenient and useable staircase location.*
3. *The proposed ground floor waste room and bicycle storage by reason of their inadequate size, design and inappropriate location, fail to provide adequate facilities to the detriment of future occupiers.*
4. *The proposed development, in the absence of an air quality assessment and BRE assessment for the proposed building, fails to demonstrate that an acceptable level of amenity is provided within the flats for future occupiers.*
5. *The proposed level of car parking provision is excessive and would encourage travel by private motor vehicles and fails to promote sustainable travel in a highly accessible location.*
6. *In the absence of an arboriculture assessment that specifically considers the proposed building, there is insufficient information to determine that the scheme will not impact on trees.*
7. *The proposal, by reason of insufficient information in respect of details of dimensions for internal communal areas within flats, fails to demonstrate that the proposal achieves a minimum acceptable level of amenity.*
8. *The proposed development, by reason of the layout of the residential units, fails to meet the requirement to provide any easily adaptable wheelchair accessible units.*

9. – 16. *Legal Agreement*

Summary: It is noted that a legal agreement will be required for contributions towards public highway works, public realm and environmental improvements, public open space and educational infrastructure. Furthermore the s106 will secure the development as 'car-free' housing, require a local labour and procurement plan, adherence to the construction management plan, a Code for Sustainable Homes post construction review, and compliance with the sustainable energy strategy.

17. *The proposal, by reason of the location, proximity and design of windows and balconies on the flank north elevation, would result in overlooking and privacy impacts to the flank wall habitable room windows of the adjacent dwelling, 38 Heath Drive, detrimental to the amenity of occupiers therein.*

3.2 R/o 264-270 Finchley (adjoining site)

2009/1354/P - Erection of a detached house comprising of lower ground, ground and first floor with access from Finchley Road and one car parking space. Granted 25/11/2009.

3.3 38 Heath Drive (adjoining site)

2013/7355/P - Erection of a part 3, 4 and 5 storey building as well as basement level comprising 21 residential units (3x 1 bed, 13x 2 bed and 5x 3 bed), basement swimming pool area as well as associated landscaping and formation of refuse recycling storage area adjacent to Heath Drive and conversion of existing garage to bike storage following demolition of existing dwelling house. Refused 26/02/2014.

4 CONSULTATIONS

4.1 Statutory Consultees

A site notice was displayed from 30/05/2014 to 20/06/2014 and the application was advertised in the Ham & High on 05/06/2014.

4.2 Local Area Groups

4.2.1 The Heath & Hampstead Society raised objection to the proposal on the following grounds:

- Loss of 4 existing quality homes
- Overdevelopment
 - Footprint excessive
 - Under provision of open space
- Impact on No. 272 Finchley Road
 - Overlooking (enclosed balconies do not resolve overlooking at upper levels)
 - Excessive noise
 - Loss of sunlight/daylight and overshadowing

4.2.2 The Redington Frogna! Association raised objection to the proposal on the following grounds:

- Inappropriate bulk and scale, disruptive of the sense of rhythm of residential area. The height of the replacement building should follow the building line of the neighbouring properties
- Architectural style which is unsympathetic to and out of keeping with neighbouring properties
- The highly visible hard landscaping is inappropriate for an area noted for its front gardens and susceptibility to flooding
- Excessive footprint and almost entire loss of rear gardens
- Insufficient provision of private green space for health and well-being of residents
- Finchley Road has excellent public transport links and the provision of car parking is contrary to Camden's policy of car-free development. Development would add to pollution and congestion on already highly polluted road, where NO₂ levels regularly exceed the maximum permitted
- Parking for 13 cars and access directly into a bus lane is likely to conflict with TfL's planned Cycle Superhighway 11
- Design would not enhance the conservation area and would form a negative contribution. Neighbouring houses are either Queen Anne Revival or Arts and Crafts / Olde English style
- Overlooking and loss of privacy, daylight and sunlight for number 272 Finchley Road
- Basement is inappropriate in area prone to flooding
- The felling of five trees unacceptable
- Would result in light pollution, which would be harmful to birds and bats
- Does not provide green roofs and walls

4.2.3 The Heath Drive Residents Association raised objection to the proposal on the following grounds:

- Finchley Road is being redeveloped without any long term design in mind
- The design is bulky and is not in keeping with adjoining buildings although it is a huge improvement on what is there now
- Proposal should include more car parking. Proposal would put pressure on existing on-street car parking.
- The proposal should have an in/out driveway for pick up and drop off and be planted more densely.
- The proposal should have a tiled roof instead of a flat roof.

4.3 **Adjoining Occupiers**

<i>Number of letters sent</i>	24
<i>Total number of responses received</i>	30
<i>Number of electronic responses</i>	21
<i>Number in support</i>	0
<i>Number of objections</i>	30

4.3.1 Three separate pro-forma objections were received from the following properties:

- Pro-forma 1:
 - 9 Aberdare Gardens
 - 10 (Flat 16) Langland Gardens
 - 23 Belsize Road
 - 23A Bracknell Gardens
 - 27 Bracknell Gardens
 - 35 Heath Drive
 - 46 Ingham Road
 - 47 Netherhall Gardens
 - 61b Belsize Lane
 - 84 (Flat 9) Parkhill Road
 - 125 Friern Barnet Lane
 - 248 (Flat 5) Finchley Road
 - 260 (Flat 6) Finchley Road
 - Avenue Mansions (Flat 10), Finchley Road
 - Avenue Mansions (Flat 14), Finchley Road
 - Avenue Mansions (Flat 33), Finchley Road
 - Unidentified property in NW3 3AB
 - Unidentified property in unknown location
- Pro-forma 2:
 - 1-3 (Flat 12) Belsize Grove
 - Unidentified property in NW3 6EF
- Pro-forma 3:
 - 45 Kingswood Avenue
 - 45 Netherhall Gardens
 - Unidentified property in NW6 1LX

4.3.2 Unique objections were received from the following properties:

- 30 (Flat 12) Greencroft Gardens
- 37 Heath Drive
- 254A Finchley Road
- 262 (Flat D) Finchley Road
- 272 Finchley Road (original and follow up letters received from Metropolis Planning)
- 346 (Flat 1) Finchley Road
- Unidentified property in Heath Drive

4.3.3 The objections collectively raised the following issues:

- Principle
 - Unacceptable residential density
 - Not enough police or schools in area
 - Existing dwellings should be maintained as they contribute to character of area
 - Proposal should include affordable housing

- Unacceptable impact on amenity of adjoining properties:
 - Loss of privacy and overlooking of No. 38 Heath Drive from proposed second floor balcony
 - Loss of privacy and overlooking to No. 272 Finchley Road from rear windows and balconies
 - Sense of enclosure and loss of outlook to No. 272 Finchley Road
 - Loss of sunlight/daylight and overshadowing of No. 272 Finchley Road
 - Relationship between No. 272 Finchley Road and subject building would not be typical; adjoining sites have not been divided in this way
 - While proposed building reduced in height from previous scheme, now closer to adjoining properties
 - No. 272 had to be set away from existing dwellings on site to avoid overlooking, as such the proposal should do the same
 - Loss of daylight and privacy to Flat D, 262 Finchley Road.

- Unacceptable design:
 - Overdevelopment of site
 - Unacceptable mass, bulk, height, width and depth, resulting in an overbearing impact on all three directly adjoining properties
 - Architectural style bland, unsympathetic and out of keeping with neighbouring properties and the character of the two adjoining conservation areas
 - The proposal does not have a strong base at ground floor level and as such lacks architectural hierarchy
 - The proposal lacks architectural articulation
 - Too many balconies
 - Existing buildings sit comfortably in the street and are of an appropriate scale with regard to their impact on the building to the rear
 - The two storey side 'extension' detracts from the visual quality of the scheme
 - Loss of sylvan (rural, wooded) character and biodiversity
 - Excessive site coverage which does not allow for sufficient planting
 - Provision of large hard standing to front for parking not acceptable
 - Excessive site coverage and basement not appropriate in area susceptible to flooding
 - The servicing area is not adequate and would result in access conflicts with No. 272 Finchley Road.
 - External waste storage area of inappropriate design and would attract vermin
 - Impact on local water infrastructure
 - Proposal overhangs crown land
 - No external lighting should be allowed
 - East elevation not consistent with the other elevations

- Basement Impact
 - Local geology not appropriate for basement piling

- Proposal would impact on stability of adjoining buildings
- Proposal would cause flooding to adjoining properties
- Proposal would impact on underground water flows
- No site investigation to inform BIA
- Unacceptable standard of accommodation:
 - No private amenity space for occupants of 7 of the units due to excessive site coverage
- Traffic and transport
 - Provision of car parking not acceptable
 - The proposal would result in congestion on Finchley Road
 - Unacceptable access for emergency vehicles
 - Proposal would compromise the vehicular access of No. 272 Finchley Road
 - The proposal is next to a busy crossing.
 - The proposal would result in pressure on the availability of on-street parking.

4.3.4 A follow up letter from Metropolis Planning on behalf of No. 272 Finchley Road, provided the following further comment in response to the revised plans:

- The revisions do not resolve any of the original concerns
- The rear planting proposed would not provide privacy as it is too narrow to allow for any significant growth
- The 'green roof' of No. 272 Finchley Road directly adjacent to the boundary with Nos. 264-270 is used as a children's play area and thus forms part of the amenity space of that dwelling
- The proposed cross section does not accurately depict the adjoining building at No. 272 Finchley Road as it does not include the roof lights in the curved roof section
- The section shows a large tree in the courtyard of No. 272 Finchley Road which does not exist
- The revised car parking area would be detrimental to highway safety and would cause congestion, not provide safe access and egress, and would block emergency vehicles.

5 **POLICIES**

5.1 **National Planning Policy Framework (2012)**

National Planning Practice Guidance

5.2 **The London Plan (2011)**

London Housing SPG

5.3 LDF Core Strategy and Development Policies (2010)

CS1 Distribution of growth
CS4 Areas of more limited change
CS5 Managing the impact of growth and development
CS6 Providing quality homes
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 & encouraging Biodiversity
CS16 Improving Camden's health and well-being
CS18 Dealing with waste and encouraging recycling
CS19 Delivering and monitoring the Core Strategy

DP2 Making full use of Camden's capacity for housing
DP3 Contributions to the supply of affordable housing
DP5 Homes of different sizes
DP6 Lifetimes Homes and Wheelchair Housing
DP15 Community and Leisure Uses
DP16 The transport implications of development
DP17 Walking, Cycling and public transport
DP18 Parking standards and limiting the availability of car parking
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
DP31 Provision of, and improvements to, open space and outdoor sport and recreation facilities
DP32 Air quality and Camden's Clear Zone

5.4 Supplementary Planning Policies (updated 2013)

5.4.1 Camden Planning Guidance (updated 2013)

1 – Design
2 – Housing
3 – Sustainability
4 - Basements
6 - Amenity
7 – Transport
8 – Planning Obligations

5.4.2 Conservation Area Statements

Redington and Frogna Conservation Area Statement 2004

West End Green Conservation Area Appraisal and Management Strategy 2011

6 ASSESSMENT

Land Use

- 6.1 The application proposes 1,220sqm of Class C3 residential floorspace, representing an uplift of 553sqm from the existing floorspace on the site. The increase in floorspace seeks to maximise the efficient use of the site which is welcomed in principle and in accordance with paragraph 2.4 of the London Plan (July 2011), Camden Core Strategy Policy CS1 and Development Policy DP2, subject to the considerations set out below. It is further noted that the key principle of the NPPF is in achieving sustainable development.
- 6.2 Council Policy DP3 states that Council expects all residential developments with a capacity for 10 or more additional dwellings to make a contribution to the supply of affordable housing. As the proposal results in a net increase of only 9 dwellings and an floorspace uplift of less than 1,000sqm it does not trigger any affordable housing requirements. While the current proposal does not trigger any affordable housing requirements any future extensions or subdivision of the units would likely trigger the threshold. As such it is recommended that a clause be included in the s106 agreement requiring that a contribution be made if any further subdivision occurs, or if the GEA increases by 10sqm (to a total uplift of 1,000sqm). The actual figure for the contribution would be calculated based on the resultant GEA uplift.

Density

- 6.3 Policy CS1 of the LDF Core Strategy seeks to focus growth in the most accessible parts of the borough. In order to make the most efficient use of land, higher density development is encouraged in those locations which are well served by public transport and there is an expectation that densities will be towards the higher end of the density ranges set out in the London Plan.
- 6.4 The proposal would create 54 habitable rooms (equating to 614 habitable rooms per hectare). This density accords with the density matrix (table 3.2) of the London Plan 2011 for a site located within an urban area with a high Public Transport Accessibility Level (PTAL) of 5, which states an expected density of between 200-700 habitable rooms per hectare. As such the proposal is generally in keeping with the optimal density range envisaged by the London Plan.

Mix

- 6.5 Camden Policy DP5 requires that all residential development provide an appropriate mix of dwelling sizes. The policy seeks 40% of all market housing as 2-bedroom dwellings, and a higher percentage of 3/4-bed versus 1-bed units. The proposal would provide 2 x 1 bed units (15%), 7 x 2 bed units (54%) and 4 x 3 bed units (31%) and as such is considered to be generally compliant in this regard. While the

proposal results in a loss of 4 x 4 bed units, it provides 4 family sized units, albeit it slightly smaller. As such the proposal is considered to be in keeping with policy DP5.

6.6 As such the proposal is considered to be acceptable in principle subject to the following material considerations:

- Standard of Accommodation
- Design and Appearance
- Basement Impact Assessment
- Neighbour Amenity
- Trees, Biodiversity & Landscaping
- Transport
- Sustainability
- Planning Obligations

Standard of Accommodation

Residential development standards

6.7 Camden's CPG2 and the London Plan state that new self-contained dwellings should satisfy minimum areas for overall floorspace. All but one of the proposed units exceeds the minimum requirements. The unit that does not comply, described on the plans as unit 1.1, represents only a minor non-compliance with the overall space standard in CPG2. Given that several units are well in excess of the minimum requirements, that the unit meets the London Plan standard and that expanding the unit would appear to come at the expense of space in an adjoining wheelchair accessible unit, on balance, the dwelling sizes are considered to be acceptable. Please refer to Table 1, below, for a summary of the units.

6.8 Camden Planning Guidance requires that first and double bedrooms achieve a minimum floor area of 11sqm and the London Plan requires these rooms to be at least 12sqm. The proposed bedrooms comfortably meet both standards.

	FLAT	TYPE OF FLAT	BED SPACES	GIA (m ²)	AMENITY SPACE (m ²)	PARKING
Ground/LG	0.1	2 bed flat	4	95.4	0	0
	0.2	3 bed duplex	6	134.7	47	0
	0.3	3 bed duplex	6	125.7	47	0
1 st Floor	0.4	1 bed flat	2	61.8	0	1
	1.1	2 bed flat	4	70.7	0	0
	1.2	2 bed flat	4	96.7	0	1
	1.3	2 bed flat	4	88.0	0	0
2 nd Floor	1.4	2 bed flat	4	78.3	3	0
	2.1	1 bed flat	2	67.1	0	0
	2.2	2 bed flat	4	93.7	0	0
	2.3	3 bed flat	6	118.4	4.6	0
3 rd Floor	3.1	2 bed flat	4	86.7	20.5	0
	3.2	3 bed flat	6	102.2	20.5	0
Total		28 bedrooms	56	1219.5	142.6	2

Figure 1. Summary of residential standards

Light and outlook

- 6.9 Most units would benefit from good daylight and sunlight with some having a corner or dual aspect. It is noted that 2 of the ground floor units are single aspect and extend deep into the floorplate. The Applicant has submitted a Daylight, Sunlight and Overshadowing assessment which provides an assessment of the ground floor units and finds that most windows would receive well in excess of the required level of sunlight and that all windows would meet the minimum requirements for daylight with regard to BS8206-2 Code of Practice for Daylighting.
- 6.10 With regard to outlook, all units are considered to have sufficient uninterrupted views out to the north or south.

Air Quality and Noise

- 6.11 The site is located on Finchley Road, a busy, polluted and noisy street. The proposal includes living spaces and bedrooms with windows that face directly on to Finchley Road.
- 6.12 In respect of air quality there is concern about the effect to future occupiers from poor air quality on Finchley Road. There is no objection in principle to residential development on Finchley Road and there are means to ensure that issues of air quality are addressed. The applicant has provided an air quality report. While the report does not provide any analysis of the existing air quality on site, it states that mechanical ventilation of the units facing Finchley Road would be required. Insufficient detail about the proposed system has been provided. It is recommended that a condition be included requiring details of the proposed ventilation inlet location (most likely at the top rear of the building) and filtration system. Modelling must be undertaken to demonstrate that the air at the point of the proposed inlet would be beneath the National Air Quality Objective for Nitrogen Dioxide. The developer would also be required to ensure that a procedure is in place for essential regular and ongoing maintenance of the Mechanical Ventilation System.
- 6.13 The dust assessment in the draft Construction Management Plan (CMP) submitted with the application is considered to be insufficient. As part of the s106 legal agreement the Applicant would be required to assess the level of construction dust risk and identify appropriate mitigations in accordance with the GLA's Control of Dust and Emissions SPG.
- 6.14 The proposal includes a noise survey and assessment. The noise survey found that the equivalent continuous sound level (L_{Aeq}) throughout the busiest period of the day (midday) was 70.7dB. The report concluded that triple glazing with a sound attenuation of 40dB would be required to all windows facing Finchley Road to achieve a satisfactory standard of accommodation. A condition of the permission (if granted) would be to secure post completion testing to ensure the proposed units meet the relevant criteria.

Amenity Space

- 6.15 Ideally, each unit would have access to a balcony or private terrace. However, it is acknowledged that this may not be possible given the air quality constraints imposed by Finchley Road (see above). In this case, the open nature of the front oriel windows is considered to provide a comparable winter garden-like alternative for six of the units. The two ground floor rear units would have access to open space at ground and lower ground floor level. Four flats would have balconies and or winter garden style open space. This leaves a single unit that would not have access to open space or a winter garden style space. The proposal includes a landscaped front setback area that would provide some additional amenity to the residents. The site is within walking distance of several areas of public open space that would provide further amenity to future occupants. Given the constraints on the site, and the attempts made to reduce the number of units without open space, the proposal is considered to be acceptable with regard to amenity space for occupants.

Lifetime Homes

- 6.16 The Applicant has submitted a Lifetime Homes Assessment. It is considered that the proposed units adequately satisfy or are easily adaptable to satisfy all relevant criteria. Several of the requirements relate to car parking which would only be provided for the two wheelchair accessible units. Notwithstanding, a condition is recommended requiring that the relevant design features are implemented.

Wheelchair housing

- 6.17 As the proposal would result in a net increase of 9 units the proposal should include at least 1 wheelchair unit. The proposal includes 2 wheelchair accessible units, a one bed unit at ground floor level and a two bed unit at first floor level. With the exception of the two maisonette-style units the other units within the development are considered to be easily adaptable for use as wheelchair units. The provision of 2 fully accessible units and 9 easily adaptable units is considered to overcome the reason for refusal of the previous application.

Servicing

- 6.18 In respect of servicing, space for the storage of refuse and recycling for the residents is provided in a dedicated area in the front garden.
- 6.19 The waste storage area is in a convenient location for residents entering and existing the site, while being sufficiently screened. The waste storage area is also close enough to the front boundary to allow easy collection for waste vehicles waiting on Finchley Road. Waste storage would be secured via condition.
- 6.20 The cycle storage is located in the southern corner of the site, in the front garden, and is accessible from a separate gate. Further cycle parking is proposed in the basement, easily accessible from the central lobby. Cycle parking would be secured via condition.

Other matters

- 6.21 It is noted that the proposal includes a revised lobby layout with a more easily accessible staircase and less cramped servicing. A poorly accessible staircase and cramped waste/cycle storage areas were reasons for refusal of the previous application.
- 6.22 The proposed units are considered to generally provide a satisfactory standard of accommodation. The proposal provides dwellings that generally satisfy London Plan requirements for dwelling sizes and room sizes and many of the London Housing SPG recommendations. The inclusion of maisonettes at basement/ground floor level is commendable as it ensures that flats are not contained wholly below ground level. The lower level of the maisonettes have adequate outlook.

Design and appearance

- 6.23 Achieving high quality design and appearance as well as considering street scene and the wider context including conservation areas, is a requirement of policies CS5, CS14, DP24 and DP25.
- 6.24 A previous planning application for the subject site was refused on the basis of design. It was felt that a previous scheme was at least 1 storey too high, should be more symmetrical, should have hierarchical proportions, the two storey projecting feature on the flank wall should be omitted, the western flank wall needed to be broken down, and the number and type of materials were not considered to be appropriate.

Site Coverage

- 6.25 The site coverage of the proposal is considered to be acceptable for the following reasons:
- The proposal is considered to be in keeping with the site coverage characteristic of urban areas along primary roads in the inner suburbs of London.
 - The footprint of the building is in keeping with that of several adjoining and nearby properties.
 - The proposal includes a landscaped front setback area. Other large buildings in the vicinity of the site do not benefit from this additional open space.

Height & Bulk

- 6.26 The building has been designed so as to have the same parapet height as the adjoining buildings to the south-east, but to have a lower more recessed 'roof' element. The roof would be set back sufficiently from the edges so as to appear as a subservient roof feature. As such the proposal is lower in overall height than the adjoining properties to the south-east. The building represents a significant reduction in height and bulk from the previously refused scheme. In the context of the larger Finchley Road frontage the proposed building sits comfortably. Several buildings in the vicinity of the site greatly exceed that of the proposal.
- 6.27 The subject site is slightly wider than that of the adjoining sites to the south-east. The primary massing of the building has been kept to the same width as the adjoining properties and the extra width has been utilised by adding a two storey side

‘extension’ to the primary form. This extension is set back from the front elevation and steps down to be in keeping with the scale and height of the adjoining dwelling at No. 38 Heath Drive. The previous proposal included a two storey suspended side element at first and second floor level. The assessment of the previous application recommended removal of this element in any future redesign. The current proposed two storey side ‘extension’ is at ground and first floor level. While the primary bulk of the extension is 1.4m closer to the western boundary of the site, it is also 2.56m lower and would occupy the space occupied by the current terrace houses on the site. On balance, the overall decrease in height of the primary building form and the side extension is considered to overcome the previous reason for refusal.

Design of elevations

- 6.28 The character of the area is for symmetrical architecture (doors, windows, bays) and traditional, hierarchical proportions and massing of ‘base’, ‘middle’ and ‘top’. The design includes two symmetrical bays of three oriel windows, with the ground floor bays having added vertical height to relate to the adjoining architecture. The proposal is considered to establish a strong base and a hierarchy of proportions and fenestration moving up through the façade which helps to contextualise the building and positively preserves and enhances the character and appearance of the neighbouring conservation area and street scene.
- 6.29 The flank wall of the proposal facing No. 38 Heath Drive is broken up by saw-tooth windows and changes in material which would provide visual interest and break up the bulk of the building when viewed from the north.

Setbacks

- 6.30 The front setback of the development is in keeping with the setback of the adjoining mansion blocks. The two storey side ‘extension’ then steps back in line with the adjoining Heath Drive building. The increased setback and lower height of the side extension provides a transition between the scale of the two buildings either side of the subject site.
- 6.31 The main rear building line of the proposal is setback slightly greater than, but generally in line with that, of the adjoining mansion block to the south east. The proposal is setback 5.0m from the rear building line of the adjoining positive contributor to the northwest. The proposal is setback approximately 24m from the primary elevation of the building to the rear. The proposed setbacks are considered to be in keeping with the typical separations in the area.

Materials/colours

- 6.32 A limited, traditional palette of materials and colours prevails in this location. The proposal includes a dark red brick and bronzed zinc for the roof to provide variation in the façade. The dark red brick would be in keeping with the adjoining buildings and the zinc would provide a contextually appropriate contemporary material for detailing and roofing. A condition is recommended requiring that material samples be submitted and approved prior to construction.

Front Boundary

- 6.33 No details of a front boundary wall are included in the application. A low boundary wall, in keeping with the style of the wall of the adjoining properties, and in the same colour as the brick used in the building, is considered to be the most appropriate treatment for the front boundary. A strip of landscaping behind this wall would also be appropriate. A condition is recommended requiring that such details be provided prior to construction.
- 6.34 As such the proposal is considered to respond appropriately to the character of the area, the adjoining positive contributor and the adjoining conservation area in general subject to the conditions referred to above.

Basement Impact Assessment

- 6.35 The proposal includes a part basement level to the middle/rear of the site. The basement would extend to a maximum depth of approximately 2m below existing ground level and would be set back from the property boundaries.
- 6.36 Policy DP27 and planning guidance CPG4 state that developers are required to demonstrate, with methodologies appropriate to the site, that basement schemes do not interfere unreasonably with underground water flows; maintain the structural stability of the land, existing building and neighbouring properties; and do not contribute to localised surface water flow or flooding.
- 6.37 The application is accompanied by a Basement Impact Assessment (BIA) which has been prepared in accordance with policy DP27 and planning guidance CPG4 – Basements and lightwells. The BIA has been prepared by suitability qualified engineers. The report goes through the screening exercise recommended in CPG4 in respect of groundwater flow, land stability and surface flooding and triggered the following requirements for further investigation:

Subterranean groundwater flow

- The proposal may extend beneath the water table as water has been observed at similar depths in the vicinity of the site
- The proposal is within 50m of the former Westbourne river
- The proposal would result in an increase in the proportion of hard/paved surfaces on site

Land stability

- Trees would be felled as a part of the proposal
- The subject site is an area of previously worked ground

Surface flow and flooding

- The proposal would result in an increase in the proportion of hard/paved surfaces on site
- The site is in an area known to be at risk of surface water flooding

- 6.38 The scoping stage of the report concluded that the intrusive investigations

undertaken on adjoining and nearby properties (including the recent development to the rear of the site), local site investigations and published data was sufficient to generate a ground model of the site. The report states that further site investigation would be carried out prior to construction to confirm the ground model. However, for the purposes of this assessment, the land stability is based on a worst case scenario.

- 6.39 With regard to groundwater flows, the BIA concludes that the proposal is unlikely to have an unacceptable impact due to the relatively small size of the basement, the fact that No. 38 Heath Drive does not have a basement allowing water to flow under the adjoining site, and that the proposed basement is shallow and thus groundwater can flow beneath it.
- 6.40 With regard to slope stability the BIA finds that the potential for damage to the adjoining properties would be damage category 0 (negligible). CPG4 states that specific mitigation measures would only be required when the proposal exceeds Category 2 classification.
- 6.41 With regard to surface water flows the BIA notes that the proposal includes a landscaped front setback area and a green roof which would help to minimise surface water runoff. Notwithstanding, Thames Water consider that the local stormwater system would not be able to cope with the proposed increase in runoff. As such a condition requiring that a drainage strategy be submitted prior to construction would be included in any consent.
- 6.42 With regard to flooding, Finchley Road was subject to localised surface water flooding in 2002. The BIA does not provide site specific data on the impact of this flooding. The proposal includes two maisonette units, the lower floor of which would be contained partially below ground level. As the proposal does not contain any self-contained units wholly below ground level a flood risk assessment is not considered to be necessary. The occupants of the two maisonettes would be able to retreat upstairs in the event of flooding, and the bedrooms of these units are at the upper floor of the units. Furthermore, as a drainage system would be required on site, it is less likely that the units would be affected by surface water flooding.
- 6.43 Camden Planning Guidance 4 recommends that BIA independent verification be undertaken if a BIA extends to the scoping stage. Ultimately, requiring verification is at the discretion of Council. An independent verification of the BIA is not considered to be necessary in this particular case for the following reasons:
- The BIA provided is detailed and thorough, following all stages of assessment described in CPG4. The proposal responds to the scoping stage with testing methodologies suggested in Section 7.2 of the Camden geological, hydrogeological and hydrological study.
 - The basement is not to be undertaken to an existing building, which minimises the difficulty of the excavation.
 - The proposed basement is set within a large site and as such would be, at its closest, 3m from any adjoining buildings. Furthermore, the excavation would only be to a depth of approximately 2m and as such is not considered to be particularly difficult. The basement would be shallower than the basement of the adjoining recently constructed building to the north at No. 272 Finchley Road.

- 6.44 Based on the information provided the BIA is considered to adequately demonstrate that the proposal would maintain the structural stability of the building and neighbouring properties; subject to condition, avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.
- 6.45 Thames Water and TfL both asked to be consulted on piling. As such a condition is included to this effect.

Neighbour Amenity

- 6.46 Consideration of any amenity impacts to neighbours is a requirement of policy CS5 'Managing the Impact of Growth and Development', and DP26 'Managing the Impact of Development on Occupiers and Neighbours'.

Privacy and overlooking

No. 38 Heath Drive

- 6.47 The proposal has included saw-tooth windows to the north-west elevation to avoid overlooking the adjoining dwelling at No. 38 Heath Drive, thus overcoming this reason for refusal of the previous application.
- 6.48 The proposal includes a green roof at second floor level which is not intended to be accessible. Notwithstanding, use of this space as a terrace would overlook No. 38 Heath Drive. As such a condition of consent is recommended requiring that these flat roof areas not be accessed.

No. 272 Finchley Road

- 6.49 The rear elevation of the proposal would face the adjoining dwelling, No. 272 Finchley Road. No. 272 Finchley Road is a two storey plus basement building to the rear of the site with a sunken courtyard.
- 6.50 Camden Planning Guidance 6 (Amenity) states that an 18m separation is normally considered acceptable to maintain privacy between windows. The rear windows of the proposed building would be 25m – 30m from the windows of the adjoining building and as such more than satisfy this criteria. The proposal would be 15m - 25m from the courtyard of the adjoining property. However, screen planting along the rear boundary of the site would help to obscure views from the lower level of the building to the courtyard. The upper windows would be more than 22m from the courtyard of the adjoining property. As such, subject to a condition requiring details of planting, the proposal is not considered to unreasonably overlook the adjoining property.

No. 262 Finchley Road

- 6.51 The scheme does not include any side windows which would face towards No. 262 Finchley Road and as such the proposal is not considered to overlook this development.

Other

6.52 No impact is posed to properties across Finchley Road.

6.53 The windows and open space of the other properties in the vicinity of the site are at least 18m from the proposed windows or screened by existing and/or proposed vegetation and as such are not considered to be unreasonably impacted by the proposal.

Outlook and Sense of Enclosure

No. 38 Heath Drive and No. 266 Finchley Road

6.54 The proposal would reduce the outlook of flank wall windows of both 38 Heath Drive and 262 Finchley Road. However, these dwellings have other outlooks that are unobstructed and such a relationship across side boundaries is considered to be typical and as such not of sufficient concern to warrant refusal of the application.

6.55 The main section of the building is setback 6.9m from the boundary with No. 38 Heath Drive and as such all the front windows of the Heath Drive property would have a 70 degree outlook. The rear windows of the two adjoining properties would not be affected by the proposal. The front windows of No. 266 Finchley Road would not be affected by the proposal.

No. 272 Finchley Road

6.56 In respect of the property to the rear, the proposal is considered to have an acceptable impact on the outlook and sense of enclosure at this property for the following reasons:

- The proposal includes a reduction in height from the previously refused scheme which was judged not to have an unacceptable impact on the outlook or sense of enclosure of the adjoining property.
- The basement rooms of the adjoining property would maintain a 30% vertical outlook over the proposal. This is a standard often used to assess the acceptability of outlook for basement rooms.
- The adjoining dwelling to the rear also has rooms off the courtyard which have a northern, eastern and western outlook which would be unaffected by the proposal.
- The adjoining courtyard would have unobstructed eastern, western and northern outlook.
- The primary windows of the adjoining building are separated from the proposed building by approximately 24m. It is not uncommon in an urban setting for adjacent elevations to be in this proximity.

6.57 The proposal would have negligible impact on the outlook or sense of enclosure of other properties in the vicinity of the site.

Daylight, sunlight and overshadowing

6.58 The application is supported by a Daylight, Sunlight and Overshadowing assessment

by XCO2 Energy that considers relationships to the immediate neighbours as well as further afield against the criteria of the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'. A total of 114 windows were variously tested, which includes properties opposite the site across Finchley Road as well as those immediately adjoining. The following results have been recorded:

- Vertical Sky Component (VSC) [*A measure of the amount of sky at the centre of a window with the difference between the existing and proposed situation calculated as a percentage*]: 114 windows on adjoining and nearby properties were assessed. 83 of the 114 windows passed the 25 degree line test; 11 of the 114 windows achieved a VSC of greater than 27%; 17 windows achieved the recommended relative VSC value of 80% of their former value; and 3 windows are connected to non-habitable spaces and are therefore excluded from the assessment as per BRE Guidance. As such no windows fail the BRE tests and the proposal satisfies the applicable criteria and is considered to maintain a satisfactory level of daylight.
- Annual Probable Sunlight Hour [*A measures of the amount of sunlight that windows within 90 degrees of due south and is a measure of the number of hours that direct sunlight reaches unobstructed ground across the whole year and also as a measure over the winter period*]: 41 south facing windows in the vicinity of the site were tested. 20 out of 41 windows passed the 25 degree line test; all of the remaining 21 windows assessed achieved 25% of probable annual sunlight hours and 5% of probable winter sunlight hours, or they achieved 80% of their existing annual winter sunshine hours. As such the proposal satisfies the applicable criteria and is considered to maintain a satisfactory level of sunlight.
- Overshadowing [*no more than two fifths (40%) and preferably no more than a quarter (25%) of amenity space should be prevented from receiving sunlight (that means permanently in shadow) on the 21st March*]: The three immediately adjoining open spaces of adjoining properties were assessed. All spaces assessed received at least 2 hours of sunlight on 21 March to at least 50% of their area. As such the proposal satisfies the applicable criteria and is considered to maintain a satisfactory level of overshadowing of open space.

6.59 As such the proposal adequately satisfies all relevant criteria of the BRE guidelines and as such is considered to have an acceptable impact on the daylight, sunlight and overshadowing of adjoining properties.

Noise and general disturbance

6.60 In respect of noise and general disturbance, the council's environmental health team raises no objection to the proposal. Any noise is consistent with the continuing residential use of the site, it being noted that any unreasonable or excessive noise or disturbance is covered by the Environmental Protection Act 1990.

Construction

6.61 The Applicant has submitted a draft Construction Management Plan (CMP) to address the impacts associated with the construction phase including noise, air pollution, traffic and parking and safety, demolition waste and debris. Based on the

scale of the development it is considered that the CMP should be secured by way of s106 legal agreement to enable review and appropriate monitoring.

- 6.62 Subject to such an agreement, it is considered that the proposal would not pose an unacceptable level of harm to the amenity of adjoining occupiers and thereby accords with policies CS5 and DP26 of the LDF and Camden Planning Guidance.

Transport

- 6.63 Policy CS11 seeks to promote sustainable transport including walking, cycling, public transport and improvements to streets and places.

Car Parking

- 6.64 DP18 states that, *“the Council will expect development to be car free in the Central London Area, the town centres of Camden Town, Finchley Road / Swiss Cottage, Kentish Town, Kilburn High Road and West Hampstead, and **other areas within Controlled Parking Zones that are easily accessible by public transport**”* (emphasis added). CPG7 states that ‘highly accessible area’ are those that exceed a PTAL of 4.
- 6.65 The site has a Public Transport Accessibility Level (PTAL) of 5 (high). The site is within a short walk of several underground stations, an overground station and numerous bus routes on Finchley Road. As such the proposal would be expected to be a car-free development. Specifically, no regular private car parking would be considered acceptable on site and residents would not be considered eligible for access to the on-street car parking scheme. These restrictions would be formally secured through a s106 legal agreement.
- 6.66 The proposal includes 2 disabled car parking spaces. The application includes two wheelchair-housing units which would each be allocated a space. These spaces are considered to be exempt from the requirement specified in DP18 above.

Bicycle Parking

- 6.67 For a development of this size the London Plan requires that 24 cycle parking spaces be provided. The proposal includes 12 cycle stands in the front garden and 13 in the basement of the proposed building. This would provide future occupants with options for storage of their bikes. Notwithstanding, it is unclear if the proposed cycle store to the front garden is enclosed, secure and weatherproof. It is recommended that a condition be included requiring more details of the enclosure in the front garden. The storage must be in line with TFL guidelines.

Access

- 6.68 The proposal would maintain access to the adjoining property to the rear.
- 6.69 The parking area proposed would allow vehicles to enter and exit the site in a forward direction.

Servicing

6.70 For a development of this size we would not normally require a Service Management Plan (SMP). However, as this application site partially front Finchley Road, which forms part of the TLRN, TfL were consulted to establish their requirements. Although an SMP was not requested a Construction Management Plan was requested by TfL if the council was to consider approval.

Transport related S106 planning obligations

6.71 If the council was minded to approve the scheme, Highways officers request that a Construction Management Plan is secured through a s106 legal agreement. The reasons for this requirement are:

- Finchley Road is on the edge of a Conservation Area and particular care needs to be taken when using adjacent roads
- The proposal includes extensive demolition works
- Full consultation would need to take place within the surrounding neighbourhood
- Part of the site has a frontage on to Finchley Road which forms part of the TLRN, as such TfL would need to be consulted on the CMP
- Pedestrian permeability and safety needs to be a priority on the footway, which has a relatively high footfall, during any periods of demolition / construction
- The CMP would need to be a carefully constructed document as there are many factors in this location which need careful consideration

6.72 Currently there are two crossovers enabling access/egress for the existing site. The plans submitted demonstrate that one of the crossovers would be redundant. As transport for London are the Highway Authority for Finchley Road costs associated with this would need to be agreed with them and secured as part of a s278 legal agreement.

Sustainability

6.73 London Plan Chapter 5 sets out the Mayor's response to tackling climate change, requiring all development to make the fullest contribution to climate change mitigation. This includes minimising CO₂ emissions in accordance with Policy 5.2 as well as requiring a range of measures to be incorporated into schemes pursuant to Policies 5.9-5.15. The overall approach to energy should be in line with the Mayor's Energy Hierarchy (i) using less energy ('be lean'); ii) supplying energy efficiently ('be clean'); ii) using renewable energy ('be green'). This approach is reflected in Council's policies CS13, DP22, DP23 and DP32.

6.74 The Applicant has submitted an Energy and Sustainability Statement setting out the following:

- The scheme includes heat pumps, roof mounted photovoltaics and a roof mounted solar thermal system for providing domestic hot water
- The measures adopted would achieve Code for Sustainable Homes level 4
- The London Plan seeks a CO₂ reduction 35% above Part L 2013 building regulations standards. The proposal would have a 35.9% reduction and thus satisfy

the criteria.

- 6.75 As such the proposal is considered to provide an adequate level of sustainability. As part of the s106 legal agreement design stage and post construction testing will be required to ensure that the finished building is in keeping with above stated standards.
- 6.76 With regard to drainage, Thames Water has advised that they do not consider the existing sewerage network to be capable of supporting runoff from the subject site. As such a condition would be included requiring that an adequate drainage strategy is proposed. It is noted that this would likely be in the form of sustainable urban drainage.

Trees, Biodiversity and Landscaping

- 6.77 The proposal seeks the removal of 5 trees (T1: 6m Apple, T2: 6m Windmill Plan, T3: 5m Caenothus, T4: 6m Cherry, T5: 6m Cherry). None of the trees to be removed are protected by Tree Protection Orders and it is not considered appropriate to seek any at this time.
- 6.78 Protection of existing trees is a relevant consideration in accordance with Camden policy CS15 and DP24. The proposal includes an arboricultural assessment of the trees on the subject site. The report concludes that the trees to be removed are of low value. Given that the site is not located within a conservation area the removal of these trees does not require permission. Notwithstanding, the application site is located adjacent to a conservation area with a garden character. As such the removal of these trees is considered to be acceptable subject to a condition requiring replacement planting as part of a detailed landscape plan. The condition will include the requirement that if any of the planting dies within the first 5 years that it must be replaced.
- 6.79 The proposal includes a green roof and 'green' permeable paving for car parking which would provide for biodiversity, reduce surface water runoff, enhance the landscaped appearance of the site and improve the microclimate in the vicinity of the site. Details of the green roof have not been provided and as such a condition is recommended requiring details of the roof.
- 6.80 The assessment also notes that the proposal would be outside of the root zone of all trees to be retained. Importantly the proposal would be well clear of the large street tree (Silver maple) to the front of the site. A method statement has been provided for protecting trees during construction. A condition is recommended requiring protection of trees in accordance with the arboricultural report.
- 6.81 In the interest of biodiversity it is recommended that a condition be included requiring that bat and bird boxes be implemented as part of the proposal.
- 6.82 The proposal does not include a detailed landscape plan. Landscaping has been included to provide increased privacy to the dwelling to the rear and to provide a front setback area more in keeping with the character of the adjoining conservation areas. As such a condition is recommended requiring that details of such landscaping be provided prior to construction.

6.83 With regard to site coverage the proposal would result in a decrease of traditional soft landscaping from a total of 29.5% of the site, to a total of 22.7% (a decrease of 23%). However, the proposal includes green paving and a green roof that will increase the total amount of permeable and green areas on the proposed site to 45.2% (an increase of 53%). While secondary green spaces are not of the same value of traditional landscaping, as they cannot sustain large planting, the net impact of the proposal with regard to landscaping is considered to be negligible. As such the proposal is considered to adequately respond to the issue of landscaping and site coverage. Please see Figure 2 below for a summary of relevant areas.

LANDSCAPED AREA	EXISTING (sqm)	PROPOSED (sqm)
Rear Gardens	221.1	97.0
Front East Garden	18.2	47.3
Front Wall Garden	16.0	21.8
Front Other Planting Areas	4.6	33.9
<i>Sub Total</i>	<i>259.8</i>	<i>200.0</i>
Traditional Landscaping %	29.5%	22.7%
Green Paving	0	53.7
Green Roof	0	144.0
<i>Sub Total</i>	<i>0</i>	<i>197.7</i>
Secondary Landscaping %	0.0%	22.5%
Total Landscaping %	29.5%	45.2%

Figure 2. Summary of existing and proposed landscaped areas on the subject site.

Planning obligations

6.84 In accordance with CS19 'Delivering and Monitoring the Core Strategy' and CPG8 'Planning Obligations' the following additional obligations are considered appropriate to meet the particular needs and requirements for the operation of the scheme and to mitigate identified impacts to make the scheme acceptable.

Local Procurement Plan

6.85 The proposal would result in additional construction jobs in the borough. In order to ensure that the proposal adequately provides for training of local people the proposal should include 1) target of 20% local recruitment; 2) advertise all construction vacancies and work placement opportunities exclusively with the Kings Cross Construction Skills Centre for a period of 1 week before marketing more widely; 3) provide a specified number (to be agreed) of work placement opportunities of not less than 2 weeks each, to be undertaken over the course of the development, to be recruited through the Council's Kings Cross Construction Skills Centre; 4) CMP Local Procurement Code if value >£1m; 5) Apprenticeship: 1 no. per £3m build cost plus £1,500 per apprentice

Public open space

6.86 The proposal would result in additional residents and an associated increase in demands on existing local open space infrastructure. Based on the formula contained in CPG8 the proposal would be required to provide a contribution of

£10,762.00 towards such infrastructure.

Educational infrastructure

- 6.87 The proposal would result in an additional capacity for school age children in the area which would increase demand on existing educational infrastructure. Based on the formula contained in CPG8 the proposal would be required to provide a contribution of £15,491.00 towards such infrastructure.

Community Infrastructure Levy

- 6.88 The development would be liable to the Mayor's Community Infrastructure Levy (CIL) because it involves the creation of 9 additional residential units. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge is likely to be £27,650.00 (553sq.m 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. A standard informative is attached to the decision notice drawing CIL liability to the Applicant's attention.

7 CONCLUSION

- 7.1 Planning Permission is recommended subject to a S106 Legal Agreement for the following Heads of Terms:

- Associated highways works (subject to s278 agreement);
- Car-free (other than two wheelchair accessible units);
- Construction Management Plan;
- Local Procurement Plan including 1) target of 20% local recruitment; 2) advertise all construction vacancies and work placement opportunities exclusively with the Kings Cross Construction Skills Centre for a period of 1 week before marketing more widely; 3) provide a specified number (to be agreed) of work placement opportunities of not less than 2 weeks each, to be undertaken over the course of the development, to be recruited through the Council's Kings Cross Construction Skills Centre; 4) CMP Local Procurement Code if value >£1m; 5) Apprenticeship: 1 no. per £3m build cost plus £1,500 per apprentice
- Code for Sustainable Homes & Energy Strategy design stage and post-construction review;
- Public open space (£10,762.00);
- Educational infrastructure (£15,491.00)

8 LEGAL COMMENTS

- 8.1 Members are referred to the note from the Legal Division at the start of the Agenda.