

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		<b>10/05/2010</b>	
		N/A / attached		<b>Consultation Expiry Date:</b>		<b>15/04/2010</b>	
<b>Officer</b>				<b>Application Number(s)</b>			
Gavin Sexton				2009/3719/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
159 161 163 and 165 Camden High Street London NW1 7JY				See 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>							
Discharge of conditions and amendments to planning permission granted 16/05/2006 (2006/0776/P) "for the demolition of existing 3 and 4 storey buildings and the redevelopment of the site through the erection of a five-storey plus basement level building, with retail (Class A1) at basement and ground floor levels, and 14 self-contained flats above (Class C3)". Amendments to include increase in building height by 400mm; reduction in basement size; alterations to front side and rear elevations; addition of lift overrun, solar panels and condenser plant with acoustic screen to roof. Discharge of condition 2 (in part: elevation details of refuse, cycle store and residential entrances, and windows), condition 3 (external materials), condition 4 (method of storage and waste removal, condition 5 (renewable energy), condition 6 (cycle storage), condition 8 (security measures on Underhill Passage), and condition 9 (biodiversity).							
<b>Recommendation(s):</b>		<b>Grant planning permission subject to S106 and discharge conditions 2 (in part), 3, 4, 5, 6, 8 &amp; 9</b>					
<b>Application Type:</b>		<b>Full Planning Permission</b>					
<b>Conditions:</b>		<b>Refer to Draft Decision Notice</b>					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	<b>32</b>	No. of responses No. electronic	<b>01</b> <b>01</b>	No. of objections	<b>01</b>
<b>Summary of consultation responses:</b>		Marks and Spencer (143-149 Camden High Street) raise several concerns:  <ol style="list-style-type: none"> <li>1. No information has been submitted in respect of condition 7.</li> <li>2. There is no mention of retail refuse storage and removal</li> <li>3. Practicalities of servicing need to be thought through, and applicants have no right of access to use rear car park for these purposes.</li> </ol>					
<b>CAAC/Local groups comments:</b>		No response from Camden Town CAAC					
<b>Site Description</b>							
The application site is a part 3 / part 4-storey group of 3 buildings located on the western side of Camden High Street on the junction with Underhill Passage to south. The properties are in retail (Class A1) use at ground floor level with offices (Class B1) above. The site is located within a major shopping centre, the Camden Town Conservation Area and is on a strategic (GLA) road.  The eastern side of Camden High Street (opposite the site) is characterised by typically consistent building lines, first floor setbacks, parapet lines and building heights. There are fairly consistent groupings of buildings of similar heights. The western side of Camden High Street is typified by narrow plot widths, sheer frontages, appropriately scaled ground floor openings, a strong sense of verticality and a generally limited materials palette, comprising mainly of red or stock brick, with some rendered facades.							

## Relevant History

### 2008/5898/P – withdrawn March 2009

“Details of windows, residential entrance, refuse store entrance and cycle store entrance (**part condition 2**), external materials (**condition 3**), method of storage and waste removal (**condition 4**), renewable energy provision (**condition 5**), cycle storage (**condition 6**), security measures on Underhill Passage (**condition 8**) and biodiversity (**condition 9**) pursuant to conditions 2 (part), 3, 4, 5, 6, 8, and 9 of the planning permission dated 16/05/06 (2006/0776/P) for demolition of existing 3 and 4 storey buildings and the redevelopment of the site through the erection of a five-storey plus basement level building, with retail (Class A1) at basement and ground floor levels, and 14 self-contained flats above (Class C3).”

### 2009/0990/p - Withdrawn March 2009 and replaced by current application

“Enlargement of the basement as an amendment to planning permission dated 16/05/2006 (2006/0776/P).”

### 2009/1924/P Withdrawn – July 2009

Discharge of **Condition 5** (submission of an energy report).

### 2009/2340/P – Withdrawn Oct 2009 (agreement reached/contract signed with TfL, no submission required)

Variation of **condition 7** which requires a contract to be in place with Transport for London to make good and enlarge the area of footway.

### 2009/2547/p – Withdrawn March 2010

Details of windows, residential entrance, refuse store entrance and cycle store entrance (**condition 2**), external materials (**condition 3**), method of storage and waste removal (**condition 4**), cycle storage (**condition 6**), security measures on Underhill Passage (**condition 8**), and biodiversity (**condition 9**).

## Relevant policies

### Replacement Unitary Development Plan 2006

- SD1D Quality of life (Community Safety)*
- SD6 Amenity for Occupiers and Neighbours*
- SD7 Light, Noise and Vibration Pollution*
- SD8 Disturbance*
- SD9 Resources and Energy*
- B1 General Design Principles*
- B3 Alterations and Extensions*
- B4 Shopfronts, Advertisements and Signs*
- B7 Conservation Areas*
- T1 Sustainable Transport*
- T2 Capacity of Transport Provision*
- T3 Pedestrian and Cycling*

### LDF Core Strategy and Development Policies

- CS1 - Distribution of growth
- CS5 - Managing the impact of growth and development
- 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
- DP16 - Transport implications of development
- DP17 - Walking, cycling and public transport
- DP23 - Water
- DP24 - Securing high quality design
- DP25 - Conserving Camden's heritage
- DP26 - Managing the impact of development on occupiers and neighbours
- DP28 - Noise and vibration
- DP29 - Improving access
- DP30 - Shopfronts
- DP32 - Air quality and Camden's Clear Zone

*As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to*

them at this stage.

## Assessment

Council records show that the applicant has previously demonstrated to officers that development has commenced on the scheme and therefore the permission remains extant.

The submitted proposals seek approval of various conditions and amendments to the scheme. The original submission included several deviations from the original permission. Following officer advice elements of the front elevation were revised.

### A. Amendments to height of building

The height of the building would be raised by 400mm to increase the floor-to-ceiling heights by 50mm for each of the four residential floors and to provide 200mm additional height for the shopfront at ground floor. In the context of the overall approved height of c.15.5m the increase in height per floor would be largely imperceptible on the front and side elevations and overall a further 400mm in height is acceptable. New additions at roof level include a lift shaft overrun, plant condenser units and solar hot water panels. The lift overrun would rise by c.1m above roof level, set back from the front elevation by c.10m. The plant, enclosed by an acoustic screen would rise by c.1.3m above roof level, setback from Camden High Street by c.6.5m. The solar panels would be fitted flat on the roof. None of the additions would be particularly visible from the public realm and their addition is acceptable in design terms. The overall addition to the height from the raising of the structure and the addition of plant/lift overrun would not have a significant impact on the sunlight, daylight or outlook amenity enjoyed by neighbouring occupiers and is acceptable.

The approved scheme would provide 155m<sup>2</sup> of basement space to the rear of the development for uses ancillary to the retail at ground floor. The proximity of the London Underground tunnels places constraints on the weight of the building. In order to mitigate the loading impact of adding 1-2 stories in place of the existing building, the applicant is proposing to omit the usable basement floorspace from the scheme and replace it with a void. Furthermore, the applicant cites viability reasons for non-provision of the usable basement. It is considered that the loss of the basement floorspace would not prejudice the speculative future use of the ground floor retail units. The loss of basement space would not have any impact on the visual appearance of the building and is acceptable.

### B. Amendments to front and side elevations

Officers negotiating the approved scheme achieved a front elevation which was simple and uncluttered in appearance at upper levels and had a traditional stallriser and fascia at shopfront level.

The original revisions submitted omitted much of this character and following officer advice amendments were made. The front elevation has now returned to a simpler fenestration pattern with large expanses of glazing on the corners. The remainder of the Velfac dark grey aluminium framed windows would have panels below, some of them in obscure and others in clear glazing. The committee report for the original application noted the need for a deep 100mm reveal on the front elevation and the applicant has confirmed in drawing A172 rev.D that this would be the case. At roof level the upper floor would retain large expanses of glazing supported by narrow aluminium frames.

At ground floor level the final details of the shopfront have not yet been submitted, however it is considered that the area reserved for the required elements of the shopfront (fascia, stallriser, glazing) are sufficient to allow a future detailed design to be formulated. The location and height reserved for the fascia has been raised to be more in keeping with the approved scheme. This part of Camden High Street does not exhibit a uniform fascia level and while the proposals would not be level with fascias on adjoining plots the results are considered to be acceptable.

The shopfront would return along Underhill Passage to meet the residential entranceway, retaining the same fascia level as the front elevation. The side elevation has been amended to address errors in the approved drawings at third floor level. The residential floorspace would be unchanged by the correction. The fenestration pattern has been simplified within the central Tecu brass panel element. These changes are acceptable.

### C. Amendments to rear elevation

The proposals include alterations to the fenestration on the rear elevation. The applicant states that structural details of the building have had an effect on the location and size of some glazing elements. The lightweight appearance of the rear elevation, with minimal framing to the glazing has been diluted by the changes. However it is considered that the overall proportion of glazing on the rear is still significant and broadly comparable to the approved scheme. Notwithstanding an increase in the proportion of render on the rear the design amendments are not considered to be significant enough to be reason for refusal and are acceptable.

### Discharge of conditions

## **Condition 2**

Condition 2 states *“The details of the windows, shopfront, residential entrance, refuse store entrance and cycle store entrance (to include elevations and typical sections at a scale of 1:10) to be used on the building shall not be otherwise than as shall have been submitted to and approved by the Council before any work is commenced on the relevant part of the development. These parts of the development shall not be carried out otherwise than in accordance with the details thus approved.”*

At ground floor the facing materials to the bicycle and waste storage area has been changed to brick, from butt-jointed timber boarding. This change of materials is consistent with the use of brick elsewhere on the Underhill Passage elevation and is acceptable. The elevation details for the residential entrance propose Velfac dark grey aluminium-framed glazing with an adjacent timber cladding panel. The samples submitted are acceptable. The refuse and cycle storage entranceways would be similarly finished in robust Velfac timber cladding panels. The Velfac system is considered to provide a suitably high standard of material quality and the detailed submitted for these elements are acceptable. As discussed above in C. the window details proposed are acceptable.

The final details of the shopfront have yet to be submitted and therefore condition 2 may only be discharged in part. An informative would be added to clarify this.

## **Condition 3**

Condition 3 states *“Samples of all external materials shall be submitted to and approved by the Council before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given.”*

Details of the following materials were submitted:

A sample and details of patinated TECU brass panel – for application in the vertical band between the rendered side bands on front and side elevations. The panels would weather from reddish golden to a dark brown-anthracite, to contrast with the adjacent cream render. The material is a change from the original proposal of Corten Steel and is considered to be a suitable and acceptable replacement.

Sample and details received of graphite grey coloured external render system, ICON balcony and handrails, Velfac 200 timber cladding panel and window section, roof finishing on light grey by Sarnafil and details of IBSTOCK yellow multi-stock brick are all acceptable materials.

The details submitted are consistent with the originally approved scheme and/or the local context and are acceptable.

## **Condition 4 (Method of storage and waste removal)**

Condition 4 states *“Before the use commences, details of the method of storage and waste removal (including recycled materials) shall be submitted to and approved by the Council and the approved method shall thereafter be maintained.”*

A revised plan setting out the domestic refuse arrangements has been provided. Secure storage for six (6) 360litre wheelie eurobins to cater for separated recyclables would be provided for recycling purposes for the 14 flats, in line with Camden Guidance (ch 50 'waste and recyclables'). A further three (3) 1100l eurobins would be provided within the same secure site for weekly waste collection. The site would be accessed from Underhill Passage, with the nearest habitable rooms c. 10m away at the level above. In response to comments about collection from Street Environment Services the applicant has confirmed that a management agent or third party would remove the refuse and recycling bins to the kerbside at Arlington Road for weekly collection and would then return them to the store promptly afterwards. These details are acceptable.

The details of retail refuse and collection are to be secured by S106 clause in the form of a Service Management Plan (SMP). The ground floor plan indicates an internal storage area to the rear of the shopunits for refuse storage. An informative would be added reminding the applicant of the need to reach agreement on the SMP.

## **Condition 5 (Renewable energy)**

Condition 5 of the original application as above requires that *‘Prior to the commencement of the development hereby permitted a scheme for renewable energy provision (including plans and particulars) shall be submitted to and approved in writing by the Local Planning Authority. The first unit shall not be occupied until the scheme is fully installed in accordance with the approved details and the system shall be fully utilised and maintained thereafter’.*

The condition was imposed to ensure the development meets renewable energy and sustainability objectives in compliance with the superseded UDP 2000 policy EN12 and policy SD9 of the Revised Deposit Draft as amended by the Proposed Modifications agreed by the Council's Executive on 11th January 2006.

The planning application to which these discharge of conditions relates dates back to May 2006. Therefore the

proposals were determined prior to the Further Alterations to the London Plan, which were published by the Mayor on 19 February 2008. As a result the requirements for energy efficiency and renewable energy technologies were assessed on the old targets laid out in the CPG, specifically the target of achieving the 10% of energy demand on site to be provided through renewable energy. The revised 20% target cannot therefore retrospectively be applied in this instance.

A sustainable energy strategy (Dec 2008) has been submitted which identifies a solar hot water system to provide the required 10% reduction. The report concludes that this system provides the best solution for the site taking into account financial and practical considerations. The accompanying roof layout plans suggest that the required number of solar panels can be located at roof level. Given the policy background at the time of determination, the submitted information is sufficient to discharge the relevant condition.

The proposals also include a communal system of air-source heat pumps which would provide heating and cooling to the flats. The revised roof plan shows 3 condenser units (two Daikin REYQ8M and one Daikin REYQ12M) and an accompanying acoustic screen, set approx 6.5m back from Camden High Street, which did not form part of the approved application. An accompanying Plant Noise Assessment identifies the nearest noise sensitive receptors at the second floor of the building immediately to the north. The report makes recommendations relating to the location, dimensions and acoustic characteristics of the screen. The noise assessment is acceptable and a condition would be added requiring that the recommendations be adhered to. The visual impact of the plant would be minimal with the additional largely invisible from the street due to the setback from the front elevation. The details submitted for condition 5 and the amended roof plan and elevations as they relate to the additional plant are acceptable.

#### **Condition 6 (Cycle store details)**

Condition 6 states: *“Before the occupation of the first residential unit, details of the secure cycle storage areas shall be submitted to and approved by the Council and the cycle storage area shall be provided and retained as such thereafter.”*

A revised plan has been submitted setting out the cycle storage arrangements with an inward opening door and providing Sheffield stand-type spaces for 14 cycles in secure storage, accessed via Underhill Passage. The proposals are acceptable and the submissions required in respect of condition 6 are discharged.

#### **Condition 8 (Security measures on Underhill Passage)**

Condition 8 states *“Details of safety measures to improve security on Underhill Passage (to include lighting) shall be submitted to and approved by the Council and the approved measures shall be installed before the occupation of the first residential unit.”*

The applicant has set out that arrangements have been made with Camden Highways to move an existing wall-fitted light on the Passage to an alternative location. The applicant has provided details of three new photocell-controlled lighting fixtures to the flank wall along Underhill Passage. Residential access to the building will be controlled by a video entry system with proximity control. The residential entranceway would be glazed allowing views into the lobby from the street before entry. The measures provided are acceptable.

#### **Condition 9 (Biodiversity measures)**

**Condition 9:** *“Details of measures to improve biodiversity on the site shall be submitted to and approved by the Council and the approved measures shall be provided before the occupation of the first residential unit.”*

The applicant has clarified the location of the green roof to the rear at first floor level. The rear patio areas for flats 3 and 4 would be slightly reduced in area and the site allocated to the green roof enlarged. In total 61m<sup>2</sup> of sedum area would be provided, although the applicant has stated that where possible they would implement local mounding of the substrate to enable more diverse wildflower planting. A sample list of species has been submitted along with typical sectional details through the roof. Furthermore details of the management recommendations have been submitted.

Up to nine sparrow boxes would also be fitted to the rear walls at third floor level, away from the nearest habitable rooms and openable windows. While the proposals for improving biodiversity are limited to these two elements, the inner urban location and limited availability of unencumbered roof space mean that there are few other locations which can be utilised to great effect. The proposals are considered to meet the requirements of condition 9 and are acceptable.

#### **Other issues**

Condition 7 states *“Prior to the commencement of development, the developer must enter into a contract with Transport for London (Directorate of Road Network Development) to make good and enlarge the area of footway directly in front on the application site on Camden High Street.”* The applicant has previously demonstrated that this has been complied with. No submission is required in respect of this condition.

## **Summary**

Amendments to the front, side and rear elevations and the height of the building are acceptable. Materials samples and details of elevations submitted are consistent with the approved scheme and are acceptable. The addition of plant to the roof is also acceptable subject to conditions. No further submissions are required in respect of conditions; however conditions 10 and 11 relating to obscured glazing and louvres remain relevant. An informative would be added clarifying these points.

A deed of variation to the existing S106 would be required in order to include the amended drawings.