

Delegated Report		Analysis sheet	Expiry Date:	01/06/2016
		N/A / attached	Consultation Expiry Date:	08/04/2016
Officer			Application Number(s)	
Jonathan McClue			2016/1117/P	
Application Address			Drawing Numbers	
Bangor Wharf Georgiana Street London NW1 0QS			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Demolition of all buildings on-site and new buildings of 1-6 storeys in height to include 46 residential (C3) units (18 x 1 bed, 19 x 2 bed and 9 x 3 bed) of which 30 would be market units and 16 affordable, new office (B1a) floorspace (604m ²) and associated works to highways and landscaping.				
Recommendation(s):	Refuse Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	51	No. of responses	53	No. of objections	49
Summary of consultation responses:	<p>In addition to the 51 letters sent to surrounding occupiers, a site notice was originally placed in front of the main entrance of the application site on Georgiana Street on 04/03/2016. Following this, 5 further site notices were put up in various locations on 18/03/2016. These locations included Royal College Street near the junction with Georgiana Street; Reachview Close; the Canal Towpath opposite Bangor Wharf; Gray's Inn Bridge and near the Star Wharf Apartments on St Pancras Way. Furthermore, the application was advertised in the local press on 10/03/2016.</p> <p>49 objections have been received which have mainly been from occupiers within the surrounding area including St Pancras Way, Royal College Street, Reachview Close, Baynes Street and Georgiana Street. The objections are summarised below:</p> <ul style="list-style-type: none">• Excessive building height and scale, too imposing and unsympathetic to surrounding buildings and conservation area• The architectural character is poor in this context• Loss of light industrial wharf use is a serious drawback• Under provision of employment workspace• Loss of light and overshadowing to surrounding properties and the canal• Scheme would be detrimental to wildlife including a bird nesting site and habitat• Lack of green landscaping and loss of trees on-site• Harmful to surrounding properties by way of overbearing, loss of light and outlook/views• Noise, littering and general disturbance from balconies and terraces facing Royal College Street• Security risk to Royal College Street, making it easier to access rear of properties through development• Cat proof walls needed to protect nesting birds• Demolition works would affect dust allergies• Loss of views of butterfly roofs to locally listed buildings on Royal					

	<p>College Street from canal</p> <ul style="list-style-type: none"> • modern dark brick material proposed is unacceptable • Construction noise • Harm to adjoining fashion showroom business (Rainbow Wave in Eagle Wharf) which is dependent on natural light, as the southern facing windows would be block by the new building • Proposal will deliver only a limited amount of affordable housing • The new courtyard will be almost continuously in deep shadow and overlooked by proposed residential and employment uses • The development should provide services for boaters including water and waste facilities • The proposal fails to meet most of the expectations within the Site Allocation Plan • Eagle Wharf is a positive characteristic of the Regent's Canal Conservation Area but its eastern façade will be obscured by the development, creating a loss of visual amenity from the towpath • Opportunity to reinstate the old dock adjacent to Eagle Wharf has not been embraced • The effectiveness of the programme of public consultation has been questioned. The Statement of Community Involvement suggests a far greater level of engagement and support from the affected population than the applicant's data appears to show • There is no historic precedent nor justification for the erection of mass as currently proposed • Inappropriate massing fronting onto the canal, harming its open character, and eroding any sense of the site playing a role with the canal <p>4 letters of support were submitted from occupiers on Georgiana Street and Royal College Street. They were template electronic letters which state that the development is supported. Additional comments include that housing would be created which is beneficial for the area.</p>
--	--

**CAAC/Local groups*
comments:**
*Please Specify

Jenny Jones, Green Party Member of the London Assembly, objection 11/04/2016:

- the application fails to acknowledge the wharf's potential capability of being transformed into a viable freight handling transfer site, of waterborne freight to road, and therefore contrary to London Plan Policy 7.26
- inadequate mooring points for use by passing boats
- 33 of the proposed 46 residential dwelling are expected to be unaffordable to ordinary working Londoners benefiting only the very wealthy, landlords and buy to let investors. The provision of only 9 social/affordable rent and 4 shared ownership units is dire, given local demand and the 30,000 people on the waiting list for council homes in Camden

Friends of Regent's Canal, objection 08/04/2016:

- overshadowing of canal and premises opposite
- should be considered as a water transport asset as per the Blue Ribbon policies in the London Plan
- negative impact on the wildlife in and around the canal
- the proposal fails to meet most of the expectations within the Site Allocation Plan

Canal & River Trust 30/03/2016: No objection to the principle of development. Minimal lighting should be installed near the canal and any lighting near the canal should be bat friendly avoiding spillage onto the canal. There are possibly existing water bird nests in the remaining inlet of the former dock and consideration should be given to re-providing reed beds or nesting opportunities. The developer should consider a new water point and refuse facility on the canalside of the site for use by passing boats. Due to the development bringing more people to the area a contribution towards improvement works of £25,000 is required. 6 planning conditions were recommended including a risk assessment and method statement for works on and near the water; landscaping details along the canal edge; lighting and CCTV scheme; survey of the waterway wall and a method statement; surface water drainage details and a feasibility study to assess waterborne freight.

Historic England 08/03/2016: We do not wish to offer any comments on this occasion. This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Environment Agency 03/03/2016: There are no constraints that warrant our consultation therefore we have no comments.

Designing Out Crime Officer 03/03/2016: The submission is appropriate and no objection is raised.

Thames Water 18/03/2016: There are public sewers crossing or close to the development so approval should be sought from Thames Waters where any building would be over the line of or within 3 metres of a public sewer.

No point of connection has been supplied for the existing and proposed

	<p>surface water flows. Thames Water requires demonstration of how the surface water disposal hierarchy would be implemented for this site, especially due to the proximity of the Regent's Canal. As this site falls within the highly flood sensitive Counters Creek Catchment, any surface water that is discharged into the public sewer system will need to meet Greenfield run-off rates as a minimum.</p> <p>In the Southeast of the proposed development there are easements and way leaves running throughout the site. These are Thames Water Assets. Thames Water would seek assurances that it will not be affected by the proposed development.</p> <p>Recommended conditions include a piling method statement and a drainage strategy. An informative regarding groundwater discharge and waste water was suggested.</p> <p><u>Inland Waterways Association 27/03/2016:</u> supports the proposal for a water point at this site and suggest this is made a condition of approval.</p>
--	---

Site Description

This application relates to a corner plot between the junction of Georgiana Street and the Regent's Canal. The site contains single and two storey office and storage buildings, a yard, vehicle parking, a sub-station and crossovers from Georgiana Street. The site is triangular in shape with its long, north-eastern side boundary forming a boundary with the canal. The southern side of the site runs along Georgiana Street and the western side backs onto the rear boundary walls of houses/workshops on Royal College Street. It was previously occupied by EDF Energy (vacated in October 2015) as a depot for the storage of materials and contained office space. The site has an area of 1,810m² with 884m² of office (B1a) accommodation and 253m² storage/warehouse floorspace (B8). To the south-eastern part of the site is Fleet Trunk Sewer which is located under Gray's Inn Bridge.

The Regent's Canal frontage incorporates Bangor Wharf and part of Eagle Wharf. On the other side of the canal lies the Towing Path with residential buildings at 1-60 Reachview Close behind. Georgiana Street runs along the southern boundary of the site and provides access to the site. A two storey residential dwelling is located immediately adjacent to the site at 54 Georgiana Street. 118-144 Royal College Street border the application site to the west. The majority of this terrace comprises of three storey buildings with butterfly roofs. 120-136 and 140-142 (even) form part of the Council's Local List (Ref447) due to their architectural and townscape significance. On the opposite side of the street 165-181 (odd) are grade II listed. Adjacent to the site to the northwest lies the Eagle Wharf building at 146 Royal College Street which is noted as making a positive contribution within the Regent's Canal Conservation Area Appraisal and Management Strategy. To the east of the site is Gray's Inn Bridge which provides access over the canal from St Pancras Way running north to southeast. The Constitution Pub at 42 Gray's Inn Bridge is also listed as making a positive contribution to the conservation area. To the south on the opposite side of Georgiana Street lies the St Pancras Commercial Centre.

The site is located within the Regent's Canal Conservation Area. It is recognised within the relevant Appraisal and Management Strategy (page 20) as providing an excellent opportunity for enhancement with the existing granite setts noted as being of significance. The site is close to the Kings Cross development area. Other notable characteristics are that it has contaminated sites potential; it lies adjacent to Regent's Canal which is designated as a Public Open Space, a metropolitan Site of Nature Conservation and as a Green Chain; and there is a significant mature Willow tree at the corner of the site near Gray's Inn Bridge.

The site is identified in the Camden Site Allocations Local Development Document (September 2013) as Site 35 Bangor Wharf, Georgiana Street. The Site allocation guidance encourages redevelopment of the site to provide replacement employment floorspace and new permanent (Class C3) residential accommodation. Other guidance includes:

- providing an active frontage to Georgiana Street and maximise opportunities to provide linkages to the canal towpath
- be of a form and scale appropriate to the Regent's Canal Conservation Area and respond to the open character of this part of the canal and to surrounding listed buildings
- utilise the canal for the transportation of goods and materials
- ensure that the development contributes to the biodiversity and green nature of the canal
- avoid excessive massing along the canal and ensure that views of the canal are improved
- provide infrastructure for supporting local energy generation on site and/or connections to existing or future networks where feasible

Relevant History

PEX0000739: A Certificate of Lawfulness for an existing use was granted on 03/10/2000 for use as a depot for storage of materials with ancillary workshops and offices (Class B8). The approval was on the basis that the applicant sufficiently demonstrated that the use begun more than 10 years before the date of the application.

2005/1219/P: Planning permission was granted on 14/06/2005 for external alterations to buildings including the replacement of metal framed windows with aluminium frames and alterations to the roof.

Relevant policies

National Planning Policy Framework 2012

Paragraphs 12, 14, 17, 18-22, 29-41, 47-55, 56-68, 69-78, 93-108, 109-125 and 126-141.

London Plan 2016

Policies 2.18 (Green infrastructure: the network of open and green spaces), 3.3 (Increasing housing supply), 3.4 (Optimising housing potential), 3.5 (Quality and design of housing developments), 3.8 (Housing choice), 3.10 (Definition of affordable housing), 3.11 (Affordable housing targets), 3.12 (Negotiating affordable housing on individual private residential and mixed use schemes), 3.13 (Affordable housing thresholds), 4.1 (Developing London's economy), 4.2 (Offices), 4.3 (Mixed use development and offices), 5.2 (Minimising carbon dioxide emissions), 5.3 (Sustainable design and construction), 5.5 (Decentralised energy networks), 5.6 (Decentralised energy in development proposals), 5.7 (Renewable energy), 5.11 (Green roofs and development site environs), 5.12 (Flood risk management), 5.13 (Sustainable drainage), 5.14 (Water quality and wastewater infrastructure), 5.21 (Contaminated land), 6.9 (Cycling), 6.13 (Parking), 7.3 (Designing out crime), 7.4 (Local character), 7.6 (Architecture), 7.8 (Heritage assets and archaeology), 7.14 (Improving air quality), 7.19 (Biodiversity and access to nature), 7.24 (Blue Ribbon Network), 7.26 (Increasing the use of the Blue Ribbon Network for freight transport), 7.27 (Blue Ribbon Network: supporting infrastructure and recreational use), 7.28 (Restoration of the Blue Ribbon Network), 7.30 (London's canals and other rivers and waterspaces), 8.2 (Planning obligations) and 8.4 (Monitoring and review).

Local Development Framework 2010

Set out below are the LDF policies that the proposals have primarily been assessed against. However, it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Core Strategy

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

Development Policies

DP1 (Mixed use development)
DP2 (Making full use of Camden's capacity for housing)
DP3 (Contributions to the supply of affordable housing)
DP5 (Homes of different sizes)
DP6 (Lifetime homes and wheelchair homes)
DP13 (Employment sites and premises)
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)
DP28 (Noise and vibration)
DP29 (Improving access)
DP30 (Shopfronts)
DP31 (Provision of, and improvements to, public open space and outdoor sport and recreation facilities)
DP32 (Air quality and Camden's Clear Zone)

Camden Planning Guidance (CPG)

CPG1 (Design) 2015
CPG2 (Housing) 2015 section
CPG3 (Sustainability) 2015
CPG5 (Town Centres, Retail and Employment) 2013
CPG6 (Amenity) 2011
CPG7 (Transport) 2011
CPG8 (Planning Obligations) 2015

Regent's Canal Conservation Area Appraisal and Management Strategy 2008

Camden Site Allocations Local Development Document 9th September 2013

Intermediate Housing Strategy (HASC/2016/08)

Assessment

1.0 Background

Pre-application advice

1.1 The applicant had an initial pre-application meeting with Officers on February the 19th in 2015 where a sketch design was discussed. The discussion focussed on the appropriate scale, massing and layout and Officers set out their expectations that the detailed design must be of the highest quality and responsive to local character and the setting of the conservation area. A formal pre-application letter was issued on the 25th of June 2015 following no further meetings.

1.2 Following the above a further meeting was held on the 17th of November 2015. No drawings were provided in advance of the meeting and design concerns were expressed by Officers. Copies of the design documents were then provided to Officers so they could give more formal feedback following an internal design surgery on the 24th of November. The advice raised concerns over the proposal failing to respect the character and appearance of the Regent's Canal Conservation Area in scale and detailed design. A comprehensive formal pre-application letter was issued on the 23rd of December 2015. The advice suggested that further pre-application meetings were required and that an eventual application would benefit from a Planning Performance Agreement (PPA).

1.3 The Planning Statement in paragraph 4.2 of page 9 claims that "extensive pre-application consultation has been held with the Council as the Local Planning Authority." Officers consider that this statement is misleading as the pre-application advice was limited to two formal meetings and two formal letters. The initial pre-application advice was based on sketch designs only which were indicative of general massing and layout.

Planning application process

1.4 The planning application was submitted on the 1st of March 2016. No further meetings or pre-application advice was sought after formal comments were provided in December 2016. Following an internal review on the design and conservation merits of the scheme, the applicant was informed that the proposal was unacceptable in an email dated 07/04/2016. Due to the significant level of amendments required Officers considered that changes to the scheme would be best handled outside of the application. This is because the changes required would lead to a materially different scheme. Further concerns were raised regarding the Alternative Use Value approach adopted by the applicant and outstanding sustainability issues.

1.5 The applicant suggested that a PPA be entered during the application. The Council rejected this offer as PPAs cannot be entered into after the submission of an application. This is made clear in the Planning Practice Guidance.

1.6 Amended drawings were submitted by the applicant on 06/05/2016. These were formally adopted by the Council. The revisions attempted to overcome the criticisms of the scheme outlined by Officers. The details of the revised plans are outlined in paragraphs 2.9-2.11 below. Re-consultation of the application was not undertaken as there is no statutory requirement to do so (i.e. the changes did not materially alter the appearance or impact of the proposal).

1.7 A viability report addendum was submitted on 18/05/2016 which adopted an Existing Use Value as requested by the Council. This was submitted for an independent review by BPS Chartered Surveyors on 19/05/2016.

1.8 Various other issues were raised throughout the course of the application including a loss of employment space, the affordable housing offer, transport issues (including cycle parking), housing mix and not exploiting the water transport asset (the canal).

2.0 Proposal

2.1 Planning permission is sought for the demolition of all buildings on-site and the construction of new buildings between 1-6 storeys to provide 46 residential units (18 x 1 bed, 19 x 2 bed and 9 x 3 bed) of which 30 would be market and 16 affordable; 686m² (GEA) of office (B1a) employment space and associated works to highways and landscaping.

2.2 The proposed development is comprised of 3 buildings which join to form a 'U' shape arranged around a courtyard space with an opening along the canal frontage. The largest building fronts Georgiana Street and steps up from a 3 storey element adjacent to 54 Georgiana Street to 5 storeys before reaching a 6th zinc clad storey. This building includes a gated undercroft providing access to the courtyard. A ground floor link building runs along the western boundary with Royal College Street. It has a ground floor and part mezzanine level with roof gardens and private terraces above. The final building is located to the northwest of the site and fronts the canal. This building is 5 storeys high and has an irregular shaped roof.

2.3 The main facing material of the buildings is brick. The setback top floor of the building on Georgiana Street frontage would be finished in zinc.

2.4 The 46 residential units are provided on all floors of the building. 3 units are provided on the ground floor including a wheelchair unit. The remaining (43) units are proposed at first to fifth floor level incorporating a mixture of affordable and social rent, shared ownership and market units of varying sizes. The residential units are located across 3 separate blocks – A (Southwest) which contains affordable units only; B (Southeast) containing a mixture of private and affordable and C (North) containing market units.

2.5 The office floorspace (B1a) would be provided at ground floor and partially at mezzanine level. It would be spread across three separate open plan units. The total floorarea would be 686m² (GEA) or 604m² (GIA).

2.6 A landscaped courtyard space would be created at ground floor level which can be accessed from Georgiana Street. The landscaped area would be limited to 2 or 3 trees and some small planting beds.

2.7 The proposal would provide 75 cycle spaces for the residential element of the scheme and 7 for the commercial. This would be provided at ground level within the main block, within the courtyard and in the Fleet Trunk Sewer.

2.8 The plant equipment is proposed within the ground floor of the main block fronting Georgiana Street. The resulting affect is that a large section of the Georgiana Street frontage would have metal louvred panels and doors.

Revisions

2.9 Revised plans and elevations were received on 06/05/2016 which attempted to address Officer's concerns with the scheme. A number of minor alterations were made including: additional bays and balconies were added on the Georgiana Street elevation; windows and the private amenity space to the rear of the main block were altered; a recessed balcony was replaced with a projecting balcony; brick recesses were added to the western elevation of the main block; a green roof was added; the external treatment of the 5th floor of the main block was articulated and the wall was revised to run parallel with the main external wall.

2.10 A viability addendum was submitted on 18/05/2016. The report adopts an Existing Use Value plus premium approach. The revised viability benchmark was £6,180,000 and by subtracting this from the Residual Land Value it would result in a scheme surplus of £917,310. Subsequently, the report confirmed that the additional surplus could be used to secure 3 more affordable housing units. The revised affordable housing offer was supported by a proposed accommodation scheme dated 17/05/2016 which confirmed that 16 affordable units would be provided in the form of 7 affordable rent, 2 social rent and 7 shared ownership units.

2.11 Throughout the application various documents and supporting evidence was submitted to be considered by the Council's Sustainability Officer. This includes PV roof plans, a bat roost assessment, a SuDS report, flood related comments, air quality technical notes and other details.

3.0 Land Use Principles

Existing situation

3.1 The site currently provides 884m² of Class B1a office accommodation and 253m² of B8 storage/warehouse floorspace and was occupied by EDF Energy as a depot for storage of materials with ancillary workshop and offices until October 2015. It also includes a large servicing yard of over 750m². The site accommodates low level office and storage buildings and vehicle parking. It is considered that the site is suitable for continued employment use given its good access to the strategic road network and the canal, and has the capacity to accommodate delivery vehicles.

3.2 Limited detail has been provided as to why EDF vacated the site. The employment space was in active use for decades as evidenced by the Certificate of Lawfulness granted under PEX0000739. It is understood by Officers that EDF moved from the site so staff could be amalgamated into other EDF sites elsewhere.

3.3 Details regarding the size and quality of the space are limited and the applicant's submission contains contradictions. The Planning Statement states that:

"it is evident that the existing buildings on site fail to meet the requirements of prospective tenants which is evidenced through EDF seeking alternative accommodation within London and the site's current vacancy. This is due to age, construction, fit-out, limited disabled access, floor plate inefficiencies, poor thermal conditions, and inadequate cross ventilation. Accordingly the existing buildings no longer meet modern occupier requirements. In that respect the existing buildings suffer from a number of fundamental deficiencies which means demand for office accommodation of this type is redundant".

It goes on to claim that:

"The space has become vacant due to the current occupier seeking replacement office accommodation elsewhere within London and it would appear unlikely that the buildings in their current condition would be successfully let. Nor is there any viable prospect of improving the building for continued employment use."

3.4 The above statements are in contrast to the 'Report & Valuation' by Savills in May 2016, which forms appendix 1 of the Viability Addendum Report from BNP. Paragraph 4.1.2 states:

"We note that the property appears to be in fair condition throughout although the offices would benefit from refurbishment prior to any re-letting and the yard may require a degree of maintenance work."

Savills' Existing Use Valuation demonstrates that existing office use remains feasible and viable on this site which contradicts the claims made in the Planning Statement.

3.5 There are no further details regarding the building's condition other than the office use has a poor layout with some areas having limited natural light. This situation could be improved by removing partition walls and inserting rooflights and windows into the building as part of a refurbishment. The Council has not been provided with any condition surveys so that it can properly assess the quality of the existing employment space along with the level of refurbishment required to bring it up to modern standards.

Loss of existing employment space

3.6 Paragraph 19 of the NPPF sets out that the Government:

“is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system”.

3.7 London Plan policy 4.2 (c) outlines that local authorities should:

“encourage renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility”.

3.8 It also expects the provision for a mix of employment facilities and types.

3.9 Policy CS8 seeks to safeguard existing employment sites and premises in the borough that meet the needs of modern industry and other employers. Policy DP13 states that the Council will retain land and buildings that are suitable for continued business use and will resist a change to non-business use unless:

a) It can be demonstrated to the Council’s satisfaction that a site or building is no longer suitable for its existing business use; and

b) There is evidence that the possibility of retaining, reusing or redeveloping the site or building for similar or alternative business use has been fully explored over an appropriate period of time.

3.10 CPG5 (Town Centres, Retail and Employment) provides details on assessing whether loss of employment land uses would be acceptable. Camden has a very restricted supply of sites and premises suitable for light industrial, storage and distribution uses. This means that there is a high level of demand for the remaining sites and that the majority of sites are well occupied and able to secure relatively high rents as long as they have good access and separation from conflicting premises.

3.11 CPG5 identifies three main categories of business/employment sites and premises in the borough. Category 1 sites typically provide the highest quality purpose built accommodation with clear and high ceiling heights, access for large delivery and servicing vehicles and are predominantly single storey premises. Category 2 sites are those with good access for servicing and delivery, have clear and high floor to ceiling heights (3-5m) and level access – normally ground floor, limited number of upper floors with goods lift access. Category 3 sites are typically small, isolated premises with poor access - narrow streets, small doors, steps, no goods lifts and little or no space for servicing.

3.12 Category 1 sites are rare in Camden and will always be protected. Category 2 sites are more common in Camden and will be protected unless there is very strong marketing evidence to show that they are no longer suitable. Category 3 sites are heavily compromised and may not be suitable for continued industrial use when they become empty or need significant investment, although they could be suitable for office B1(a) space.

3.13 As stated in para 3.5 (above) the offices appear from the plans to be highly cellular as they are broken into a number of small rooms by partition walls. Modern occupiers typically prefer open plan office layouts. Officers consider that these could be upgraded in order to secure tenants.

3.14 The submitted documents do not comment on the B8 space in any detail. Upon inspection, the site contains characteristics attributed to category 2. The site is afforded good access for delivery and servicing vehicles both into and around the site, although it is noted that the now vacant buildings would require investment for prospective tenants. CPG5 (para 7.14) recognises that many industrial buildings only require a small amount of investment to maintain them or to bring them back into a reasonable condition. As long as the site has good access other factors, such as the age of a building, are irrelevant for most occupiers as the specification for an industrial unit has not changed in

many years.

3.15 The site is located close to the Kings Cross development area and is considered suitable for continued business use due to its location, accessibility and this is made clear in the Site Allocations Document. Where sites are suitable for continued business/employment use, the Council (Policy DP13 and CPG5) will consider redevelopment proposals for mixed use schemes provided that the level of business/employment floorspace is maintained or increased; they include other priority uses, such as housing and affordable housing; premises suitable for new, small or medium enterprises (SMEs) are provided; floorspace suitable for either light industrial, industry or warehousing uses is re-provided where the site has been used for these uses or for offices in premises that are suitable for other business uses. A key element for the Council is ensuring that the proposed spaces are suitably attractive.

3.16 The proposed development would provide 686m² (GEA) or 604m² (GIA) of dedicated office floorspace B1a and there would be no re-provision of B8. The office accommodation would be spread across 3 open plan units. The Planning Statement mentions that the space is designed to be flexible so it could be subdivided into individual units for business start-ups or SMEs. No details over how this would work along with the quantum or location of this space has been given or details as to whether any of it would be affordable workspace. Therefore, no assurance around the affordability and suitability of the space for start-ups or SMEs of a scale who could be easily accommodated within the 3 units has been given. The office space includes a mezzanine level above the ground floor wheelchair unit. The mezzanine floor has an area of 107m². The floor to ceiling height of the mezzanine floor is unknown as accurate sections have not been provided. The ground floor office area within the northwest corner of the site would have a poor provision of light, with only a glazed doorway and a window facing the courtyard which would likely be overshadowed due to its northern aspect and the built form of the building surrounding it. There would also be two rooflights within the roof. Based on the above factors, it is considered that this part of the building would provide a poor provision of office space due to the poor level of outlook and access to sunlight and daylight. The site redevelopment also takes no account of the existing service yard area when calculating the quantum of workspace lost. The yard, which is over 750m², currently serves an essential ancillary function to the existing employment space and this would not be maintained as significant contribution to the employment function. Officers consider that this service yard is an asset which currently increases the viability of ongoing employment use, so its loss would be detrimental to the site and no justification or alternative has been provided.

3.17 The proposal would result in a loss of 533m² of employment space. This would include the loss of 226m² of B8 floorspace, which is in very short supply within the borough. A sufficient justification for this loss has not been given and the replacement office space is not only inadequate in terms of its quantum, but also the quality of the space. The Council would require a greater quantum of employment floorspace and assurance that any employment floorspace provided would be flexible and targeted to meet local employment accommodation needs. It is likely that space of this size would need to include some affordable space in order to be attractive to small businesses. The loss of this significant level of employment space is considered unacceptable as it is contrary to Council policy which seeks to retain land and buildings that are suitable for continued business use.

Proposed residential use

3.18 The application proposes 46 residential units (18 x 1 bed, 19 x 2 bed and 9 x 3 bed). The principle of residential development on this site has been made clear in the site allocation guidance which states that development will be expected to “*optimise the potential of the site to provide new housing (including affordable housing)*”. The provision of additional residential floorspace within the borough is strongly supported by policies CS6 and DP2, which highlight the need to maximise the supply of housing. In light of the priority given to the delivery of a significant number of new dwellings (particularly on underused brownfield sites), the principle of the redevelopment of the site to include housing is supported.

Housing density

3.19 London Plan Policy 3.4 sets out the considerations for determining appropriate density levels for sites. Policy CS1 seeks to encourage higher densities in appropriate locations and supporting paragraph 1.23 states *“the Council will expect densities towards the higher end of the appropriate density range in the matrix unless it can be demonstrated that the specific circumstances of a development mean this is not appropriate.”*

3.20 Using Table 3.2 (density matrix) of the London Plan the local built environment characteristics are identified as ‘urban’ and the site has an excellent PTAL rating of 6a. The proposed development would provide a total of 46 units across a site footprint of 0.181ha (1,810m²). The residential floorspace makes up 86% of the total floorspace with the remaining being employment. The density calculation has therefore been based on this being a mixed use scheme which equates to a density of 295 units/ha or 828 habitable rooms/ha (the density calculation is based on 86% of the net site area). This exceeds the range specified for urban settings which indicates that the proposal has a high density for its location. While a high density of housing is not necessarily an issue in its own right, it does result from a low provision of employment space and a built form of a height and scale that is much larger than its immediate surroundings.

4.0 Housing Mix, Unit Size and Quality of Accommodation

Housing Mix

4.1 The proposed development would comprise 30 market units and 16 affordable flats. The affordable flats would comprise of 7 affordable rent, 2 social rent and 7 shared ownership units as detailed in the table below. Policy DP5 seeks to provide a range of unit sizes to meet demand across the borough. In order to define what kind of mix should be provided within residential schemes, policy DP5 includes a Dwelling Size Priority Table (small units are described as studio, 1 & 2-bed, with large units being 3+bed units). A scheme of this size should meet the priorities outlined in the Dwelling Size Priority Table in full.

Housing Mix Table					
	1 bed	2 bed	3 bed	4+bed	Total
Market rent	11	12	7	0	30
Affordable rent	1	6	0	0	7
Social rent	0	0	2	0	2
Shared ownership	6	1	0	0	7
Total	18	19	9	0	46

4.2 Policy DP5 seeks the provision of at least 40% of market units to contain 2 bed homes, which are in very high demand and 50% of social rented units to be family sized units (3bed+). For intermediate units the priority is for 1 and 2 bed units given the high land values in Camden which render larger intermediate properties unaffordable.

4.3 In terms of the mix of market housing, it is heavily dominated by smaller units including 11x1 bed units (36.7%) which are of a lower priority in the Dwelling Size Priority Table. Furthermore, there is a significant shortfall in the number of large units provided with only 7x3 bed units (23.3%) and no 4 bed or more units. Large units have a medium priority in the borough and this has not sufficiently been accounted for. Due to the site’s location on the canal and near other areas of open space, it is considered that it would be suitable for larger homes and family units. Therefore, the market housing does not contribute to meeting the priorities set out in the Dwelling Size Priorities Table and would fail to provide an adequate mixture of unit sizes.

4.4 For the social and affordable rent units the Council seeks at a very minimum to secure 50% as large (3bed+) units and to have these at target rent levels. The proposed development would only

provide 2 of these units (22%) as large (3bed+) flats. The social and affordable rent units would therefore fail to provide an appropriate mix of large and small homes in line with the Dwelling Size Priorities Table.

4.5 Shared ownership units are not supported by the Council, which is discussed further below, as they are becoming increasingly unaffordable in the borough. The Council prefers intermediate rent units. It is noted that the proposed shared ownership flats would be 1 and 2 bed. Smaller units in the intermediate tenure are encouraged as costs are kept lower than larger units.

4.6 Based on the above, the proposal would fail to contribute to the creation of mixed and inclusive communities contrary to policies CS6 and DP5. It would also conflict with London Plan policy 3.8 which requires new developments to offer a range of housing choices, including a mix of housing sizes and types.

Unit size

4.7 The Department of Communities and Local Government (DCLG) released nationally described space standards in March 2015. The minimum gross internal floor areas are set by the number of bedrooms and bed spaces/occupiers in each dwelling. Table 1 - Minimum gross internal floor areas and storage (m²) of the national space standards is copied below:

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) ²			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

4.8 The development consists of 1 bedroom 2 person, 2 bedroom 3 person, 2 bedroom 4 person and 3 bedroom 5 person units. The 1 bedroom units would provide at least 50m² of gross internal area (GIA); the 2 bedroom 3 person units would have a GIA of 62m²; the 2 bedroom 4 person units would be at least 70m² and the 3 bedroom 5 person units would provide at least 86m² of GIA. The above relates to all units over all tenures and has been taken from the 'Proposed Schedule of Accommodation' dated 17/05/2016. Based on the submitted information, the proposal complies with the standards set out in the national document.

Quality of accommodation

4.9 Policy 3.5 of the London Plan promotes high quality design of housing development that takes into account its physical context, local character, density, tenure and land use mix and relationship with, and provision for public, communal and open spaces taking into account the needs of children and older people. Policy DP26 requires residential developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes, amenity space and an internal living environment which affords acceptable levels of sunlight, daylight, privacy and outlook.

4.10 The residential units are located within various parts of the site with the applicant identifying 3

blocks – A (southwest), B (southeast) and C (north). A ground floor affordable rent wheelchair unit would be provided within a single storey link. This would be accessed by a ramp from the main courtyard. The remainder of the units are split between 3 main cores with stair and lift access. The 5 storey block (Block C) in the north-western corner of the site would be accessed from the courtyard and contain 18 market units over all floors. The south-western area (Block A) of the site is accessed from Georgiana Street and contains 6 affordable rent units (not including the wheelchair accessible unit) and 2 social rent units over floors 1-4. The south-eastern block (Block B) is accessed from the undercroft. It would provide a mixture of market (12) and shared ownership (7) units over floors 1-5.

4.11 Layout, ventilation, ceiling heights – The general layout of the units is acceptable providing functional and practical spaces. The ceiling heights of the residential spaces are over the 2.4m minimum standards within CPG2 (Housing). All of the units have openable doors and windows so would benefit from natural ventilation.

4.12 Daylight and sunlight – The application includes a Daylight and Sunlight Report assessing the impact of the proposal on existing units. Paragraph 1.5 of the report states that the proposed accommodation demonstrates that all rooms will achieve the recommended minimum Average Daylight Factor (ADF) however this is the only reference to the levels of daylight expected for the proposed units. An application of this nature would normally include other sequential tests such as Vertical Sky Component (VSC) and the Annual Probable Sunlight Hours (APSH) in accordance with the requirements set out in the Building Research Establishment (BRE) Site Layout for Daylight and Sunlight – A Guide to Good Practice (1991). It is therefore considered that the applicant has not sufficiently demonstrated whether the proposed units would gain an adequate provision of daylight and sunlight.

4.13 Outlook and aspect – The canal frontage faces the northeast and the Georgiana Street frontage to the southeast. The other aspects are southwest towards Royal College Street and to the northwest and southeast overlooking the courtyard of the site. 36 of the 40 units would be dual aspect. The 4 units that would be single aspect are southeast facing and contain 1 bedroom. While these units might be acceptable, a number of others across the development would fail to provide an adequate level of light and/or outlook:

- **A001:** The wheelchair accessible unit would have a north-eastern aspect facing the courtyard to the front and a rear aspect that would be enclosed on all sides, with a setback of only 3.2m (maximum) to the rear boundary wall. This unit would be likely to have a poor provision of light and outlook.
- **C001:** The ground floor unit would have two northwest windows facing towards a boundary wall only 3.4m away and two northeast facing windows that would lie under an external balcony on the floor above.
- **C002:** This unit would be dual aspect, however, the main aspect would be northeast facing (with a balcony above partially blocking light and outlook) with the other towards the courtyard within the proposed development that would be likely to be dark and overshadowed by its own built form.
- **A101:** Screening would be required around the private terrace which would restrict outlook from the rear windows and private terrace.
- **A102:** Screening would be required around the adjacent communal garden which would impact on the rear windows and private terrace. The bedroom window in particular would suffer.
- **B104:** The unit's main aspect is northwest facing. A small side window and terrace is proposed on the southwest elevation, however, the quality of this window and terrace would be impacted on by a side wall immediately adjacent to it and a privacy screen. The level of light and outlook would therefore be limited from the additional aspect.
- **B204, B304 and B404:** The side (southwest facing) window of these units would provide little benefit in terms of light and outlook due to its size, location and relationship with the building and adjacent terraces.

4.14 Amenity space – Camden Planning Guidance 2 - Housing (CPG2) states that all new dwellings

should have access to private outdoor amenity space (e.g. balconies, roof terraces or communal gardens) wherever practical. The Mayor's Housing Supplementary Planning Guidance sets a minimum of 5m² of private outdoor space for each 1-2 person dwellings and an extra 1m² for each additional occupant being provided.

4.15 No details as to whether C001 and C002 would have external space are provided. The rear garden to A001 would be enclosed on all sides and would provide an external space of poor quality. A first floor communal roof garden is proposed in the affordable housing block (Block A). This garden would be north-facing and overlooked by a number of the surrounding terraces and units, both adjacent to it and above. In particular it would be overlooked by a bedroom window of unit A102 and its private terrace, the private terrace of A101 and the private terrace of C103. Other terraces would be compromised by overlooking and potential levels of screening that would be required including the rear terraces to A101 and A102 and the side terrace to B104. Within the affordable housing block in particular (Block A) and parts of blocks B and C, more opportunities should have been taken to provide external amenity space within the southern aspect. This could have partly been achieved by creating further recessed balconies on the Georgiana Street elevation. Furthermore, the affordable housing block does not benefit from direct access out into the main courtyard. This would limit their access to the open space.

4.16 Amenity of proposed units – The impact of the proposed units on the amenity of each other in terms of overlooking and privacy would be unacceptable in a number of areas of the proposed development contributing to the poor quality of living accommodation proposed. The main issues are listed below:

- The communal roof garden on the first floor of the affordable housing block (Block A) would be immediately adjacent to a private terrace and habitable windows serving a bedroom and living room of units A101 and A102 as well as a terrace and side window serving a living room of B104. The proximity, siting and size of this terrace would be likely to cause high levels of overlooking, noise and general disturbance, as well as poor levels of privacy to the prospective occupiers of those units. The bedroom window of A102 would be most impacted on due to its proximity to the communal roof garden. Any screening put in place to prevent overlooking would completely obliterate its outlook, leaving the room with no aspect.
- The relationship between the rear bedroom and living room (northwest facing) windows and terrace of A101 and the terrace and side window of B104 would be poor. The side wall and privacy screen attached to the terrace at B104 would impact significantly on the outlook of the bedroom window at A101, which would be the only window serving that room.
- The side (southwest) facing windows serving the living rooms of units B204, B304 and B404 would have a poor relationship with the proposed balconies at A201, A301 and A401 (i.e. the window on each floor would have overlooking and privacy impacts with the adjacent balconies on the same floor).
- The balconies and windows of the units within the northwest facing elevation of blocks A and B would potentially have overlooking issues with balconies and windows on the southeast facing elevation of Block C. The balconies of units A202, A302 and A402 would be within 18m of the balconies at C203, C303 and C403; the balconies serving A201, A301 and A401 would be within 18m of bedroom windows at C203, C303 and C403; the living room windows and balconies of B204, B304 and B404 would be within 18m of bedroom windows at C202, C302 and C402; the bedroom windows of B204, B304 and B404 would be within 18m of living room windows at C202, C302 and C402 and the bedroom windows of B201, B301 and B401 would be within 18m of balconies at C202, C302 and C402. Paragraph 7.4 of CPG6 (Amenity) requires a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. This minimum requirement is the distance between the two closest points on each building (including balconies).

4.17 Overall, a number of the proposed units would result in substandard living accommodation for its perspective occupiers and a substandard quality of life due to poor outlook, access to light, the quality of external amenity space, overlooking and a lack of privacy. This would be contrary to policy DP26

which requires new developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space and external amenity space.

Access and inclusive design

4.18 New build residential developments must comply with the access standards in Part M of the Building Regulations. This includes parts 1 (Visitable dwellings), 2 (Accessible and adaptable dwellings) and M4 (3) wheelchair user dwellings. The Council expects all new build housing development to go above the minimum mandatory Building Regulations with a requirement to also meet Building Regulations part M4 (2); and in this case for 10% of the units to meet part M4 (3) (wheelchair housing). This is applied to new build housing providing 10 or more units as required by policy DP6 and London Plan policy 3.8 (Housing Choice).

4.19 The proposed development would only include one M4 (3) wheelchair accessible unit. There would need to be at least four to be policy compliant. While the development would be car-free, the London Plan requires one car parking space per M4 (3) unit so the proposal should be providing at least 4 accessible car parking bays. The proposal does not include a car parking space for the solitary wheelchair accessible unit.

4.20 Many of the doors in the development do not appear to have a 300mm nib on the leading edge of the door. The extra width created by this nib should be maintained for a minimum distance of 1200mm beyond it but also the depth of the reveal on the leading side if the door is a maximum of 200mm.

4.21 Neither the M4 (3) or the M4 (2) units are showing that there is the potential to fit a level access shower. They are all showing baths. The kitchen and bathroom spaces in the M4 (2) units do not appear capable of being wheelchair accessible. Even if the units are installed as wheelchair adaptable they should be capable of being made into wheelchair accessible units if needed in the future without the need to move or change structural walls, stacks or concealed drainage.

4.22 The units do not all appear to have the amount of furniture required by Appendix D (Furniture schedule) of Part M of the Building Regulations. This may mean that their clear spaces and turning circles would be compromised.

4.23 The lack of wheelchair accessible units proposed would form a further reason for refusal, contrary to policy DP6.

5.0 Affordable Housing

5.1 Under London Plan Policies 3.8, 3.10, 3.11 and 3.12, Camden Policies CS6 and DP3 and CPG2 (Housing), the borough seeks to maximise affordable housing provision with a contribution towards affordable housing being sought in development schemes providing 10 or more units.

5.2 Policy DP3 introduces a sliding scale for developments between 10 units and 50 units. The 50% target operates on a sliding scale for housing developments, subject to the financial viability of the development, with a norm of 10% for 1,000m² of additional housing and 50% for 5,000m² of additional housing, considered to be sites with capacity of 10 dwellings and 50 dwellings respectively. Therefore, in accordance with Policy DP3 a 46% contribution (based on the site having a capacity for 46 units) is required towards affordable housing. In line with the requirements of the policy, the provision of affordable housing is expected on-site. A policy compliant scheme would need to provide 2061m² of affordable housing.

5.3 Core Strategy policy CS6 sets a target mix of 60% social rented and 40% intermediate tenure for affordable housing provision within the borough. Camden's supporting planning guidance suggests 50% of dwellings within the social rented section be three or more bedrooms and 30% with two bedrooms.

5.4 The scheme has been revised to provide 16 affordable units and 30 market units which equates to 33% by total floor area which is a deficit of 13%. The shortfall would be 575m² which is capacity for at least 6 further units.

5.5 The tenures for the affordable housing units include 2x social rent, 7x affordable rent and 7x shared ownership units. This equates to a tenure split of 56%/44% social/affordable rent to shared ownership on a unit basis. The split is 63%/37% on a floor area basis.

5.6 Shared ownership (where occupiers purchase a share of the property and pay rent on the remaining equity) is becoming increasingly unaffordable in the borough as property prices are extremely high and rising. The Council therefore does not support this tenure as it is not affordable for people on incomes of £30,000-£40,000, which is the starting point for Intermediate Rent. The basis for this position is set out in the Council's Intermediate Housing Strategy (IHS), adopted in March 2016. The IHS sets out the Council's priorities for Intermediate Housing and includes details of how the Council plans to secure the strategy through planning. It complements current policy, emerging local plan policy, supporting planning guidance (CPG2) and will be used as the basis for adding clarifications and alterations to planning policy and guidance.

5.7 The IHS and Camden policy identify Intermediate Rent as the preferred intermediate tenure, and Officers are disappointed that shared ownership units have been put forward as part of the offer. It is also noted that the shared ownership and market units would be sharing the same block and core of the building (Block B). This would mean that those shared ownership units would share the same costly service charges that the private units would pay, which could make the units even more unaffordable and only suitable for those with higher incomes.

5.8 The affordable offer is poor in terms of the unit mix due to a lack of large units (see para. 4.1-4.6 above) and the quality of the accommodation provided (see para. 4.9-4.17). Based on the above, the affordable housing provision proposed falls well short of the policy requirements in terms of quantum, tenure and the quality of the units. No information has been submitted regarding the percentage of the equity that would be sold for the shared ownership units along with the rent levels on remaining equity and the target rent levels for the social and affordable rent units. The applicant has been made aware of the unacceptable nature of shared ownership units. The composition of the applicant's affordable housing offer has not demonstrated that it would be affordable and is therefore unacceptable.

Viability

5.9 Policy DP3 states that the Council will negotiate the development of individual sites to seek the maximum reasonable amount of affordable housing and in doing so will take into account the economics and financial viability of the development including any particular costs associated with it. Paragraph 173 of the NPPF imposes an obligation on Councils to ensure viability when setting requirements for affordable housing.

5.10 The application is accompanied by a viability assessment produced by BNP Paribas (BNP), which has been submitted on a confidential basis in connection with the proposed scheme to attempt to justify a lower affordable housing provision on-site. An initial report dated 25/02/2016 relied upon an Alternative Use Value (AUV) for the benchmark land value. The original AUV assumed delivery of 10 large houses together with 1135m² (GEA) of B1a office space and a scheme deficit of -£698,898. Despite the deficit the applicant was willing to provide 13 affordable units at this stage in order to assist with the promotion of the scheme. Following feedback from Officers that the proposed AUV was not policy compliant, as it would not maximise development potential due to the low density of housing, the applicant produced an addendum to their viability assessment on the 23rd of March. The addendum included a revised AUV scheme appraisal for 21 residential dwellings and 2,717m² of B1a office space. The revised AUV indicated that a surplus of £102,794 (based on the proposed affordable housing provision) would be created, which was not considered sufficient to provide any further affordable units on-site. Officers consider that the amended AUV is similarly not policy compliant as it

would still fail to optimise housing potential.

5.11 An AUV is not considered to be an appropriate benchmark land value in this instance. The site is subject to an up to date Site Allocations Local Plan and an AUV would only be acceptable if it complied with the Plan. The allocation states that development is expected to optimise housing potential. Both of the AUVs put forward (involving 10 and 21 units) are not considered to maximise development potential and there is a disparity between proposing 10 large houses/21 units compared to the application scheme of 46 units. The AUVs do not accord with policy and would not come forward as they are not realistic. An AUV also needs to be both commercially and legally feasible and consistent with the NPPF in that the development would provide competitive returns to a willing land owner and developer to enable the proposal to be deliverable. Based on the above, the applicant was advised to amend the benchmark land value to an Existing Use Value (EUV) plus a premium. Such an approach is generally recognised by many Local Planning Authorities and the Greater London Authority as the standard recognised basis for establishing viability as it clearly defines the uplift arising from the grant of the planning consent sought.

5.12 A further addendum was submitted on the 18th of May which included an EUV of the benchmark land value with a landowner premium of 20%. The resulting analysis indicated a surplus of £917,310 which could be used to secure 3 additional affordable housing units providing a total of 16.

5.13 The viability assessment addendum has been independently assessed by a viability expert (BPS Chartered Surveyors) for the Council. They produced a report dated 30/05/2016 which concluded that the applicant has not sufficiently demonstrated that the proposed scheme (with 33% affordable housing) maximises affordable housing delivery. The analysis within the report is summarised below.

Benchmark land value

5.14 The EUV has been estimated at £5,150,000 by Savills within their Report and Valuation dated May 2016 which is attached as Appendix 1 to the Viability Assessment Addendum dated 18/05/2016. The report from Savills includes little supporting evidence of the condition of the existing site, such as a condition survey, which creates uncertainty over whether the valuation is realistic. As discussed earlier within the report the valuation is inconsistent with the Planning Statement which claims that the site has *“a number of fundamental deficiencies which means demand for office accommodation of this type is redundant”*. Therefore, it is unknown whether these deficiencies have been adequately reflected in Savills EUV. Savills have made an assumption in their valuation that no contamination is present which appears to be unrealistic given an environmental report submitted with the application deemed that the property has not “passed” with the report recommending “further action”. Finally, the Energy Performance Certificate (EPC) rating for the property is E, which is relatively inefficient. From 2018 buildings that have a rating below this will not be lawfully lettable. This inefficiency would either need to be rectified by undertaking improvement works or alternatively factored into the rents and yields to reflect the lower appeal (to occupiers and investors) of energy-inefficient office buildings.

5.15 BPS considers the net yield of 5.04% is optimistic for a building of this quality. BNP (on behalf of the applicant) adopted a 5.5% gross yield for the proposed offices and BPS would expect a considerably higher yield for the existing space than for the proposed space. Given the uncertainties over the buildings current condition, BPS considers that it is difficult to give a definitive view upon the suitable yield to apply. They have adopted a yield of 6.5% at this stage based on the assumption that sufficient levels of refurbishment works are undertaken.

5.16 No evidence such as surveys and a refurbishment cost plan has been provided to support the estimate of the refurbishment costs at £50 per ft², which total just under £600,000. This is considered to be relatively low given that the building has been identified as needing substantial refurbishment and would need internal reconfiguration. Therefore, it has not been satisfactorily demonstrated that this refurbishment cost is reasonable. BPS increased the estimate to £75 per ft² to reflect that refurbishment costs are likely to be considerably higher.

5.17 Based on the above the EUV put forward has not been appropriately justified. By adjusting Savills yield to 6.5% and increasing the refurbishment costs to £75 per ft² as suggested by BPS, the EUV reduces from £5,150,000 to £3,570,000.

Development values

5.18 BPS undertook market research and analysed the market research provided by BNP. They increased the value of all units by 6% in accordance with their findings. In their experience, water views demand a significant premium in the open market so all units with a canal view were further increased in value. These adjustments generated close to £2,000,000 in additional value.

5.19 Within their viability report, BNP used a bespoke appraisal model to value affordable housing. They failed to provide detailed valuations and details of the assumptions (including yields and initial shares) used in the valuations as part of the assessment. In addition, the assumed percentage of sold equity (i.e. share of the units bought), rent on unsold equity and the capitalisation values for the shared ownership units are not stated within the BNP appraisal. The total value from affordable housing revenues in BNP's appraisal is £3,290,000. Due to the lack of details regarding their affordable housing valuation, the Council is unconvinced that their estimated capital values are realistic. BPS undertook a valuation of the affordable housing by using a model that has recently been created by a leading housing association. Overall, BPS generated a total of £5,458,522 which is a further £2,170,000 more in affordable housing revenues.

Developer's return

5.20 Once increases to private sales values and affordable housing values are implemented along with the reduction to the benchmark land value (EUV), the scheme would show a substantial surplus from which further affordable housing contributions could be made.

Conclusion

5.21 The provision of affordable housing is well under the Council's policy requirements in terms of quantum, tenure, unit mix and quality of accommodation. The applicant has attempted to justify the insufficient quantum of affordable housing through a viability assessment which has been subject to an independent review by viability consultants BPS. The findings indicate that the benchmark land value (EUV) and the developer's return (through both private and affordable housing values) have not been appropriately justified. Further information is required for a proper analysis, however, BPS consider that the scheme is showing a substantial surplus with the proposed level of affordable housing and that a greater quantum could be provided on-site. Therefore, Officers consider that the proposal has failed to demonstrate that the maximum reasonable amount of affordable housing has been achieved.

6.0 Design, Conservation and Heritage

6.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, with respect to any building or other land in a conservation area, *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.

6.2 The NPPF (paragraphs 17, 56 and 57), the London Plan (Policies 7.1 to 7.8) and Camden's Core Strategy (Policies CS14, CS17), Development Policies (DP24) and Camden Planning Guidance (CPG1) place great emphasis on conserving heritage assets in a manner appropriate to their significance and the importance of good design. CPG1 seeks "excellence in design" in Camden. Policies at all levels require buildings, streets and spaces to respond in a manner which promotes inclusive and sustainable development and contributes positively to the relationship between urban and natural environments and the general character of the location.

6.3 Bangor Wharf is located within the Regent's Canal Conservation Area. The site is prominent in views from the towpath and the canal bridge (Gray's Inn Bridge) along with views east along Georgiana Street. The current buildings occupy a two-storey frontage to Georgiana Street with further development setback within the site. The site presents an opportunity to enhance the character and appearance of the conservation area through a sensitively-designed and high quality development. The Regent's Canal Conservation Area Appraisal and Management Strategy states that *"the depot site adjacent at Bangor Wharf provides an excellent opportunity for enhancement"* with the yard's granite setts being recognised as worthy of retention/reusing and the canal dock an area that could be enhanced. It goes on to mention that *'much of the special character of the area is derived from its industrial past, which has produced an historic canal side building typology that tends to turn its back on the canal. The design of new buildings should positively address the canal side, whilst striking a balance with its established historic character'* (p.25).

6.4 The surrounding area contains locally listed buildings at 120-136 and 140-142 (even) Royal College Street located on the western boundary of the site. The butterfly roofs of these buildings are visible from the canal. On the opposite side of Royal College Street the buildings at 165-181 (odd) are grade II listed. Two positive contributors to the conservation area, the Eagle Wharf building at 146 Royal College Street to the northwest and the Constitution Pub at 42 Gray's Inn Bridge to the east, are located within close proximity to the site with Eagle Wharf lying adjacent on the canal frontage.

6.5 The site allocation document sets out key design parameters that any proposal on this site is expected to conform to. These include:

- providing an active frontage to Georgiana Street and the canal towpath;
- being of a form and scale which is appropriate to the open character and appearance of this section of the Regent's Canal Conservation Area and to surrounding listed buildings;
- ensuring that the design and layout of the development responds positively to its canal setting, and contributes to the biodiversity and green nature of the canal.

Demolition of existing buildings

6.6 The existing buildings are not considered to have any particular architectural merit and based on the guidance from the Regent's Canal Conservation Area Appraisal and Management Strategy and the site allocation document, the demolition and the redevelopment of the site is considered acceptable in principle.

Height and massing

6.7 The proposed buildings would be materially greater in height, scale and massing than those within its immediate and surrounding context. Development of this level would only be suitable subject to an exemplary design using careful consideration of the characteristics of the site, features of local distinctiveness and the wider context in order to achieve high quality development which integrates into its surroundings, in accordance with policies DP24 and DP25. The proposal is not considered to achieve sufficiently high quality design which mitigates the impact of the additional height and massing, which is otherwise considered to be excessive in relation to the surrounding context. Therefore, the proposal would be contrary to policies CS14, DP24 and DP25 by causing significant harm to the character and appearance of the neighbouring buildings, local area, Regent's Canal Conservation Area, the canalside setting and the streetscene.

6.8 The affordable housing block (Block A) fronting Georgiana Street is considered to have the appearance of excessive massing with a poor relationship in terms of an increased scale with relation to the neighbouring building at no. 54. Opportunities to break down the massing of this block by creating recesses, voids, breaks in the parapet line and so forth have not been taken.

Architectural detailing

6.9 Wharf/warehouse buildings are typically identified by their simple geometric forms and brick

detailing. The use of brick as the dominant facing material to respond to the local architectural vernacular is therefore considered acceptable, as is contemporary architectural expression that is influenced by the industrial heritage of the site. The proposal has not preserved and enhanced positive elements of local character, respected the character and appearance of the local area and neighbouring buildings or reinforced distinctive elements which create character. Some of the reasons that the proposal would fail to result in a high quality detailed design include:

- a lack of articulation, depth and relief to the brick detailing and other features within the elevations to provide visual interest, definition and legibility to the architecture of the buildings.
- the buildings fail to respond convincingly to the distinctive characteristics of local canalside industrial heritage
- the inconsistent use of materials undermines clarity of architectural expression
- the 5th floor would be incongruous and visually prominent in long views due to its design and architectural treatment

Georgiana Street frontage and gates

6.12 Approximately one third (11.4m of the 30.2m) of the ground floor frontage to Georgiana Street is composed of the entrances to the plant room, a residential refuse store and substation. These are blank and inactive frontages with openings formed from metal louvered panels and doors between inset brick panels. This would detract from the proposal's ability to create an active and visually interesting ground floor frontage. There is no reason that the plant needs to be located in this part of the building and alternative locations could be sought. Limited detail of the ground floor street frontages has been provided for the remainder of the elevation, including details of materials, stall risers, reveals and other features.

6.13 The inner faces of the ground floor frontage of the office (B1a) units that lie on either side of the courtyard entrance are almost entirely blank. This is a further missed opportunity to provide visual interest and overlooking of the street and an attractive and welcoming entrance to the courtyard from the street. A more visually attractive and welcoming proposal would be to wrap the glazing around the entrance and into the undercroft leading to the courtyard.

6.14 The Georgiana Street elevation would include gates within the undercroft, one for vehicles and the other for pedestrians. Elevations of the gates have not been provided nor any detail as to when they would be closed and how they would operate. The inclusion of gates would further detract from the ability to provide an active and welcoming frontage. Gated developments are contrary to policies CS17 (Making Camden a safer place), DP16 (The transport implications of development) and DP29 (Improving access) and would contradict the site allocations document which seeks to promote an active frontage to Georgiana Street and the canal towpath. Developments should be designed to accommodate movements rather than act as closed blocks with a gated single entrance/exit point. The Council expects the design of new developments to be safe and accessible to all, to promote fair access and to not introduce barriers that prevent people from accessing facilities and opportunities. The courtyard would be utilised by both housing and employment uses and provide access to the canalside, which would be a quality open space. Based on the gate and the failure to provide an active street frontage, the proposed development would be disconnected from the local streetscene and the surrounding community, resulting in an inward-looking enclave which would fail to contribute to community safety and security and to promote social cohesion.

7.0 Play and Open Space

7.1 Camden's Core Strategy identifies areas with an under-provision of public open space as well as areas deficient in public open space. In these areas, the priority will be for the provision of public open space on site. Any other sites that would result in an increased demand for public open space

are also expected to provide public open space on site. The site does not fall within an area of Public Open Space Deficiency and is within 150m of Elm Village Open Space which includes play facilities for toddlers under 6, juniors 6-8 and older juniors 8-14 as well as the Urban Growth horticulture project.

7.2 The proposed development would provide private open space through 146m² of children play space (first floor roof garden of Block A) and 603m² of private amenity space for the units in the form of private balconies, terraces and a garden for the wheelchair unit. The overall quantum of private space is good but there are questions regarding its location and quality as discussed earlier in the report.

7.4 484m² of public open space would be provided through the main courtyard however this is currently gated so would offer limited public benefit.

7.5 CPG6 requires provision of new public open space for residential schemes and for commercial developments which provide a net increase in accommodation. According to figure 5 of CPG6 the scheme would require 760m² of public open space. As outlined above the courtyard fronting the canal would provide 484m² of publicly-accessible space. Under the current policy there would be a requirement to make a financial contribution on this shortfall if the residential demand brings pressure on public open space, which is not covered by Camden CIL. It is considered that the site has provided as much public open space as it can feasibly deliver. While there is a shortfall of space provided, there is significant local amenity space near the site including the Regent's Canal. The proposal would also provide well in excess of the 38m² of children's play space required.

8.0 Residential Amenity

8.1 Core Strategy policy CS5, Development Policy DP26 and CPG6 (Amenity) seek to ensure that the existing residential amenities of neighbouring properties are protected, particularly with regard to visual privacy, outlook, daylight and sunlight, noise and air quality. Policy DP26 states that the Council will only grant permission for development that does not cause harm to amenity.

8.2 The closest residential units to the application site are 54 Georgiana Street (west); 118-142 Royal College Street (west); 1-60 Reachview Close (north) and 40 (1-28 Knowles Wharf) and 42 St Pancras Way (east/southeast).

Daylight/sunlight

8.3 A Daylight and Sunlight Study Report by CHP Surveyors Limited has been submitted with the application. It provides an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties in St. Pancras Way, Royal College Street and Reachview Close based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide'. This includes an assessment of impacts on the site's residential neighbours.

8.4 Daylight has been assessed in terms of Vertical Sky Component (VSC), sunlight has been assessed in terms of Annual Probable Sunlight Hours (APSH) and overshadowing has been assessed against the above BRE guidelines.

8.5 The submitted daylight analysis demonstrates that 13 windows on Royal College Street would fail to achieve a VSC of at least 27% or 0.8 times the existing. These windows include 7 located on the ground floor, 5 at first floor and 1 at second floor level. Of these transgressions, 5 of the windows would also fail to achieve the minimum ADF. All of the affected windows would serve habitable rooms and they would be the sole source of light and outlook for the rooms they serve. Based on the findings of the daylight analysis and given that those properties would also be affected by a loss of outlook, overbearing impact and overlooking from the proposed development, it is considered those occupiers would experience a material loss of daylight and undue harm to their living conditions.

8.6 The daylight and sunlight analysis also shows that there would be a loss of daylight to a window on Reachview Close and some loss of sunlight and overshadowing to 40 St. Pancras Way and properties on Reachview Close. These issues add to the resulting harm that would occur to the residential amenity of surrounding occupiers.

Outlook

8.7 The proposed building fronting Georgiana Street (Block A) would be constructed against the blank gable of 54 Georgiana Street at a height of 3 storeys before stepping up to 5 storeys. Adjacent to the proposed blank elevation are residential properties at 118-120 Royal College Street. No. 118 lies within close proximity to the new building and has rear windows at first and second floor level which serve bedrooms. These windows would be directly impacted by the proposed 3 storey gable wall which steps up to 5 storeys. It is noted that the affected windows are the only aspect for the relevant bedrooms as approved under 2005/1266/P. The adjacent building at 120 also has rear windows that would be significantly harmed by the proximity and relationship with the new built form.

8.8 An existing building on-site runs along the western boundary shared with the rear garden of 54 Georgiana Street and the rear of the properties at 118-134 Royal College Street. The current building on-site measures as having a height of 5.05m above the garden/ground level of the properties to the rear and a maximum height of 6.08m above the ground level within the site according to the 'Courtyard North West Elevation and Section as Existing' view on drawing no. PL03 Rev P2. The proposed building would also run along the western boundary. It would be 3 storeys high adjacent to the blank gable at no. 54 before reducing to part two storey part single storey with a raised parapet. The proposed drawings are unclear, however, according to the submitted elevations the element running along the western boundary would have a maximum height of 8m which is a significant increase to the existing structure. The material increase in built form (up to 3m) along the boundary would result in a significant loss of outlook and a material impact by way of overbearing and increased sense of enclosure to the occupiers at 54 Georgiana Street and 118-132 Royal College Street. This is due to the material increase in height located immediately on the boundary of those properties.

8.9 The proposed 5 storey block (Block C) in the north-eastern corner of the site would have a maximum height of 17.77m and be located within 6.28m of the shared boundary with the properties at 126-136 Royal College Street (at the closed point). Due to the height and proximity of this structure to those adjacent properties, with their rear elevations approximately only 15m away, it is considered that the proposal would have an overbearing impact on those occupiers and result in a significant loss of outlook.

Overlooking and loss of privacy

8.10 The proposal includes first floor private terraces located near the western boundary which could overlook the adjoining properties at 54 Georgiana Street and 122-136 Royal College Street. These terraces serve units A102, C103 and C104. It is noted that screening could be included to reduce overlooking, however, the introduction of further built form on the boundary would result in further amenity impacts by way of loss of outlook and an overbearing impact. Even with the introduction of screening, overlooking would be possible into the upper level windows of the above properties. The terrace at A102 lies adjacent to the rear garden and elevation of no. 54 and within 11.2m of the rear elevation at no 122 which it directly faces; the shared roof garden serving the affordable housing block (Block A) is within 14.3m of the opposite rear elevation at no. 124; the terrace at C103 is within 11.8m of the rear elevations at no.s 128 and 130 and the terrace at C104 is within 11.81m of the rear elevations at no.s 130 and 132.

8.11 The upper floor balconies in Blocks A and B could include privacy screens to prevent overlooking into the properties on Royal College Street. If the development was deemed to be acceptable, these details could be secured via a planning condition.

8.12 The southwest elevation of the 5 storey block (Block C) includes windows serving habitable rooms that would face the rear elevations and gardens of the properties on Royal College Street. The windows would be between 14.19m away from the rear elevation of no. 132 and 15.26m away from the rear elevation of no.s 128 and 130 and would be located over floors 1-4. Overall, 19 windows would be introduced over 4 floors serving 12 rooms and 8 units (C103, C104, C203, C204, C303, S304, C403 and C404). The adjacent windows and gardens are currently not overlooked as the existing building has no windows facing their direction and serves a commercial use. It is considered that due to the location, proximity and volume of residential use proposed that the development would introduce a material level of overlooking and result in a significant loss of privacy for the adjacent occupiers at 128-132 Royal College Street. Balconies are proposed on the north-western elevation on floors 2-4. Screening could be applied to these to reduce opportunities for overlooking.

8.13 As stated above, paragraph 7.4 of CPG6 (Amenity) requires a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. This minimum requirement is the distance between the two closest points on each building (including balconies).

Noise and general disturbance

8.14 The ground floor Class B1a Office use and new residential units proposed would not have a detrimental impact on the amenity of surrounding properties in terms of noise or disturbance. The accompanying Acoustic Assessment prepared by Sharps Redmore concludes that through the incorporation of appropriate mitigation measures in respect of both noise and vibration, the application proposal would not harm future users of the site or existing users in the surrounding local area.

8.15 Details of internal mechanical services and additional plant have not been provided, however, they would be subject to separate planning permission or could be conditioned if the development were considered acceptable.

8.16 The Acoustic Assessment submitted with the application details that the external and internal noise level criteria have been proposed in line with the standards set out in Camden policy DP28, BS 8233:2010 and the World Health Organisation guidelines.

8.17 In line with Camden's guidance attenuation would be included to control noise and specification of acoustic glazing systems would be provided. It is outlined in the Acoustic Assessment that acoustically treated vents in the window frame or walls would be included within the detailed design so openings can remain closed if there is noise.

8.18 The above matters could be secured by condition if the development were acceptable.

Conclusion

8.19 As detailed in the paragraphs above, the proposed development would result in a significant level of harm to the living conditions of the adjoining occupiers, particularly those at 118-142 Royal College Street. The resulting harm would primarily be to loss of daylight, loss of outlook, overbearing impact, overlooking and a loss of privacy. While the site is currently underdeveloped and within an urban context, the cumulative impact of the above would be unacceptable.

9.0 Transport

9.1 The site has a Public Transport Accessibility Level (PTAL) of 6a with an excellent access to public transport.

Car parking

9.2 Policy DP18 states that the Council will seek to ensure that developments provide the minimum

necessary car parking provision. The Council expects 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 (CPZ) that are easily accessible by public transport. The application site falls within a CPZ (CA-G/F) and has a PTAL of 6a. Therefore, the proposed development would need to be car-free (excluding disabled units/occupiers). The applicant has indicated that no car parking would be provided on site and that following discussions with the Council's Transport Officers, Georgiana Street would have capacity for disabled parking and servicing from the street as it is lined with a single yellow line, which means that when the existing crossovers are removed, disabled users would be able to park directly outside the site. The car-free requirements and disabled parking on Georgiana Street would be secured by a legal agreement if the scheme was considered acceptable. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

Cycle parking

9.3 The London Plan requires the provision of 1 space per 1 bedroom unit and 2 spaces per 2+ bedroom unit. As the complete development comprises 18 x one bedroom units, 19 x two bedroom units and 9 x three bedroom units, this gives a requirement for a total of 74 cycle parking spaces for the residential part of the development. In addition, 8 cycle parking spaces (7 long-stay and 1 short-stay) are required for the office use to meet the London Plan minimum requirements.

9.4 The proposal includes 75 cycle parking spaces. 13 spaces would be accessed from the courtyard of Block A at ground floor level; 18 would be accessed from Georgiana Street and 44 would be provided within the below ground tunnel on the southeast corner of the site. The Transport Statement states that office cycle parking will be provided in the courtyard, however, no details have been submitted.

9.5 CPG7 (Transport) section 9 (cycling facilities) provides guidance on meeting cycle parking standards effectively in the borough. Cycle parking must be convenient and secure so that users of a development are more likely to use cycles to travel to and from the site (para 9.1).

9.6 The Council recommends the use of either "Camden" or Sheffield stands for the provision of off-street cycle parking, as they meet the Council's requirements in terms of accessibility and security provided they are laid out correctly. Josta (two-tier) stands are also acceptable subject to appropriate dimensions to ensure usability.

9.7 While the quantum of cycle parking is acceptable for the residential provision, it does not meet design standards as the parking would be semi-vertical stands which are not accessible to all. Hanging stands require the lifting of the cycle so that it can be stored. It is not suitable for those with mobility issues, heavier cycles or those who lack the strength to lift their cycles. The cycle storage areas would be inconvenient for those residents. The storage areas within the ground floor of the affordable housing block (Block A) would be cramped for room, with spaces difficult to manoeuvre in and out of particularly when the door is open. Both storage areas would be located immediately adjacent to an outward opening door. The cycle storage area with 18 spaces would be located next to an outward opening door serving 8 residential units above. Furthermore, residents would be required to take their cycle through four doors and navigate a right angled turn in a narrow internal corridor to reach the internal cycle store. This is not reasonable or practical. The cycle storage within the tunnel is only accessed via stairs. CPG7 states that all cycle parking from street level should be step free. The stairs would act as an obstacle making it difficult for residents to use the facility which would discourage its use.

9.8 Due to the type of cycle parking provided and the issues outlined above, the proposed residential provision is considered to be inconvenient and not created in an effective way that would encourage residents to use bicycles. No details are provided regarding the provision for the business use and this is also unacceptable. Therefore, the proposal is not in accordance with policies CS11 (Promoting sustainable and efficient travel), DP16 (The transport implications of development), DP17 (Walking,

cycling and public transport) and DP19 (Parking standards and limiting the availability of parking) along with CPG7.

Construction Management Plan (CMP)

9.9 The proposal would involve significant works due to the demolition of all the buildings on site and the construction of large buildings. A CMP would be required in order to address the issues around how the demolition and construction work would be carried out and how this work would be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users. As the scheme is considered to be unacceptable in other aspects, the failure to secure this through legal agreement constitutes a further reason for refusal of the application.

Servicing

9.10 The proposed development would be serviced directly from Georgiana Street. Occasional deliveries would be made to site by courier deliveries, food home delivery vehicles, waste and recyclables vehicles and infrequent maintenance vehicles. The Council's Transport Officer considers that servicing on the street would be acceptable as they do not anticipate there to be a high level of demand therefore no Service Management Plan (SMP) is required.

Highway contribution and public realm and environmental improvements

9.11 The Council would require a S106 financial contribution for repaving any footways around the site that would no longer be required and for reinstating the footway across any redundant crossovers. A highways estimate is yet to be confirmed. The contribution would mitigate any harm caused to the Georgiana Street frontage of the site during the construction stage and tie the development into the surrounding streetscape.

9.12 Given the scale of the proposed development contributions towards pedestrian, cycle, and environmental improvements would be sought. This is in line with CPG8 paragraphs 10.11-10.12 and CPG7. Such contributions would be secured via S106.

9.13 In the absence of a S106 agreement to secure such contributions, this would form a further reason for refusal.

Travel plan

9.14 In line with CPG7 para 3.3, Transport for London guidance details that Travel Plans should be submitted for any residential development over 30 units. Given the number of residential units proposed, a Travel Plan should have been submitted with the planning application. If the development and Travel Plan were considered acceptable, a future version of the plan would be secured by S106. The failure to secure a Travel Plan by legal agreement would form another reason for refusal.

10.0 Trees, Landscaping

10.1 An existing mature Willow Tree (Category B) is located on the eastern corner of the site, which provides a strong degree of visual amenity from St Pancras Way. The tree is the only mature vegetation on site and contributes positively to the Regent's Canal Conservation Area and the protected open space of the canal and towpath. The tree is located on the corner of the site and its retention would benefit the scheme as it is prominent from within the local area.

10.2 An Arboricultural Impact Assessment prepared by Broadoak Trees was submitted to support the application. The report considers that the Willow does provide local visual amenity, however, it requires regular maintenance to keep its canopy clear of existing structures and maintain access underneath. The root system of the tree is constrained by the bridge, canal and internal retaining wall structures. The retained area of soil is likely to be almost solid roots and there is visible evidence of

cracking to the retaining wall, most likely due to lateral pressure from root development.

10.3 The proposed development would include the removal of all trees on site, including the Willow. The justification is due to the new canal side retaining wall needing to be built as the existing wall is in a very poor state with significant root damage. The report considers that its location is poorly suited, particularly given the growth potential of the tree. It states that even if retained in its current location it would require regular, heavy pruning to limit its growth and contact with the bridge structure, detracting from any visual form it may currently have. The Willow is also causing cracking to its retaining structure within the site. Retention would require ongoing extensive works to contain its dimensions and it could never develop to its full potential.

10.4 To replace the removed trees, three new trees would be provided within the courtyard. The trees would be planted at 5m-6m in height. It is considered that the retention of the tree has not been sufficiently justified and that the replacement landscaping scheme does not outweigh the harm caused by its loss. Given the scheme is unacceptable in a number of other matters, including the design and appearance of the built form, it is considered that the loss of the Willow would contribute further to the harm caused to the character and appearance of the Regent's Canal Conservation Area and the setting of the canal and towpath in this protected area of open space.

11.0 Biodiversity

11.1 The preliminary ecology statement identified that the tree on site plus one of the buildings have potential to support bats. A Bat Roost Assessment was therefore requested and considered acceptable by the Council's Sustainability Officer.

11.2 Policy DP22 requires all schemes to incorporate green or brown roofs wherever possible. The applicant is proposing landscaped roof terraces which are acceptable. The Council would also expect the development to incorporate a green roof(s) (policy requirement for all major developments) which could be proposed in conjunction with a solar PV and blue roof. Details would be conditioned if the application were being recommended for approval.

11.3 If the scheme were to be permitted, there would be a condition attached requiring a lighting impact assessment given the proximity to the canal which is a known commuting and foraging route for bats and habitat for birds and other wildlife.

11.4 Other conditions required would include vegetation removal and breeding birds; precautionary approach to demolition; temporary relocation of floating islands (already done as per para. 22.1); landscaping details and biodiversity enhancement (bird and bat boxes).

11.5 The Council's Sustainability Officer recommended a number of informatives in the event of an approval in relation to an updated bat survey if works do not commence for a year; site operatives being made aware of protected species and timing of vegetation works.

12.0 Air Quality

12.1 Policies CS16 and DP32 are relevant with regards to air quality. Policy DP32 requires the submission of air quality assessments for developments that could cause harm to air quality. Mitigation measures are expected in developments located in areas of poor air quality.

12.2 The proposed development would bring a high number of new receptors into an area of poor air quality. Defra background data and Camden's own monitoring data show the development is highly likely to be located in an area exceeding the annual mean EU objective for NO₂. This means that a detailed Air Quality Assessment (AQA) is required as part of the submission. This needs to include dispersion modelling to assess the impact of surrounding air quality on building occupants. In addition, Camden requires major developments to be air quality neutral.

12.3 Within the initial AQA submitted the total buildings emissions are nearly 4 times higher than the benchmarked buildings emissions. Further information was requested regarding how the applicant intends to comply with the requirement for developments to be Air Quality Neutral. They were also asked to complete an Air Quality Checklist and to provide dispersion modelling to assess the impact of surrounding air quality on building occupants.

12.4 Following the submission of further details the Council's Sustainability Officer confirmed that the proposed mitigation measures for maintaining adequate indoor air quality levels is considered satisfactory subject to further details and a condition related to air inlets. A Combined Heat and Power (CHP) Air Quality Assessment would also need to be secured by S106. In relation to air quality impacts, a Construction Management Plan (secured by S106) would need to be assessed by Environmental Health in terms of dust and air quality. This would include real time monitoring during construction.

13.0 Sustainable Design and Construction

13.1 Policy DP22 (Promoting sustainable design and construction) states that the Council will require development to incorporate sustainable design and construction measures. All developments are expected to reduce their carbon dioxide emissions by following the steps in the energy hierarchy (be lean, be clean and be green) to reduce energy consumption.

Energy

13.2 Energy statements are required to show how the development would follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies set out in the London Plan Chapter 5 (particularly Policy 5.2) to secure a minimum 35% reduction in regulated CO2 emissions below the maximum threshold allowed under Part L 2013.

13.3 The submitted energy statement follows the energy hierarchy as set out in the London Plan and meets the 35% reduction in regulated emissions below the maximum threshold allowed under Part L. Energy benchmarks have been calculated using approved DSM software (SAP) and are indicative at this stage. Good U-values and air permeability for building fabric have been specified under the 'Lean' stage of the energy hierarchy. Clarity on the source of limiting u-values is required as they appear to be for commercial buildings only. The assessment favors a scenario whereby 60% of space heating needs would be met by Controlled Heat and Power (CHP). An initial evaluation indicates that a CHP system with a thermal capacity of circa 30kW would be viable.

13.4 As identified by the 2014 borough-wide Decentralised Energy (DE) mapping study, the development falls within the South Camden DE cluster. The applicant has identified an opportunity to connect to a future heat network in the area and have allocated plant room space to accommodate this. Secure connecting to future networks would be secured via S106. The failure to secure this by S106 forms another reason for refusal. The applicant has evaluated whether the proposed CHP system could be extended to serve nearby developments. This has been deemed unfeasible due to the spatial constraints of the site. More details on the space constraints and justification on why the applicant does not think there is adequate space to facilitate connections to nearby developments was requested.

13.5 Policy CS13 requires all developments to achieve a 20% reduction in CO2 emissions through renewable technologies wherever feasible. This should be demonstrated through the energy statement. The applicant considered renewable energy technologies in the assessment, deeming only solar PV as suitable with a number of other low carbon technologies including GSHP being deemed unfeasible. The applicant plans to use 41m² PV array in the residential space which equates to just 5% further savings from renewables, missing the policy targets for 20% further reduction in CO2 emissions through renewables. The 33m² PV installation in the commercial space is expected to lead to a further 30%+ reduction in CO2 for the commercial properties. The Council would be able to consider the combined reduction in emissions from renewables across both the residential and

commercial units when assessing whether the development meets the target, which it currently does not. If the target cannot be met on site then the Council may accept the provision of measures elsewhere in the borough or a financial contribution (charged at £90/tonne CO₂/yr over a 30 year period), which would be used to secure the delivery of carbon reduction measures elsewhere in the borough.

13.6 If the development were being recommended for approval, a condition would be needed requiring details of the solar PV details at the detailed design stage, prior to the construction of the development. The PV cells would need to meet the above stated carbon reduction requirements.

Sustainability

13.7 The proposal is required to submit a sustainability statement showing how the development will implement the sustainable design principles as noted in policy DP22. Limited information was submitted to be able to assess full compliance with the policy. The Energy and Sustainability Assessment focusses predominantly on energy, and includes information on proposals for effective window design and opportunities to minimize solar glare, lighting provision and controls, building services plant and sub-metering. However, there are some categories in DP22 that have not been addressed, including efficient use of water within the development. The sustainability statement also fails to demonstrate that the residential development is capable of achieving a maximum internal water use of 105 litres per day (plus an additional 5 litres for external water use).

BREEAM

13.8 The non-residential space of the development totals 604m². Camden's policies require all non-residential developments over 500m² to undergo a BREEAM assessment and achieve a BREEAM 'Excellent' rating and minimum credit requirements under Energy (60%), Materials (40%) and Water (60%). The applicant has specified BREEAM for commercial areas of the development however details of this are not included in the documentation. This forms another reason for refusal.

14.0 Contaminated Land

14.1 The site is identified as having the potential for ground contamination. A Ground Investigation Report has been submitted which has been assessed by the Council's Environmental Health Officer. If the development were to be approved conditions would be added to secure a written statement of ground investigation prior to commencement of works; a standalone monitoring condition and an intrusive pre-demolition and refurbishment asbestos survey in accordance would be required.

15.0 Flooding and Drainage

15.1 The NPPF requires all major developments to include Sustainable Urban Drainage Systems (SuDS) unless demonstrated to be inappropriate (as set out in the Ministerial Statement by the Secretary of State on 18 December 2014). Major developments should achieve greenfield run-off rates wherever feasible and as a minimum 50% reduction in run off rates. Development should also follow the drainage hierarchy in policy 5.13 of the London Plan.

15.2 The proposed development is aiming for a 50% reduction in existing run-off rate, however, SuDS proforma and MicroDrainage calculations have not been submitted. Thames Water stated that as the site falls within the highly flood sensitive Counters Creek Catchment that any surface water that is discharged into the public sewer system will need to meet Greenfield run-off rates as a minimum.

15.3 SuDS have been included with the proposal. There may be opportunities to explore SuDS further up the drainage hierarchy such as rainwater harvesting in order to minimise run-off volumes and decrease water consumption of the development. This has not been considered in the assessment.

15.4 Thames Water state that the development may lead to sewage flooding and therefore an

adequate drainage strategy detailing drainage works and SuDS need to be submitted for approval and that no discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. This details would be secured via condition at the request of Thames Water were the scheme considered acceptable.

16.0 Construction

16.1 The proposed development is large enough to generate significant local economic benefits. Policy CS19 and Camden Planning Guidance state that in the case of such developments the Council will seek to secure employment and training opportunities for local residents and opportunities for businesses based in the borough to secure contracts to provide goods and services.

16.2 In line with CPG8, a range of training and employment benefits would need to be secured in order to provide opportunities during and after the construction phase for local residents and businesses. The package of recruitment, apprenticeship and procurement measures would need to be secured by S106 legal agreement and would include:

- That the contractor be required to work to a target of 20% local recruitment.
- That the contractor advertise all construction vacancies and work placement opportunities exclusively with the King's Cross Construction Skills Centre (KXCSC) for a period of 1 week before marketing more widely.
- That the contractor recruits a minimum of 4 construction apprentices and pay the council a support fee of £1,500 per apprentice. Recruitment of construction apprentices should be conducted through the Council's KXCSC.
- That the contractor sign up to the Camden Local Procurement Code, which includes a local supply chain target of 10%.
- That the contractor provides a local employment, skills and local supply plan setting out their plan for delivering the above requirements.

16.3 The proposals are therefore not in accordance with the guidance set out in CPG5 and policies CS8 and DP13 of the LDF as there is no mechanism to secure the above due to the refusal of the application.

17.0 Enhancement of the Canal and the Blue Ribbon Network

17.1 The Blue Ribbon Network (BRN) is London's strategic network of waterspaces and covers the River Thames, canals (including Regent's Canal), tributary rivers, lakes, reservoirs and docks alongside smaller waterbodies. The network is of strategic importance to London. Policy 7.24 of the London Plan states that the BRN should contribute to the overall quality and sustainability of London by prioritising uses of the waterspace and land alongside it for water related purposes, in particular for passenger and freight transport. The starting point for consideration of development and use of the BRN and land alongside it must be the water, including consideration as to how it can be used, maintained and improved. Policy 7.27 states that new infrastructure to support water dependent uses will be sought with new mooring facilities required from main navigation routes. Development within the BRN should promote its use for mooring visiting vessels, encourage the sensitive use of natural landscaping and materials in and around dock areas and promote its use for water and transport.

17.2 The Site Allocations Document recognises that any development should take opportunities to utilise the canal for the transportation of goods and materials, both during construction and in the operation of the development. It mentions that the canal dock which formerly served these wharfs is partially filled and could be enhanced. The document considers that the site currently fails to respond to its canal setting.

17.3 Policy DP20 (Movement of goods and materials) seeks to promote and protect facilities for the movement of goods by water, including facilities for transfer between road, rail and canal.

17.4 The proposed development has done little to address the policy requirements and expectations outlined above. It has not sought to utilise the site as a light industrial wharf (industrial uses exist on site and are being lost), no services or infrastructure for boaters are being provided (including water and waste facilities), no mooring points would be provided for passing boats, the provision of natural landscaping is inadequate and the opportunity to reinstate the old canal dock adjacent to Eagle Wharf has not been embraced (it would be the subject of further infill). The BRN policies state that uses of the waterspace should be prioritised. In this instance, they would be given no regard whatsoever.

18.0 Section 106 Obligations

18.1 If the proposal was considered to be acceptable it would be the subject of a S106 legal agreement. Many of the obligations required have been discussed above and are included as reasons for refusal. Below is a summary of the heads of terms that would be sought for a successful scheme:

- Affordable housing
- Deferred Affordable Housing Contribution (if a below policy compliant scheme was accepted based on viability)
- Construction/Demolition Management Plan
- Car-free development
- Local employment plan including 4 apprentices and a support fee of £6,000
- Highways contribution
- BREEAM 'Excellent' for the non-residential space (with minimum sub-targets for Energy, Water and Materials)
- Energy efficiency and renewable energy plan (including a Combined Heat and Power (CHP) Air Quality Assessment)
- Public Realm and Environmental Improvement Contribution
- Travel Plan

19.0 Community Infrastructure Levy (CIL)

19.1 If the proposal was deemed acceptable it would be liable for both Mayoral and Camden CIL. The CIL form submitted with the application indicates that the development would have an uplift of 3672m². Based on the Mayor's CIL and Camden's CIL charging schedules and the information submitted the charges would be approximately £965,700. This is calculated as £183,600 for Mayoral CIL (3672m² x £50) and £782,100 for Camden CIL (604m² x £25 (Class B1a office) and (3068m² x £250 (Class C3 Residential)). The above is an estimate only and would be subject to the verification of the proposed floorarea and calculations by the Council's CIL team.

20.0 Other Matters

20.1 In 2014 London Wildlife Trust installed a number of floating biodiversity islands behind a barrage in the canal's loading area adjacent to the site. The floating islands have been temporarily relocated to Camley Street (out of breeding season) and will remain there until the site has been developed.

20.2 An objection has been received on behalf of 146-150 Royal College Street (Eagle Wharf building) due to the overbearing relationship of the development on this property. The southern elevation of the building faces the application site which is occupied by an independent agency for numerous fashion houses and brands. A significant proportion of the building is devoted to exhibition and showroom space which is used for presentations and shows to buyers, which are integral to the business operation. While the potential impacts are duly noted, commercial uses do not have the same importance in terms of access to daylight and sunlight and any harm would have limited weight. If the scheme were considered acceptable in all other aspects it would be difficult to substantiate a refusal at appeal on this matter alone.

21.0 Conclusion

21.1 The host property is considered to have development potential and clear guidance has been set out within the relevant site allocation document. The site represents an opportunity to provide a mixed use and high quality scheme that could enhance the conservation area and canal setting as well as utilise its capacity for water transportation.

21.2 The proposed development fails on all aspects set out in the site allocation document which underachieves against a large number of national, regional and local policies. The key issues relating to the proposal include the loss of employment space; housing of inadequate mix and quality; affordable housing that fails to maximise delivery, quality or affordability; a design with an inappropriate height, massing and architectural detailing that fails to be of sufficient quality to justify its excessiveness in relation to the prevailing pattern of development; frontages to Georgiana Street and the canal that fail to enhance the character and appearance of the conservation area and canal setting; the living conditions of the surrounding residential occupiers would suffer undue harm; sustainable transport and energy efficiency would not be achieved and the utilisation of the canal for the transportation of goods and materials has not been harnessed.

21.4 Based on the above, the proposed development is considered to fail on the three dimensions of sustainable development – economic, social and environmental – as specified in paragraph 7 of the NPPF. The development is not considered to be sustainable and while there would be public benefit from the 46 additional residential units brought forward it would be outweighed by the demonstrable harm outlined within the body of this report and the reasons for refusal.

22.0 Recommendation: Refuse planning permission

