

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>31/08/2016</b>
		N/A		<b>Consultation Expiry Date:</b>	<b>08/01/2016</b>
<b>Officer</b>			<b>Application Numbers</b>		
Michael Cassidy			2015/6383/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
42 Phoenix Road London NW1 1TA			See decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal</b>					
<p>Redevelopment of the site involving demolition of the existing building and erection of a new six storey building with basement comprising community use (Class D1) at ground and basement level and student accommodation (7 x 6 bedroom units, 1 x 4-bedroom unit, 7 studio units and 53 bedrooms) on the upper floors; part widening of Clarendon Grove alleyway and the provision of 30 cycle spaces at basement level.</p>					
<b>Recommendation:</b>		Refuse Planning Permission			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	208	No. of responses	07	No. of objections	07
Summary of consultation responses:	A Site notice was displayed on 18/12/2015, which expired on 08/01/2016.  7 objections have been received raising the following concerns: <ul style="list-style-type: none"><li>• Loss of building of considerable historic character;</li><li>• The proposed replacement building is a faceless modern design not in keeping with the Somers Town area;</li><li>• The proposed building is too high, visually obtrusive and will overpower the immediate neighbourhood;</li><li>• The introduction of student accommodation is changing the composition of this residential area and will introduce many more people there who have no long term concern about the local community;</li><li>• A large student accommodation that is not intended to be affordable or for UK students undermines the already huge demand for affordable housing in the area which is under threat via the new housing act proposal.</li><li>• Overshadowing of neighbours;</li><li>• Air pollution concerns;</li><li>• Noise and disturbance;</li><li>• Recycling/waste management concerns;</li><li>• Lack of trees or green within the scheme;</li></ul>					
CAAC/ comments:	N/A					

## Site Description

The application site comprises a part 4, part 5 storey 1930's building, including a lower ground floor level, which occupies the southwest corner of the junction of Phoenix Road (long frontage) and Chalton Street. The existing building is detached except where it bridges over Clarendon Grove with a flying freehold. It is an 'L' shaped building that follows the site perimeter on Phoenix Road and Chalton Street and has a large courtyard to the rear.

A high brick wall encloses the courtyard, separating it from the rear car park of Chalton House, a 5-storey residential building with pitched roof above, to the south. To the west, the site is bounded by Clarendon Grove, a public footpath running south from Phoenix Road to Drummond Crescent, which the building oversails and adjoins the Maria Fidelis School buildings on the other side of the footpath.

The building is detached, brick faced and includes delicate steel framed 2-storey oriel windows, large ground floor steel framed arched sash windows and expressed full height circulation core bays with stone detailing and porticos. The building has suffered insensitive additions and alterations, although these are not considered to detract from the positive character features of the host building.

The building currently comprises Class D1 floorspace on the lower ground, upper ground and first floors. The community space had previously been used by the local Asian women's group Hopscotch, until their relocation to alternative premises in Kentish Town, but the building continues to be in use for Class D1 purposes by the Fine Tutors group, providing private tutoring to students. The second and third floors are in use as student accommodation arranged into five units. On the second floor, the accommodation comprises 1 studio, 1 x 1 bedroom, 1 x 2 bedroom and 1 x 3 bedroom units. On the third floor there is a 1 x 2 bedroom unit.

The site is neither statutorily listed, nor located within any designated conservation area. The existing building was added to the Council's adopted List of Non-Designated Heritage Assets (adopted January, 2015), recognising the value placed on the building by the local community. The Local List description follows Pevsner's assessment (London 4: North, p379): "*42 Phoenix Road, opened in 1931 as the Margaret club and Day Nursery for mothers and children: nicely detailed in a free Regency style; canted oriels with swept roofs; arched ground floor windows*".

The immediate surrounding area is predominantly residential, with large mansion blocks to the north, south and west. A number of neighbouring buildings are statutorily Listed, including the Cock Tavern Public House, Chamberlain House and the Ossulston Estate buildings. The predominant scale of development in the existing area is 4-5 storeys. Some neighbouring buildings comprise accommodation within the roof space of the building, but generally the eaves height terminates at a maximum of five storeys, defining the predominant scale of the neighbourhood.

The character of the area is defined by tall, attractive residential buildings, tree lined streets, open community gardens and the award winning Ossulston Estate. Phoenix Road is an increasingly popular pedestrian link between Kings Cross and Euston stations. The Council has recently erected a series of pedestrian signs demarcating Phoenix Road as the pedestrian route between Kings Cross & Euston.

The site lies within the boundary of the Euston Area Plan (adopted January 2015) and between the two Growth Areas of Euston, to the west, and Kings Cross, to the east. The wider area includes much larger scale buildings than the immediate area, including St Pancras and Euston railway stations and the British Library. The recently completed Francis Crick Institute, a biomedical research building, is at the eastern end of Phoenix Road on Brill Place. It is 15 storeys high and has approximately 91,000sqm of floor space.

The site lies within the background assessment area of the Blackheath to St Paul's viewing corridor.

## Relevant History

- 2010/2871/P - Erection of an extension at 3rd floor level, an additional 4th storey with pitched roof, a full height rear extension at lower ground to new roof level with associated balconies, enlargement of existing lower ground floor beneath rear courtyard and alterations to the Chalton Street (east) elevation to create a new entrance in association with an extension of the existing Class D1 (non-residential institution use) and alterations to existing residential/student accommodation at second floor level combined with extensions at third and fourth floor level to provide 8 student cluster units with 35 bedspaces (Sui Generis) – Refused 28/02/2011.

The reasons for refusal in summary were as follows:

1. The proposed extensions at third, fourth and roof levels, by reason of their design, bulk, mass and height, would create a top heavy and overly dominant addition that fails to respect the character and proportions of the host building and would thereby be detrimental to its overall appearance and that of the street scene.
  2. The proposed rear extension, by reason of its design, bulk, mass and height at the upper levels, would have an overbearing and dominant appearance that would fail to be subordinate to the host building and would be detrimental to its overall character and appearance.
  3. The proposed alterations to the Chalton Street elevation to create a new entrance for the Class D1 occupier, by reason of their design and position would appear as incongruous and unsympathetic alterations to the building.
  4. The proposed extension at fourth floor level above the existing private residential roof terrace to Flat 1 at third floor level, by reason of its position and enclosure of the space from above, would be detrimental to daylight, sunlight and outlook.
- 2014/1992/PRE - Demolition of the existing building and redevelopment of the site to provide a replacement 7 storey building, comprising D1 (unspecified) on the ground and basement floors and student accommodation (sui generis), on the first to sixth floors – pre-application advice issued 10/03/2015.

## Relevant policies

### National Planning Policy Framework, 2012

### The London Plan (March 2016)

- 3.3 Housing Choice
- 5.2 Minimising Carbon Dioxide Emission
- 5.3 Sustainable Design and Construction;
- 5.6 Decentralised Energy Networks;
- 5.7 Renewable Energy.
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 8.2 Planning obligations

### LDF Core Strategy (2011)

- CS1 Distribution of growth
- CS3 Other highly accessible areas

CS4 Areas of more limited change  
CS5 Managing the impact of growth and development  
CS6 Providing quality homes  
CS7 Promoting Camden's centres and shops  
CS8 Promoting a successful and inclusive Camden economy  
CS9 Achieving a successful Central London  
CS10 Supporting community facilities and services  
CS11 Promoting sustainable and efficient travel  
CS13 Tackling climate change through promoting higher environmental standards  
CS14 Promoting high quality places and conserving our heritage  
CS15 Protecting and improving our parks and open spaces & encouraging biodiversity  
CS17 Making Camden a safer place  
CS18 Dealing with our waste and encouraging recycling  
CS19 Delivering and monitoring the Core Strategy

### **Development Policies DPD (2011)**

DP1 Mixed use development  
DP2 Making full use of Camden's capacity for housing  
DP3 Affordable Housing  
DP5 Homes of different sizes  
DP6 Lifetime Homes & Wheelchair Housing  
DP9 Student housing, bedsits and other housing with shared facilities  
DP10 Helping & promoting small and independent shops  
DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses  
DP15 Community and leisure uses  
DP16 The transport implications of development  
DP17 Walking, cycling and public transport  
DP18 Parking standards and 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 Open space and outdoor recreation  
DP32 Air Quality

### **Camden Planning Guidance (updated 2013 and 2015)**

CPG1 Design  
CPG2 Housing  
CPG3 Sustainability  
CPG6 Amenity  
CPG7 Transport  
CPG8 Planning Obligations

### **Other relevant documents**

**Euston Area Plan (Adopted January, 2015)**

## Local List of Non-Designated Heritage Assets (Adopted January, 2015)

### Assessment

#### 1.0 Proposal

- 1.1 Permission is sought for the demolition of the existing part four, part five-storey 1930's building and its replacement with a new six storey building with an extended basement. The existing useable floor area of Class D1 use would be re-provided in the new building at ground and lower ground floor levels with student residential use on floors 1-5 above. An ancillary café forming part of the Class D1 space would be provided at ground floor level. This would be located on the corner of Phoenix Road and Chalton Street to provide active frontage.
- 1.2 The new building would contain 53 student rooms in a mixture of cluster apartments (with shared cooking, bathroom and living facilities) and 15 self-contained studio flats (7 x 6 bedroom units, 1 x 4-bedroom unit, 7 studio units and 53 bedrooms). The accommodation is targeted specifically toward returning (2<sup>nd</sup>, 3<sup>rd</sup> and post-graduate) students.
- 1.3 The new development would be serviced from the rear via the adjacent public passageway (Clarendon Grove) and includes 30 secure and covered cycle parking to encourage cycle use and refuse storage at basement level accessed by a lift. The development is intended to be 'car free'.
- 1.4 The proposal includes level access at ground level with an active frontage on to Phoenix Road and Chalton Street. The development also includes proposed alterations to Clarendon Grove, the existing public passageway adjacent to the site, with the height of the passageway being extended to include the first floor providing a floor to ceiling height increase from 2.7 to 6 metres, and 2.6 metres wide. This is 2 metres taller and 0.8 metres wider than the existing passageway.
- 1.5 The existing 380 square metres of useable Class D1 space (there is 560 square metres overall in the existing building) would be replaced by 404 square metres in the proposed development.

#### 2.0 Amendments

- 2.1 The following amendments were made during the course of the application:

##### Ground floor height

- The floor to ceiling height of the Class D1 floorspace has been increased from 2.9 to 3.425 metres.

##### Elevational grid

- The brick piers between the glazing has been increased from 3 no. to 4 no. bricks wide and the window bays have been reduced in width accordingly.

##### Design of the roof

- The height of the roof has been reduced from 4.125m to 3.325m.
- The dormer windows have been reduced in width to align with the glazing on the lower floors and the extent of the masonry has been increased.
- The overall building height has been reduced by 0.275 metres (38.875 to 38.600 metres) while the parapet height has been increased by 0.525 metres (34.75 to 35.275 metres).

##### Class D1 Accommodation - Basement and ground floor internal space

- The internal layout has been amended to reduce the number of structural columns, creating

a more flexible space.

- The floor to ceiling height has been increased from 2.67 to 2.8 metres.

#### Clarendon Grove passageway

- The height of the passageway has been extended to include the first floor providing a floor to ceiling height increase from 2.7 to 6 metres, and 2.6 m wide. This is 2 metres taller and 0.8 metres wider than the existing passageway.

#### Student Accommodation

- The number of student apartments remains as proposed and one 6 bedroom unit has been reduced to a 4 bedroom unit with the overall bed numbers reducing from 55 to 53 bedrooms.
- The student accommodation floor area has been reduced by 35 square metres.

### 2.2 The main issues for consideration are:

- Principle of Development – Loss of Non-Designated Heritage Asset
- Proposed Replacement Building and Public Realm
- Residential Amenity
- The Quality and Standard of the Proposed Accommodation
- Transport Issues
- Sustainability
- Impact on Trees
- Section 106 Legal Agreement

### **3.0 Principle of Development – Loss of Non-Designated Heritage Asset**

- 3.1 The existing building has a greater richness of architectural features than is typical of the surroundings and this, combined with its prominent corner location, means that it makes a uniquely valuable visual contribution to the streetscene. The varied composition of architectural elements breaks down the massing of the building so that it has a finer grain and scale than the large residential buildings in the area and corresponds with the variation in scale of the Ossulston Estate further to the east on Phoenix Road and Cock Tavern on the opposite corner of the junction.
- 3.2 It is a considered design in terms of its external architectural detailing and embellishments and has good aesthetic and architectural qualities (of its time) with features and materials that contribute to its overall composition, such as tall slim canted oriel windows, arched ground floor windows and swept roofs. These features contribute to and remain consistent with its character, even if it has suffered insensitive alterations at roof level inconsistent with its original design. These insensitive alterations have not had an impact on its overall character because they bear little resemblance to the main façades, detracting but not completely obliterating, being reversible and not justifying demolition of the building.
- 3.3 The building's architectural detailing and overall design (its scale, height, massing and building line) complements but does not compete with the neighbouring buildings, adding to the rich visual and historical development of the area. It offers a unique visual quality and architectural composition which is stylistically divergent to the restrained approach within its surroundings. It has townscape merit, contributing in a positive manner to the streetscene with its unique design and detailing, setting it apart from its immediate context architecturally and stylistically but also forming part of the (now) historical redevelopment of the area.
- 3.4 The building occupies a prominent corner site at the intersection of Phoenix Road and Chalton Street. Its location is important within view corridors in and beyond its site, especially with the area being subject to increasingly heavy pedestrian flows. It can be appreciated from several

vantage points but especially long views as approached on Chalton Street from the North because of the gently sloping gradient. It addresses its corner position in a manner that allows views beyond it including the visually prominent roofline of Walker House on Chalton Street with its striking pattern of robust chimneys, and the Grade II Ossulston Estate, where it does not affect the setting of these listed buildings.

3.5 The building is not located within a Conservation Area, however, as noted above was added to the Council's adopted List of Non-Designated Heritage Assets in January, 2015. The building's identification on this List illustrates the value placed on the building by the local community.

3.6 The List identifies that the building as being of '*Architectural, Townscape and Social Significance*'. These are examined in detail below:

#### Architectural

3.7 The building dates to the early 1930's and was built as an institutional building opening in 1931 as the Margaret Club and Day Nursery for mothers and children. It has many architectural forms and detailing, which add to its overall language in the 'free Regency style'. Its qualities and significance are derived from the attractive variation in styles and form of the brick, brick bond and brick detailing, such as the arches, crittal windows with arched casements, tripartite oriels, tall triangular bays, with detailed lead roofs and flashings; large panelled timber entrance doors; painted white stone/concrete door casing and coursing; horizontal and vertical emphasis from window and material detailing; and predominant 2 storey block element with coursing defining it from a later recessive non-descript 1/2 storey addition. The variation of the architectural elements and detailing break up the facades which enable its presence within the townscape to appear much more recessive.

#### Townscape

3.8 Whilst being 4-5 storeys in height, the building sits recessively upon the street and beyond the trees which line and oblique its pronouncement specifically in views as you approach from the east. The character changes between Chalton Street and Phoenix Road on which it sits upon the corner. Its eastern elevation sits sensitively and lower and does not compete with the posture of Chalton House, albeit sitting further towards the street. Their building heights and recessive courtyard enable views between and beyond these buildings.

3.9 The northern elevation of the building faces upon Oakshoot Court, a red brick estate which steps down onto a garden and again is enclosed by tall London Plains. The street widens further towards the west and the building immediately adjacent is of an unsympathetic design and construction allowing the proposed building to sit higher in prominence due to its decorative nature. The Tripartite bays, window proportions, materials and the traditional character are replicated and sit sensitively against buildings in its immediate context, such as those on Phoenix Road to the east and Chalton Street to the south.

#### Social

3.10 The surrounding area is predominantly residential with shops and community facilities upon the street frontages and buildings connected with these uses that are valued by the community due to their day to day use and continued presence. They are also interconnected by their architectural nature. No objections were raised to the building being added to the Council's Local List due to its established communal value.

3.11 By virtue of the existing building being a locally listed building of merit, recognised for its architectural interest, townscape significance, and for the contribution it makes to its context, its demolition cannot be supported from a heritage, townscape and design perspective.

3.12 The building's inclusion on the Council's Local List establishes an overwhelming presumption



in favour of the retention of the existing building. The following is taken from the Local List dated January 2015 'What does it mean to be on the List?'

*'Local Listing identifies locally significant buildings, landscapes and features of heritage value – but like any designation - it is not a preservation order. Locally listed buildings can still be altered, or in rare cases demolished, once the case has been made and all other options have been explored as part of the planning process. The Local List and the accompanying Camden Planning Guidance help ensure that change is balanced with the heritage significance of the building or feature in question.'*

- 3.13 The NPPF attaches great importance to the design of the built environment. Paragraph 17 of the NPPF gives 12 core planning principles. One of these principles is to *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'*. Paragraph 56 states that *'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.'*
- 3.14 In relation to non-designated heritage assets, paragraph 135 states that *'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'*
- 3.15 London Plan policies 7.4, 7.6 and 7.8 set out that all development should make a positive contribution to the local character and streetscape, should incorporate the highest quality design and materials appropriate to its context, and should conserve the significance of heritage assets by being sympathetic to their form, scale, materials and architectural detail.
- 3.16 Camden policy CS14 requires the Council to ensure that Camden's places and buildings are attractive, safe and easy to use by: *'(a) requiring development of the highest standard of design that respects local context and character'; and (b) preserving and enhancing Camden's rich and diverse heritage assets'*. The supporting text to policy CS14 in paragraph 14.4 states that *'The Council will therefore insist on high quality design throughout the borough...we will not accept design that is considered inappropriate to its context or which fails to take opportunities to improve the character and quality of an area and the way it functions.'*
- 3.17 Policy DP25 provides more detailed guidance on the Council's approach to protecting and enriching Camden's rich architectural heritage. Alongside policies relating to listed buildings and conservation areas, DP25 also states that *'The Council will seek to protect other heritage assets including Parks and Gardens of Special Historic Interest and London Squares.'*
- 3.18 The lack of specific reference to locally listed buildings or to non-designated heritage assets within policies CS14 and DP25 is due to the date of adoption of the Camden LDF and Development Plan in 2010. At this time the Camden Local list had not been established, even in draft form, nor had the principle yet been established in national policy that the effect of development on the significance of a non-designated heritage asset was a material consideration in determining applications. This concept was introduced through policy HE8 of PPS5 in 2010, which set out additional policy principles relating to non-designated heritage assets. PPS5 also introduced the definition of a Heritage Asset as *'A building, monument, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment. They include designated heritage assets (as defined in this PPS) and assets identified by the local planning authority during the process of decision-making or through the plan-making process (including local listing).'*
- 3.19 Policy D2 (Heritage) of the emerging Camden Local Plan 2016 Proposed Submission states

that 'The Council will preserve and, where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.' In relation to 'Other heritage assets and non-designated heritage assets' policy D2 states that 'The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list)...The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.'

- 3.20 In relation to non-designated heritage assets, paragraph 7.68 of the supporting text to policy D2 states that Camden 'has many attractive, historic, locally significant buildings and features which contribute to the distinctiveness of local areas, but which are not formally designated. The National Planning Policy Framework identifies these features as non-designated heritage assets. Non-designated heritage assets may either be identified as part of the planning process or on Camden's Local List. Camden's Local List identifies historic buildings and features that are valued by the local community and that help give Camden its distinctive identity but are not already designated in another way (for example a Listed building). When planning permission is required for any proposal that directly or indirectly affects the significance of a non-designated heritage asset (either on the Local List or not) then the Council will treat the significance of that asset as a material consideration when determining the application.'
- 3.21 Camden has relevant guidance relating to new design and development in CPG1. Paragraph 2.8 states that 'In order to achieve high quality design in the borough we require applicants to consider buildings in terms of context, height, accessibility, orientation, siting, detailing and materials. These issues apply to all aspects of the development...and should be considered at an early stage.' Paragraph 2.9 states that 'Good design should positively enhance the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area, and any strategic or local views'.
- 3.22 Paragraph 3.31 further states that 'Non-designated heritage assets may either be identified as part of the planning process (e.g. pre-application process) or on Camden's Local List'. Paragraph 3.32 states that 'Camden's Local List identifies non-designated heritage assets within the borough, providing information about their architectural, historic, townscape and / or social significance. It acts as a valuable resource to residents, developers and other interested parties alike, helping to ensure that the significance of any asset deemed a non-designated heritage asset is carefully considered by the Council in decision making.'
- 3.23 Regarding the implications of being a non-designated heritage asset, paragraph 3.36 states the 'if planning permission is required for any proposal that would either directly or indirectly affect the significance of a non-designated heritage asset (either on the Local List or not) then the Council will treat the significance of that asset as a material consideration when determining the application.' It is also clearly stated that 'there is a presumption in favour of retaining NDHAs which are either identified as part of planning process or on the Local List.'
- 3.24 In relation to development proposals, paragraph 3.36 requires applicants to 'show how the significance of the asset, including any contribution made by their setting, has been taken into consideration in the design of the proposed works. The level of detail required will be proportionate to the asset/s importance and no more than is sufficient to understand the potential impact of the proposal on the significance of the asset/s affected'. In decision making officers 'will make a balanced judgment having regard to the scale of any harm or loss and the significance of the asset/s affected. They will take account of:
- the desirability of sustaining and enhancing the significance of any non-designated heritage asset/s and putting them to viable uses consistent with their conservation;
  - the positive contribution that the conservation of heritage assets can make to sustainable

*communities including their economic vitality;*

- *the desirability of new development that affects non-designated heritage assets to preserve and enhance local character and distinctiveness.'*

- 3.25 Paragraph 7 of Historic England's Advice Note 7: Local Heritage Listing states that '*Local heritage listing is a means for a community and a local planning authority to identify heritage assets that are valued as distinctive elements of the local historic environment. It provides clarity on the location of assets and what it is about them that is significant, helping to ensure that strategic local planning properly takes account of the desirability of their conservation.'*
- 3.26 In relation to decision making, paragraph 11 states that '*In deciding applications for planning permission that affect a locally listed heritage asset or its setting, the NPPF requires, amongst other things, both that local planning authorities should take into account the desirability of sustaining and enhancing the significance of such heritage assets and of putting them to viable uses consistent with their conservation and the consideration of the positive contribution that conserving such heritage assets can make to sustainable communities including their economic vitality (NPPF paragraphs 121 and 126). Whilst local listing provides no additional planning controls, the fact that a building or site is on a local list means that its conservation as a heritage asset is an objective of the NPPF and a material consideration when determining the outcome of a planning application (NPPF, paragraph 17). Local heritage listing also demonstrates explicitly that a building makes a positive contribution to the character of a conservation area, and locally listed heritage assets within conservation areas also benefit from the general control over demolition afforded by the Planning (Listed Buildings and Conservation Areas) Act 1990.'*
- 3.27 Paragraph 12 outlines that the '*the level of protection afforded is influenced by the manner in which the local heritage list is prepared. The sounder the basis for the addition of an asset to the local heritage list – particularly the use of selection criteria – the greater the weight that can be given to preserving the significance of the asset. The degree of consultation on the list and the inclusion of assets on it also increases that weight. However, the absence of any particular heritage asset from the local list does not necessarily mean that it has no heritage value, simply that it does not currently meet the selection criteria or that it has yet to be identified.'*

#### Non-designated heritage assets and Camden's Local List

- 3.28 As defined in the NPPF, a heritage asset is '*a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).'*
- 3.29 Camden's Local List identifies non-designated heritage assets, consisting of historic buildings and features that are valued by the local community and that help give Camden its distinctive identity. These features make a place special for local people, they carry history, traditions, stories and memories into the present day and add depth of meaning to a modern place. The List recognises elements of the historic environment that are not already statutorily designated, but which may nonetheless contribute to a sense of place, local distinctiveness and civic pride. These are known as 'non-designated heritage assets'.
- 3.30 The Local List provides clear, comprehensive and current information about non-designated heritage assets that exist within Camden, helps to develop a better understanding of what local communities consider to be important in their local historic environments and celebrates the rich variety of features that give Camden its unique qualities. To be considered for inclusion on the Local List nominations need to have satisfied a minimum of two selection criteria with at least one being either criteria 1 or 2, as set out below:

Criteria 1 - Architectural significance - this includes assets that:

- a) demonstrate distinctive artistic, craftsmanship, design or landscaping qualities of merit (e.g. form, layout, proportions, materials, decoration); and/or
- b) are attributed to a locally known, architect, designer, gardener or craftsman and demonstrates quality of design, execution, and innovation; and/or
- c) exemplify a rare type or function which survives in anything like its original condition and form.

Criteria 2 - Historical Significance - this includes assets that:

- a) demonstrate rare evidence of a particular phase or period of the area's history; and/or
- b) are associated with a locally important historic person, family or group; and/or
- c) are associated with a notable local historic event or movement.

Nominations under this criterion should retain physical attributes which are of key importance to their historical significance. Please note that physical attributes are defined in the Selection Criteria Guide as '*the actual building or feature associated with a historic event or person should remain, not a re-construction on its site*'.

Criteria 3 - Townscape Significance - this includes assets which play a key part in supporting the distinctive character of the local neighbourhood either as a landmark, for their aesthetic qualities, through promoting collective identity or group value. Please note that the following definitions are included in the Selection Criteria Guide:

- Landmark – for instance a building marking a corner site, which stands out from its surroundings.
- Aesthetic qualities – for instance attractively designed detailing or use of materials, or well considered setting of a feature.
- Collective identity/ Group value – For instance a collection of typical high street building forms located closely together for instance bank, church, town hall, police station, which together reinforce the local identity.

Criteria 4 - Social Significance - this includes assets that:

- a) are associated with distinctive communal, commemorative, symbolic or spiritual significance; and/or
- b) are associated with locally distinctive cultural heritage, such as art, literature, music or film; which have support from and are valued by a wider community or society.

Nominations under this criterion should retain physical attributes which are of key importance.

- 3.31 Prior to its adoption in 2015, the Camden Local List went through an extensive process of consultation and review. Public consultation on the draft Selection Criteria, used by the public to justify their nominations to the Local List and by the Council when assessing nominations, took place from July - September 2012. Responses were reviewed before the revised Selection Criteria were adopted on 14 November 2012. Public consultation inviting nominations for the Local List took place November 2012 – January 2013, which were then reviewed against the Selection Criteria before being presented at the Selection Panel meeting, which was made up of people living/working in Camden with knowledge and expertise reflecting the range of items nominated during the public consultation – including the historic environment, architecture, community, public arts and historic landscape. A final assessment of the nominations was undertaken in May 2013. A six week public consultation period on the draft Local List and amendments to CPG1 took place in winter 2013. On 3 September 2014 CPG 1 was revised to include guidance on the Local List. The Camden Local List was adopted on 21st January 2015.
- 3.32 The published Local List is intended to be a fluid document that will be reviewed and updated periodically to respond to newly identified non-designated heritage assets and also changes to

assets already identified (e.g. an asset is demolished). The document includes brief descriptions of the identified non-designated heritage assets, which are not intended to be exhaustive.

- 3.33 The previous proposals considered unacceptable at pre-application stage (ref. 2014/1992/PRE) have been amended with viability studies and Heritage Assessments undertaken. Notwithstanding this, the following comments made at the pre-application stage by the Council's Conservation and Design Officer are still relevant, in particular the following:
- Previous options showed that the entire plot could be used to create a larger building footprint, which is acceptable in principle subject to design, scale, mass, overall design and detailing and relationship to the parent building;
  - A better relationship to the street over the existing may be desired for future intensification of the land use but the scale and design of the fenestration at street level as shown would not be an improvement and would harm the character and appearance of the building;
  - Large areas of ill-proportioned glazing and overly large apertures (especially as they relate to the parent building) on the two principle façades (*shown in Steps 2 and 3*) would not be supported regardless of (new) internal arrangements because these designs obliterate the building's significant features, affecting its reasons for inclusion on the local list;
  - The size of the proposed apertures appear overly large, disproportionate and incongruous with the prevalent pattern on the building, highlighting their poor-fit with the rest of the building, harming its appearance and also being uncharacteristic of the prevalent street frontage on surrounding buildings;
  - The extent of the development suggested on the existing building (*in Options 2 and 3*) are wholly unacceptable as they visually diminish it due to large unbroken volume, size, extent, height and lack of articulation of the mass; and
  - Changes to the existing building must be informed by its local context, addressing the area's sense of place and unique qualities in terms of design and materials and sensitive location within the setting of the Grade II listed Ossulston Estate.
- 3.34 It was commented in the advice given at pre-application stage (paragraph 5.2.5) that '*it is first noted that the submitted information records that the building is of sound construction. Whilst various superficial elements require maintenance/replacement, the building is robust to withstand retention and renovation*'.
- 3.35 The significance of the existing building has been established when it was added to the Local List as 'Architectural, Townscape and Social Significance' which has been further explored above. The NPPF Para 135 states that '*In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*'
- 3.36 Although amendments have been made since the pre-application submission and during the course of this application that have resulted in less height and changes to its design, the proposal still directly affects the locally listed building and results in its wholesale demolition. The scale of harm and loss to the significance of the existing building, as a non-designated heritage asset, is therefore considerable.
- 3.37 The continued use of the building by community oriented groups, including current occupiers 'Fine Tutors', demonstrates that the existing building continues to be suitable for a degree of community use. Whilst the submitted scheme would re-provide the existing community floor space with improved access to the existing situation, no public benefit case has been

presented that would justify the wholesale demolition of the existing heritage asset. Furthermore, the submitted options fail to explore all less invasive, and costly, alterations to the existing building to address the issue of accessibility.

- 3.38 On the balance of material planning considerations, the proposed redevelopment of the site with limited public benefit would not outweigh the harm or loss of the locally listed building and its significance, contrary to policies CS14, DP24 and DP25 and the NPPF. The proposed replacement building has a much larger bulk, mass and height and detailing and a design which would obliterate the existing buildings historical, townscape and social significance. The appropriateness of the proposed replacement building is discussed below.

#### **4.0 The Proposed Replacement Building and Public Realm**

- 4.1 The proposal is to demolish the existing part four, part five-storey 1930's building and to replace it with a new six storey building with an extended basement. The proposed building would occupy the entire plot on six floors and would infill the lightwells at the perimeter of the building to increase the basement area. This represents a considerable uplift in floor space from 1,087sqm to 2,657sqm and departs from the prevailing housing typology of the area of slim, dual aspect residential blocks arranged in linear form or around a courtyard.
- 4.2 The proposed building would provide Class D1 floorspace on the ground and basement floors and student accommodation on the five upper floors. The building is designed to provide active frontage at ground floor level on to Phoenix Road and Chalton Street. This would be achieved by extending the basement to infill the lightwells at the perimeter of the building, removing the railings that separate the existing the building from the street and arranging the ground floor elevations as a series of large glazed openings separated by brick piers.
- 4.3 Entrances to the Class D1 space are located on Phoenix Road and Chalton Street and a separate entrance to the student accommodation would be located at the centre of the Phoenix Road elevation leading to a central stair and lift core at the rear of the building. A 6-bedroom cluster apartment would be located on either side of the core at the first to fourth floor levels and seven studio apartments would occupy the sixth storey roof space.
- 4.4 The long north elevation on Phoenix Road would be the location of the study bedrooms because this is considered to offer the best orientation for light and visual privacy. Each study bedroom would feature a full height projecting bay window and a side window next to it. This component repeats across the façade in an unbroken regular grid forming the dominant architectural feature of the proposed building. Brick clad piers in a warm grey tone would separate these large openings reflecting the materiality of the existing building.
- 4.5 At sixth floor level the student accommodation would be located within a hipped mansard roof and each apartment on the north elevation would feature a dormer window in two parts, one part tall and narrow to echo the form of the chimney stacks on surrounding buildings and one part of width to correspond with the grid on the lower floors.
- 4.6 The Chalton Street elevation was initially conceived as presenting a blank gable end. Subsequent design revisions added flush metal-lined window openings and a parapet with hipped roof behind and a tall dormer window.
- 4.7 At the western end of the building the proposal includes an approximate six-fold increase in the volume of the oversail over Clarendon Grove. The depth of the oversail would increase to the full depth of the plot, rather than the existing condition of roughly one third of the plot depth, and would extend to four floors of development instead of two above the public right of way. In the initial proposal, the height of the passageway was lowered relative to the existing but it was subsequently amended to an opening that would be two storeys high. This responded to officer concerns that the reduced height would make the passageway less attractive as a pedestrian route and that it would lack visibility from the public realm and not be clearly recognised as the

entrance to a public route.

- 4.8 The passageway would be flanked on its eastern side by windows to the Class D1 ground floor space and on the boundary with Maria Fidelis School by a colonnade of brick piers. This proposal relies on the assumption that the neighbouring school building would be demolished and replaced by a playground in this location as proposed in the current planning application (ref. 2016/3476/P) for the neighbouring site. In this assumed future scenario the colonnade would be open to the west.
- 4.9 There are two key issues in relation to architectural and urban design aspects of the proposal:
- Whether the design quality of the replacement building meets the high standards expected in the case of a proposal to demolish and replace a building on the local list; and
  - The increase in the oversail over the public footpath.

#### Design quality

- 4.10 The design of the building reflects only a superficial appreciation of the qualities of the existing building and is an unimaginative response to its rich context. The qualities of the existing building that the proposed building is said to seek to reinterpret are '*the character of the existing brickwork and the lightness of the metalwork of its fenestration*'. The focus on elements of the existing building fails to recognise that its value in this prominent corner location lies in the way that its varied composition and richness of architectural detail and expression offers a counterpoint to the regular gridded facades of neighbouring residential buildings and provides a distinctive local landmark.
- 4.11 The use of brick and the choice of tone and colour are appropriate but the ratio of solid to void does not reflect the use of brick in the existing building. The dominant design feature of the proposed building is the projecting bay component which is repeated, undifferentiated and without punctuation at regular spacing across the four floors above ground level on the Phoenix Road elevation. The ground floor is slightly taller than the upper floors but recedes visually so does not successfully correspond with the strong base of neighbouring buildings. This is due to the absence of architectural detailing and the dominance of the projecting bays on the upper floors. Little is made of building entrances as a feature of the elevation.
- 4.12 The effect of the very large projecting bays windows is overbearing and monotonous giving the proposed building a faceless anonymity in marked contrast to the character of the building that currently occupies the site. This is compounded by the design of the bay window components themselves which are sealed boxes with glass bonded onto them in order to achieve the visual effect of framelessness. The grey standing seam metal roof cladding is also selected to achieve a smooth, flat appearance that has a deadening effect quite unlike the fine grained texture of materials and detailing to the existing building and other roofs in the surrounding area.
- 4.13 The design seeks to compliment neighbouring buildings, most notably the Grade II listed Ossulston Estate, by referencing their chimney stacks with 'chimney-like dormers'. These 'paired dormers' seem an inelegant and contrived element of the proposal in their own right and are too literal and crude a response to context. They could serve to diminish the significance of the heritage asset by detracting from the appreciation of the meaning and expression of its chimney stacks as distinctive historic features.
- 4.14 The proposed building fails to adequately address the corner position of the site which should positively engage with both Chalton Street and Phoenix Road. The Chalton Street elevation, although developed further since first being proposed as a blank gable end, is expressed as a secondary frontage with the same treatment as the rear elevation. The design does not make a feature of the corner through modelling of the building to address it in a three dimensional sense. There is a lack of sensitivity in the design to how the simplistic massing and proportions

of the rigidly gridded elevations combine to give the appearance of a building that is out of scale with its surroundings.

### Oversail

- 4.15 The proposed increase of the oversail to the full height and depth of the plot would quite fundamentally change the nature of the public footpath. Instead of it being an open path with a building bridging across it, it would become a passageway passing through a building. This could be detrimental to the function of the route as a public right of way and thus to wider policy goals of supporting pedestrian access and permeability.
- 4.16 Council officers have consistently advised the applicant that the oversail should not form part of the proposals and the public footpath should be open to the sky. It has been argued by the applicant in favour of the proposed oversail that the improved surveillance of the route that may be allowed by the openings to the ground floor spaces within the building, improved lighting, higher quality construction materials and the increase in height and width of the passageway would decrease fear of anti-social behaviour and make it a more attractive pedestrian route. However, this serves to underline the subordination of the public nature of the route to the private realm of the building. To allow this change in status would be to relinquish control of the public realm so that the fate of the public footpath would be dictated to a much greater extent than is currently the case by the functioning, management and maintenance of the building, which cannot be secured via planning controls into the future.
- 4.17 It is also quite likely that the increase in oversail and the proposed colonnade on the site boundary would change the perception of the opening in the façade so that it would be less clearly recognised as the entrance to a public route. Whereas the oversail is currently supported by a neighbouring building that is stylistically very different, indicating a clear demarcation of the plots and therefore suggesting a public right of way between them, the proposed colonnade on the site boundary that would provide the structural support for the oversail, would be an integral part of the proposed building. Furthermore, whilst public passageways through large buildings that occupy entire plots might be a familiar element in the townscape in other parts of the city, entire plot coverage and long passageways through buildings are not characteristic of Somers Town and would therefore be less likely to be recognised as such.
- 4.18 In the alternative view put forward by officers, as a point of principle, the proposal should take full advantage of the most important opportunity that redevelopment of the site offers to improve the public footpath which is to remove the existing oversail. This would offer significant public benefit that would be weighed in the planning balance in compensating for the loss of a locally listed building. It should be noted that the improved lighting and widening of the route support the proposal to gain access to the rear of the building for cycle storage and refuse collection. It should also be noted that the openness to the colonnaded side of the passageway that would be an important factor in determining the quality of the space is dependent upon the demolition of buildings on the adjacent site and their replacement with open space. This has neither planning approval at the current time nor would its implementation be within the remit of this proposal.

## **5.0 Residential Amenity**

- 5.1 The nearest neighbouring residential occupiers are located within Charlton House, to the south, with other residential occupiers present on the opposite side of Charlton Street.

### Outlook

- 5.2 Given its intended siting approximately 18 metres from the windows of the nearest residential properties, Chalton House, and the reductions made to the design and its height during the course of the application, the proposed replacement building would not appear overly



dominant when viewed from neighbouring residential occupiers or result in any undue loss outlook to their occupiers.

#### Daylight/Sunlight

- 5.3 A Daylight and Sunlight Report has been submitted with the application that considers the impact on the Average Daylight Factor (ADF) and Vertical Sky Component (VSC) measurements to neighbouring sensitive dwellings in accordance with the Building Research Establishment's 'Site layout planning for daylight and sunlight: A guide to good practice' (BRE Guide), and as advised by CPG6 (Chapter 6).
- 5.4 The report considers the impact upon the neighbouring properties at Chamberlain House (55-83 Chalton Street), Chalton House (1-35 Chalton Street), Oakshott Court (Building F), the Cock Tavern Public House (23 Phoenix Road), Walker House (Phoenix Road) and Maria Fidelis School (34 Phoenix Road).
- 5.5 The report concludes that the daylight (VSC) and sunlight to neighbouring residential properties would not be adversely affected by the proposed development with reductions to residential neighbouring habitable rooms adhering to target criteria (these do not exceed the prescribed 20% reduction target to neighbouring residential windows) within the BRE Guide. In terms of daylight assessment of average daylight factor (ADFs) within neighbouring rooms, the report concludes that the proposed development has minimal effect on current ADF levels.
- 5.6 For sunlight, in accordance with the BRE Guide, the report confirms that good levels of sunlight exist at present to neighbouring room windows, as applicable, and these will be maintained in the proposed scenario and generally significantly better than the target criteria within the BRE Guide. In summary, there are no significant adverse effects on any surrounding buildings with the effects of the proposed development on neighbouring residential properties satisfying the BRE Guide target criteria.

#### Overlooking and Loss of Privacy

- 5.7 The existing building provides an outlook towards the nearest neighbouring residential property, Charlton House, which comprises shared balcony access at the rear, with habitable flat windows recessed on the rear elevation. Chalton House is orientated at 90 degrees to the south elevation of the existing building, reducing the likelihood of overlooking in this location. In addition to the perpendicular orientation, the western elevation of Chalton House is the location of the deck access and front doors - windows on this elevation are recessed from the façade and smaller than on the east elevation. There are no windows into habitable rooms on the north elevation of Chalton House facing onto the site.
- 5.8 Furthermore, Chalton Street is approximately 18m wide which is an acceptable distance between facing windows into habitable rooms. Due to the directly opposite eye level views which would be shared across the street, the windows on the east elevation have been kept to a minimum size and do not project from the building line - there are no balconies on this elevation. The bedroom windows have been located on the north facing elevation where Oakshott Court 20m across the road and at 90 degrees to 42 Phoenix Road does not have any facing windows. As such, the proposal would not result in any undue overlooking or loss of privacy to neighbouring residential properties.

#### **6.0 The Quality and Standard of the Proposed Replacement Accommodation**

- 6.1 The existing 380 square metres of useable Class D1 space will be replaced by 404 square metres in the proposed development. The re-provided floorspace itself is considered to be acceptable and would provide improved and level access community floorspace.
- 6.2 The proposed student accommodation would be arranged as a mixture of cluster apartments

(with shared cooking, bathroom and living facilities) and 15 self-contained studio flats (7 x 6 bedroom units, 1 x 4-bedroom unit, 7 studio units and 53 bedrooms). The accommodation is targeted specifically toward returning (2<sup>nd</sup>, 3<sup>rd</sup> and post-graduate) students. The scheme provides a total of 1640 square metres of student residential floor space (GIA).

- 6.3 CPG2 requires 10% of student bedrooms to be wheelchair accessible. Five out of the 15 apartments are designed to be suitable for wheelchair users. All apartments are accessible to wheelchair visitors.
- 6.4 The student accommodation would provide a satisfactory standard of accommodation for future occupiers. It has been designed to comply with Camden's guidance for HMOs and policy DP9 and CPG1, in particular chapter 3, which are both relevant to student housing. Each of the units would provide a satisfactory floorspace for individual bedrooms and the flats as a whole. The accommodation would make an efficient use of the space and would be dual aspect with access to suitable refuse storage facilities and secure bicycle parking facilities.

## 7.0 Transport Issues

### Car Parking

- 7.1 The site is located within the Somers Town Controlled Parking Zone CA-G and has a PTAL rating of 6b (excellent). This means that the site has excellent accessibility by public transport. In order to ensure that staff, visitors and occupiers of the proposal do not contribute to parking stress or add to existing traffic and environmental problems in the local area (e.g. traffic congestion, road safety and air quality), the development should be secured as 'car free' through a S106 agreement if the application were approved. This is in accordance with key principle 4 of the NPPF, Promoting sustainable transport, policies CS11, CS19 (specifically paragraphs 19.14 to 19.19), DP18 and DP19 of the LDF, CPG7 (specifically section 5) and CPG8 (specifically section 10, paragraphs 10.1 to 10.3).
- 7.2 Whilst the applicant has confirmed a willingness to provide a 'car free' development, in the absence of a S106 legal agreement securing this, the development would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to the above policies. However, this would be secured if permission were to be granted.
- 7.3 Policy DP17 also requires development to provide "*minimum parking standards for people with disabilities to meet their needs*". For Class D1 use it is required at a threshold of 2,500sq m, to provide 1 disable parking space per 20,000sq m or part thereof. Given this proposal is below the threshold, disabled parking provision would not be required for the development.

### Cycling

- 7.4 Policy DP18 of the LDF Development Policies requires developments to sufficiently provide for the needs of cyclists and it would ideal for the school to aspire to these standards. Camden's minimum cycle parking standards are contained in Appendix 2 of the Camden Development Policies document. The London Plan also provides guidance on minimum cycle parking standards and these are outlined in Table 6.3.
- 7.5 The proposal would provide 30 secure cycle parking spaces at basement level, accessed by a lift to the rear from Clarendon Grove, in accordance with Council and London Plan policies. These would be secured by condition if permission were granted.

### Travel Plan

- 7.6 Policies CS11, CS19 and DP16 seek to promote sustainable development and ensure that development is properly integrated with the transport network and supported by adequate walking, cycling and public transport links with appropriate mitigation measures in place.

- 7.7 Such a Travel Plan should set out measures to promote the use of sustainable transport by future visitors and workers within the development. This would be updated by the developer or student accommodation and community use (Class D1) operators on a regular basis if the hotel were built and occupied, with travel surveys of staff and visitors being carried out in the first, third and fifth year of occupation. A draft Travel Plan has been submitted with the application. A final Travel Plan would be secured along with a monitoring and administration contribution of £6,020.

#### Management of Construction Impacts on the Public Highway in the local area

- 7.8 The proposal would involve a significant amount of demolition and construction works. This is likely to generate a large number of construction vehicle movements during the overall construction period. The Council's primary concern is public safety but it also needs to ensure that construction traffic does not create (or add to existing) traffic congestion. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality). A draft Construction Management Plan (CMP) has been submitted in support of the planning application to demonstrate that the proposed works could be constructed without in a safe and acceptable manner and without being overly detrimental to road safety, traffic congestion, and local amenity. A CMP would need to be secured by S106 legal agreement if planning permission were granted.

#### Highways Contribution

- 7.9 Policy DP21 states that the Council will expect development connecting to the highway to repair any construction damage to the transport infrastructure or landscaping and reinstate all affected transport network links, road and footway surfaces following development. In order to cover the Council's cost to repair any highway damage as a result of construction and to tie the development into the surrounding urban environment, a financial contribution would be required to repave the footway and make alterations to the existing highway adjacent to the site on Phoenix Road, Chalton Street and Clarendon Grove in accordance with policy DP21. Such a contribution would be secured by S106 legal agreement.

### **8.0 Sustainability**

- 8.1 The London Plan policy requires major developments to achieve 35% reduction in CO<sub>2</sub> emissions beyond the Part L 2013 building regulations by following the energy hierarchy. Policy CS13 requires 20% reduction in CO<sub>2</sub> emissions through renewable energy.
- 8.2 The Energy and Sustainability Statement submitted demonstrates how the proposals could meet the requirements of the Council and the London Plan. A number of sustainable design measures have been incorporated into the design of the replacement building to demonstrate compliance with local, regional and national dwelling performance and emission requirements. These include: Passive design; Energy efficient design of the services; Feasibility study on joining the local district heating scheme; and, Integration of an onsite Photovoltaic system.
- 8.3 The energy assessment results indicate that when compared to the notional development, the various energy efficient strategies employed collectively reduce the developments emissions enough to meet Building regulations 2013 and the criteria set by The London Plan and the Council. In terms of BREEAM a score of 74.93%, which equates to an 'Excellent' rating (70%) is anticipated as set out in the Preliminary BREEAM Assessment provided. This would be secured by S106 legal agreement, with a requirement that evidence of a final BREEAM Certificate being issued prior to occupation, in a sustainability plan requirement. An energy efficiency and renewable energy plan is also considered to be appropriate to be secured by S106.

## **9.0 Impact on Trees**

- 9.1 No trees would be lost as a result of the development. An Arboricultural Impact Assessment and Tree Protection Plan have been submitted with the application that demonstrate to nearby trees, in particular the large Plane tree within the grounds of Chalton House, would be protected during the course of the development and would not be harmed.

## **10.0 Section 106 Legal Agreement**

- 10.1 In accordance with CPG8, which provides more detail in relation to the thresholds and calculations for contributions, and as referred to above, the following matters would need to be secured by S106 legal agreement:
- The proposed Student Housing being formally tied in to a Higher Education Funding Council for England Institution by way of a nomination agreement so that Policy DP1 does not apply requiring a mixed use scheme with 50% self-contained housing.
  - Construction Management Plan
  - 'Car Free' development
  - Public open space contribution
  - Highways contribution
  - Local employment and apprenticeships agreement and a local procurement code
  - Energy efficiency and renewable energy plan
  - Sustainability plan
  - Travel Plan including monitoring fee of £6020

## **11.0 Recommendation**

- 11.1 Refuse Planning Permission.