

Address:	Land at Midland Crescent Finchley Road London NW3 6NA		1
Application Number:	2014/5527/P	Officer: Seonaid Carr	
Ward:	West Hampstead		
Date Received:	27/08/2014		
<p>Proposal: Redevelopment of the site by the erection of a part 3, part 4 and part 5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3/A4/B1/D1 & D2) at lower basement and ground floor levels, 60 student bedrooms with communal kitchen, lounge and common room areas, and 9 residential dwellings (Class C3).</p> <p>This report has been amended since it was last presented to Development Control Committee on 20th November 2014 to include the independent viability report which is included within Appendix A.</p>			
<p>Drawing Numbers: 2004-00-DR-0101 RevP01, 2004-00-DR-0108 RevP01, 2004-00-DR-0109 RevP01, 2004-00-DR-0110 RevP01, 2004-00-DR-0111 RevP01, 2004-00-DR-0112 RevP01, 2004-00-DR-0113 RevP01, 2004-00-DR-0114 RevP01, 2004-00-DR-0115 RevP01, 2004-00-DR-0401 RevP01, 2004-00-DR-0402 RevP01, 2004-00-DR-0403 RevP01, 2004-00-DR-0404 RevP01, 2004-00-DR-0405 RevP01, 2004-00-DR-0601 RevP01, 2004-00-DR-0602 RevP01, 2004-00-DR-0603 RevP01, 2004-00-DR-0604 RevP01, 2004-00-DR-0605 RevP01.</p>			
<p>Supporting Documents: Air Quality Assessment by Ramboll dated August 2014, Phase I Geoenvironmental Report by Capita dated August 2014, Planning Brief for the Mechanical and Electrical Services by The Kut Partnership Ref: RFB/CMW/6000/0 Rev A dated 26 August 2014, Daylight, Sunlight Report by Point Surveyors dated 20 August 2014, Ecological Impact Assessment by Capita dated August 2014, Energy Statement by Metropolis Green dated 20 August 2014, Sustainability Statement by Metropolis Green dated 15 August 2014, Midland Crescent Noise and Vibration Assessment by Aecom Environment dated August 2014, Transport Assessment by Tim Spencer & Co dated August 2014, Outline Site Waste Management Plan by Ramboll dated 07 November 2012, Obtrusive Light Lighting Report by Ramboll dated 11 June 2013, Student Accommodation Supply & Demand Report by Jones Lang LaSalle dated August 2014, Construction Environmental Management Plan by MAH Project Management dated August 2014 Rev C, Commercial Space Overview by Stadium Capital Holdings, Basement Impact Assessment by Ramboll dated 21 October 2014, Phase II Ground Contamination Report by Capita Symonds dated February 2012, Design Note for Supporting Drainage Design Information by Ramboll dated 20 August 2014, Midland Crescent Student Management Plan by CRM Ltd dated August 2014.</p>			

RECOMMENDATION SUMMARY: Grant conditional permission subject to Section 106 legal agreement

Applicant:	Agent:
Stadium Capital Holdings c/o agent	Savills Lansdowne House 57 Berkeley Square LONDON W1J 6ER

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	Brownfield land		1,554.3m ²
Proposed		Flexible Commercial (A1/A2/A3/A4/B1/D1 & D2) Student Accommodation (Sui Generis) Self contained flats (C3)	757m ² 2,533m ² 1,114m ²

Residential Use Details:										
	Residential Type	No. of Habitable Rooms per Unit								
		1	2	3	4	5	6	7	8	9+
Proposed	Flat	2	5	2						

OFFICERS' REPORT

Reason for Referral to Committee:

This application is reported to the Development Control Committee as it is major development involving more than 1,000sqm of non-residential floorspace [Clause 3(i)].

1. SITE

- 1.1 The application site is located to the western side of Finchley Road, immediately north of Blackburn Road and the O2 Centre which is on its southern side. The site is bounded to the north in part by No.279 Finchley Road which is a red brick interwar building of three storeys and part by a railway tracks running east/west, to the south the site is also bounded by a railway line running east/west.
- 1.2 The site itself is on two levels, occupying land which was formerly the Midland Crescent railway station, which served the Midland Railway (as previously named) running out of St Pancras Station. The upper section of the site to the east is immediately behind the western pavement of Finchley Road and is the location of the former station entrance and ticket hall. The lower section is a narrow triangular shape of a linear character, sandwiched between the two sets of railway tracks where they part to enter the two railway tunnels immediately to the east. The site is currently undeveloped, and is of an overgrown character. In the past, it was acknowledged to have had some nature conservation value, but it is understood that Network Rail removed the valuable species of flora, so the site no longer benefits from a nature conservation designation.
- 1.3 The surrounding area is a mixture of uses including retail, commercial, residential, hotel and community uses. To the south is the O2 centre which contains retail, food and drink, cinema and gym facilities. In terms of building heights, the surrounding area is comprised of largely 3-5 storeys with the exception of the 7 storey hotel on the eastern side of Finchley Road.
- 1.4 The site is located within the West Hampstead Growth Area, the front portion of the site some circa 394sqm is located within a designated Town Centre. The site is not located within a conservation area and contains no listed buildings, however it is a short distance from Fitzjohn's/Netherhall Conservation Area, the western boundary of which runs a short distance behind the east side of Finchley road. The site is located within Flood Risk Zone 1.
- 1.5 To the north of the site on the opposing side of the railway track is an area designated as Private Open Space, a Site of Nature Conservation Importance within the Local Development Framework.

2. THE PROPOSAL

- 2.1 Redevelopment of the site by the erection of a part 3, part 4 and part 5 storey building with a double level basement comprising flexible commercial space (Use

Classes A1/A2/A3/A4/B1/D1 & D2) at lower basement and ground floor levels, 60 student bedrooms with communal kitchen, lounge and common room areas, and 9 residential dwellings (Class C3).

- 2.2 The development would appear as four linked blocks which decrease in height as the building moves east to west. As the building fronts Finchley Road it would measure up to 17.7m in height. The height of the building would drop to 14.1m, then 10.4m and then 8.8m as the building extends west. These measurements are taken from the pavement of Finchley Road. Given the topography of the site which slopes downwards from east to west, the rearmost part of the building would measure 15m in height from the existing natural ground level on site.
- 2.3 The proposed development would comprise two lower ground floor levels which would involve excavating up to 8m below ground level when measured on Finchley Road. As the site goes west the land slopes down along the railway tracks. The building would measure 88m in length as it extends east to west, the ground floor level would be slightly reduced at 84.5m due to a set back to the frontage. To the fourth floor the building's length would be reduced to 22.6m to the portion of the building fronting Finchley Road.
- 2.4 The building would be clad in cream and green terracotta tiles. The building would incorporate in parts long strips of horizontal windows sets which would incorporate spandrel panels in matt silver frames. The frontage at ground floor level would be fully glazed and comprise of double doors and full height panels to provide separate access to the various uses. To the rear of the lower ground floor -2 level would be a terrace area covered in metal mesh.
- 2.5 The development would provide 757sq metres of flexible commercial space to use under the following classes A1/A2/A3/A4/B1/D1 & D2. The majority of this space would be at lower ground -2 level and accessed via Finchley Road via stairs or lift. The area at ground floor would be suitably sized to accommodate a small shop unit.
- 2.6 The proposed student accommodation would be located in the rearward projection of the development from lower ground -1 to the second floor level with a communal area and terrace within the lower ground -2. The accommodation would be laid out in cluster units comprising of 10 x 5 bed cluster and 10 studios. Within each cluster would be a kitchen and dining area. There would also be breakout study areas to lower ground -1 and ground floor. Adjacent to the common room at the lower ground -2 level would be a laundry room for occupiers. There would also be an external terrace at lower ground -2 which due to the site's proximity to a railway line would be enclosed with metal mesh. At ground floor level there would be admin offices to be used in association with the student accommodation. The student accommodation would be accessed via an entrance on Finchley Road to the southern side of the site.
- 2.7 The residential element of the development would be located to the frontage of the site and comprise of residential accommodation from the first floor level and above. The development proposes 9 residential units; 2 x 1 bed, 5 x 2 bed, 2 x 3 bed. The

residential accommodation would have an individual access via Finchley Road to the north side of the building.

2.8 As the site is bounded to the north and south by railway lines, the only access to the development would be via the Finchley Road frontage.

2.9 Cycle and refuse storage has been provided within the lower ground -1 level.

3. RELEVANT HISTORY

3.1 **2013/0880/P** - Redevelopment of the site by the erection of a four/five storey building, including double basement and communal balcony at fourth floor level to provide 138 student units (Class Sui Generis) and 1,240 square metres of flexible commercial space (Classes A1/A2/A3/A4/B1/D1 & D2).

3.2 **2013/2564/P** - Redevelopment of the site by the erection of a part four, part five storey building, together with double basement and communal balcony at fourth floor level to provide 116 student units (Class Sui Generis) and 1,058 square metres of flexible commercial space (Classes A1/A2/A3/A4/B1/D1 & D2).

3.3 Both of the above applications were refused on the following grounds:

- Failure to provide C3 accommodation due to the uplift of floorspace within the town centre;
- Design;
- Insufficient information to demonstrate there would be no impact on neighbouring residents' daylight and sunlight;
- Impact on outlook enjoyed by neighbouring residents;
- Insufficient information to demonstrate there would not be an impact on the site of nature conservation importance to the north;
- Insufficient information to demonstrate the future occupiers would not experience undue noise and vibration levels; and
- No Section 106 legal agreement to mitigate the impact of the development.

3.4 **2013/4575/P** - Redevelopment of the site by the erection of a part 3, part 4 and part 5 storey building with a double level basement comprising flexible commercial space (Use Classes A1/A2/A3/A4/B1/D1 & D2) at lower basement and ground floor levels, 92 student bedrooms with communal kitchen, lounge and common room areas, and 9 residential dwellings (Class C3).

3.5 The above application was refused on the following grounds:

- Design;
- Impact on outlook enjoyed by neighbouring residents along Finchley Road and Rosemont Road;
- Impact on the Site of Nature Conservation Importance; and
- No Section 106 to mitigate the impact of the development.

3.6 Applications 2013/2564/P and 2013/4575/P were subsequently appealed and a Hearing was held in March 2014. Both applications were held at the same hearing,

the differences between the two being that 2013/2564/P did not include any residential (Use class C3) accommodation and each had a slightly different design with 2013/4575/P having a lower frontage section which stepped away at the top floor and the rearward section was also less than in 2013/2564/P.

3.7 The appeals were dismissed and the Inspector made the following comments:

Land use

- The proposal should include an element of self-contained residential accommodation to meet the aims of CS1, CS2 and DP1.
- Reason for refusal upheld.

Design

Although there were slightly different heights to the two applications the Inspector took the same view on both proposals.

- The height of the frontage element would not be out of keeping with the height of buildings in the area.
- With regard to the relationship with No.279, strict adherence to the height of this smaller building is not necessary, the transition is shown in two steps which means that any possible abruptness in the change in heights is avoided.
- When viewed with the substantial form of the O2 building it would not appear out of place.
- The effects of the building when viewed from Blackburn Road would be significantly tempered by the sense of space created by the railway line.
- In terms of the design, the composition of the building would offer an interesting and well mannered addition to the area. The various sections of the building would be broken, visually if not physically, by the inclusion of different height curved sections and the amount of fenestration would prevent a bland impression.
- Reason for refusal not upheld.

Neighbour Outlook

- The rearward projection of the building combined with its height, would mean when viewed from the rear of the residential properties on Finchley Road and their terraces the proposals would appear unacceptably dominant and represent an overbearing feature.
- The proposals would be set at an angle where they adjoin 279 Finchley Road but taking account of the height, depth and other element of the building that would project out, these matters would be far from sufficient to render the proposed relationships acceptable.
- The distance between the proposal and the properties on Rosemont Road would be sufficient to ensure that there would be no unacceptable effects on these neighbouring residents.
- Reason for refusal upheld with regard to properties on Finchley Road but not Rosemont Road.

Impact on the Site of Nature Conservation Importance to the north

- There would be a relatively minor effect on the nature conservation site as a result of both proposals.
- Additional shading would occur on parts of the site at particular times of the year and day.
- This could have an effect on the range of plants and species which will survive. However the Inspector considered the effect as only a minor change and one which could be compensated for by more appropriate management of the site. This is a matter which is addressed in the Planning Obligation for the Public Open Space Contribution which could include an amount to manage the area.

No.16-26, 30-32 Rosemont Road and Land to rear known as Rosemont Embankment

- 3.8 **PW9702272R3** - Redevelopment by the erection of: 900m² of B1 floorspace, 19 residential houses and 8 residential flats (inclusive of 4 affordable flats) and parking for 22 cars, development of a triangular site to the west as a community play area, landscape works to and ecological management of Rosemont Embankment. Application granted.

4. **CONSULTATIONS**

Statutory Consultees

- 4.1 Environment Agency
- No objection
- 4.2 Thames Water
- No objection
- 4.3 Transport for London
- No objection but provided detailed comments, see transport section below.
- 4.4 London Underground
- No objection
- 4.5 Network Rail
- Objection, details provided within transport section below.

Adjoining Occupiers

	Original
<i>Number of letters sent</i>	201
<i>Total number of responses received</i>	20
<i>Number of electronic responses</i>	19
<i>Number in support</i>	0
<i>Number of objections</i>	20

4.5 A press notice was published in the Ham & High on 11 September 2014. Site notices were initially displayed at incorrect locations. However three further site notices were displayed around the site on 29 September 2014 for three weeks.

4.6 20 objections have been received from neighbouring residents a summary of these is provided below:

- We live on Rosemont Road but did not receive any notification of the development from the Council. Neither have any of the residents within the Barratts new building development.
- Design not conducive to the area, building is unsightly, size does not fit in with other buildings and would not follow the natural lines of the other buildings. It is more in keeping with properties from the Soviet block than the varied buildings along Finchley Road.
- Building appears higher than the O2 centre.
- Development would appear overbearing, foreboding for residents on Rosemont Road.
- Development will cause light and noise pollution in the area, right next to the railway which already causes noise to residents in the immediate area.
- Development will increase parking stress to Rosemont Road and surrounding area and congested space.
- Litter in Rosemont Road already a concern for residents. Development would exacerbate problem.
- Lack of privacy from student block overlooking properties on Rosemont Road.
- Building phase will cause considerable disruption to an already congested Finchley Road and surrounding area.
- Proposed building will block views from neighbouring properties.
- The development would not benefit the local atmosphere, student accommodation is not appropriate.
- Increased noise from students enjoying their social life at the expense of long service loyal residents.
- Concern about security of rail lines.
- Difficulty of getting access to the site will bring delays and obstructions to traffic on Finchley Road.
- Development will impact on light levels received by neighbouring residents.
- Development would cause damage to the conservation area behind Rosemont Road and an adverse impact on the delicate balance on biodiversity there.
- Development would devalue surrounding area.
- As the nearest university is several kilometres away the main purpose of the development may well be exploitative single person one-room rental units being excessively high in the area. Family sizes units are required. The site could also be used for low rise affordable housing.
- The design of the development will amplify noise of the trains travelling through the surrounding area.
- Increase noise and dust as a result of the construction.
- Toxic emissions from the trains will hang around longer causing health issues.

- We are under the impression the land has been designated a natural conservation site, providing a much needed break in the landscape amidst the frequent concrete jungle.

5. POLICIES

5.1 National Planning Policy Framework 2012

5.2 The London Plan 2011

5.3 LDF Core Strategy and Development Policies

CS1 – Distribution of growth

CS2 – Growth areas

CS3 – Other highly accessible areas

CS5 – Managing the impact of growth and development

CS6 - Providing quality homes

CS7 - Promoting Camdens centres and shops

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 Camdens 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

DP 1 - Mixed use development

DP 2 - Making full use of Camdens capacity for housing

DP 3 – Contributions to the supply of affordable housing

DP 5 – Homes of different sizes

DP 6 – Lifetime homes and wheelchair homes

DP 8 – Accommodation for homeless people and vulnerable people

DP 12 – Supporting strong centres and managing food, drink, entertainment & t/c uses

DP13 – Employment premises and sites

DP16 – The transport implications of development

DP17 – Walking, cycling and public transport

DP18 – Parking standards and limiting the availability of car parking

DP19 – Managing the impact of parking

DP20 – Movement of goods and materials

DP21 – Development connecting to the highway network

DP22 – Promoting sustainable design and construction

DP23 - Water

DP24 – Securing high quality design

DP25 – Conserving Camden's heritage

DP26 – Managing the impact of development on occupiers and neighbours

DP27 – Basements & Lightwells

DP28 – Noise and Vibration

DP29 – Improving access
DP30 – Shopfronts
DP32 – Air quality and Camden's Clear Zone

- 5.4 **Supplementary Planning Guidance**
Camden Planning Guidance (2011) (as amended 2013)
CPG1 Design
CPG2 Housing
CPG3 Sustainability
CPG4 Basements and lightwells
CPG 5 Town Centres, Retail & Employment
CPG 6 Amenity
CPG7 Transport
CPG8 Planning obligations

6. **ASSESSMENT**

- 6.1 The principal consideration material to the determination of this application and summarised as follows:

- Land Use;
- Design;
- Standard of accommodation;
- Basement;
- Neighbour amenity;
- Transport;
- Trees;
- Sustainable;
- Biodiversity;
- Crime Prevention;
- Accessibility;
- Waste;
- Land Contamination and
- Planning obligations.

Land Use

- 6.2 As the entire site is located within the West Hampstead Interchange growth area it is important to note Policy CS2 which states that the Council will expect development in growth areas to maximise site opportunities, provide appropriate links to benefits for surrounding areas and communities and be in accordance with the council's aspirations for that area. For the West Hampstead Interchange this includes the redevelopment of under-utilised sites, particularly along the railway lines. Within the town centre it is expected that this is a suitable location for uses that are likely to significantly increase the demand for travel. Following this Policy CS3 states that the Finchley Road/Swiss Cottage town centre (which the front section of the site is located within) is a suitable location for the provision of homes, shops, food, drink and entertainment uses, offices and community uses. The

Council will ensure development in this location is of a suitable scale and character, contributes to other Council aspirations including providing appropriate community and environmental benefits and takes into account amenity and community safety.

- 6.3 In light of the above and given the history on the application the principle of redeveloping the site is considered acceptable, as such the assessment is based around how appropriate the proposed use would be. It is important to note that the refused applications did not include objection to the principle of the proposed uses of commercial, student accommodation and self-contained units.

Commercial Use

- 6.4 In respect of the proposed uses to the ground and lower ground -2, the proposal includes a range of uses which would all operate in different manners. Concern is raised in respect of the practicalities of having 757sq m of commercial space which would only be accessed via a single frontage on Finchley Road. The applicant has provided a note with regard to how the commercial space could be operated.
- 6.5 Within the note it is stated that the developer is trying to create a unique commercial hub for young new companies. The aim is to create flexible workspace where the occupiers tend to be from the creative, media and technology companies. The space could also accommodate shops, cafes, yoga studios and gym. The units would be of a flexible size starting at around 23sqm and can either be finished to shell and core or they can be fitted out for the tenants use. Leases would be offered on a flexible basis. The applicants preference is to promote this 'Incubator' unit model but that have applied for a flexible uses with the intention of creating a balanced scheme. The remaining proposed uses are considered below

Retail/Profession (Class A1/A2)

- 6.6 Policy CS2 states that town centre uses, such as retail use would be supported within the West Hampstead Interchange growth area. The development would have a shop frontage at ground floor level which would provide an entrance to the commercial area via lift and stairs. As the site is located within a growth area it is considered an appropriate location for such uses.

Food and Drink (Class A3/A4)

- 6.7 The proposal to have A3 and A4 within this area would accord with the requirements of policy CS2 which seeks to have food and drink uses within growth areas and town centres. There are concerns as to how the A3 and A4 uses would operate in terms of their hours of use and how the premises would be serviced with regard to ventilation, and the potential impact on amenity. A condition is recommended which outlines the operating hours of units within the commercial space to safeguard neighbouring amenity. If an A3/A4 use requires significant ventilation such as the installation of external flues or air conditioning units it would require a further planning application. However ventilation using the risers shown on the plans could be dealt with via condition.

Office (Class B1)

- 6.8 In respect of the proposed B1 use, the Council seeks the provision of a strong economy and promotes the provision of office floorspace within growth areas. Further to this the Council welcomes the provision of additional employment floorspace. The Council's Economic Development service support the proposal wish to be involved in discussions as to how the commercial space would be used. Should planning permission be granted an informative would be placed on the decision advising the applicant to contact the Council's Economic Development section for further discussion.

Non-residential institution (Class D1) and Assembly and leisure (Class D2)

- 6.9 With regard to the proposed D1 and D2 uses which would include community facilities, gyms, leisure uses. Policy CS2 seeks to provide development that benefits the surrounding area and communities it is likely such uses within the D1 and D2 classes would do this. Given the sites location within such an accessible area it would be an appropriate location for such uses.
- 6.10 When considering the proposed uses individually they are acceptable in this location as the site is within a designated Growth Area and Town Centre. As previously noted the applicant is promoting the commercial element as a space for young companies (Use Class B1) with some space for shops and cafes(Use Class A1/A2), which is a welcomed use in the area. However, the use of the entire area as one of the Class A uses would not be supported due to the likely impact from servicing and increased likelihood of impact on neighbour amenity. There would also be concern in regard to the use of the entire site for some D1 and D2 uses due to impacts on servicing, amenity and transport. No objection would be raised if the entire commercial floorspace were to be used as Class B1 as this is likely to result in significantly less impact than equivalently sized A1 retail or A3/A4 food and drink uses. Should planning permission be granted a condition is recommended which limits the size of any single unit to no more than 125sqm of space shall be used for one single unit within Use Class A1/A2/A3/A4/D1/D2 so that the impact of the uses is distributed and managed.

Student Accommodation

- 6.11 In accordance with Policy DP9 the proposed development has been assessed against the ten points of the policy and is considered an acceptable land use in this regard. The proposed development would not prejudice the Council's ability to meet the target for the supply of additional self-contained homes and would deliver 9 self-contained units. Furthermore the site does not have any extant permissions for housing nor a site allocation for this in the LDF. The new student accommodation will comply with all relevant standards in terms of space and facilities. The site is easily accessible to public transport, shops and services. The accommodation would be laid out in 10 cluster units of 5 beds and 10 studio units.
- 6.12 With regard to an over-concentration of student accommodation within the area, reviewing the map within Appendix A of CPG2 there is not a high concentration of student accommodation within the surrounding area. The issue of student concentrations needs to be assessed when a development is providing over 100 bed spaces. Given this development would provide 60 it would not contribute towards a significant increase in concentration of students within the area.

- 6.13 The applicant has not specified which Higher Educational Institution the development would be linked with. CPG2 requires student accommodation to be linked to an institution within Camden, however the applicant notes regard should be had to the educational institutions across London. Within the supply and demand student accommodation statement that accompanies the application it is also noted that the area is becoming increasingly popular for students. Consistent with the policy requirement a head of term within the section 106 legal agreement would be used to link the development with a HEFCE Higher Educational Institution within Camden or an adjoining Borough.

C3 Accommodation

- 6.14 DP1 requires that any development providing an uplift of more than 200sqm of commercial floorspace within the Finchley Road / Swiss Cottage Town Centre to be provide 50% of the uplift as housing. As noted above in paragraph 3.7 under land use, the inspector agreed that the development should accommodate some C3 accommodation, in accordance with the requirements of CS1, CS2 and DP1. The current application includes the provision of 9 residential units to the frontage of the site, and therefore the principle of the land use is considered acceptable in this location.
- 6.15 The development would include 2 x 1bed, 5 x 2 bed and 2 x 3 bed, which accords with the requirements of the Dwelling Size Priority Table in DP5.
- 6.16 Paragraph 1.12 of DP1 notes that where a development provides 1,000sqm or more of housing then within this, a contribution towards affordable housing would be sought. Due to the small area of commercial floorspace on the site which falls within the Town Centre boundary, the site's contribution to the supply of affordable housing is calculated according to the sliding scale provisions of DP3.

Affordable Housing

- 6.17 The proposed residential (C3) element of the proposal would have a gross external area of 1,114sqm which triggers an affordable housing requirement of 11% of floorspace in accordance with DP3 which equates to roughly one affordable dwelling on-site.
- 6.18 In accordance with DP3 a financial viability appraisal accompanies the application. The appraisal is based on the Greater London Authority's Development Control Toolkit Model. The appraisal has been independently reviewed by BPS.
- 6.19 It was agreed within the previous application that a payment in lieu would be acceptable on this site. This was considered appropriate for the following reasons; using the sliding scale only one unit would be provided on site. Due to the practicalities of this it is unlikely a housing association would manage a single unit. The applicant has claimed the service charges for the scheme are estimated at £3,000 per unit which would be unaffordable for both social/affordable rented and shared ownership residents. The applicant has also stated that given the costs involved in building the development as it would be of a high specification and due to the site constraints will be costly to build it would render it unviable if one affordable housing unit were provided on site. Furthermore due to the small GEA of

the residential element (1,114sqm) DP3 accepts that off-site contributions may be acceptable.

- 6.20 However the applicant is not proposing to make a payment in respect of affordable housing, as it would make the development unviable. BPS have reviewed the viability statement and have agreed that it would not be viable for a payment to be made. However BPS do note that there is potential for improvements in viability to be made over time to lead to the scheme generating a surplus. Therefore it is recommended that a deferred contribution mechanism is included within the Section 106 to trigger an affordable housing payment if a surplus were to be generated. This would be established by a re-assessment of viability following implementation and some sales of the C3 accommodation.

Section 106 financial contributions due to land use

- 6.21 As there would be over five new residential units, it is expected there would be a contribution towards education provision based on the unit mix. The contribution would be used to improve capacity and expand education provision to accommodate additional children. The contribution is only sought for units of 2 bed or more. Based on the CPG formula for 5 x 2 bed and 2 x 3 bed units the applicant would be expected to pay £23,709.
- 6.22 Given the scale of the development (over 1,000sqm), a contribution towards community facilities would be required. Although one of the uses of the commercial floorspace is D1 given this is of a flexible nature and the applicant hasn't specified how much would be allocated to D1 the figures have been calculated on the student element as the development proposes only 9 residential units this element would not apply. Based on the student beds the applicant would be required to pay £58,800.

Design

- 6.23 The overarching aim of Policies CS5, CS14 and DP24 are to secure high quality design that considers the character, setting, context and form of neighbouring buildings. Further to this DP25 states that development outside of conservation areas will not be permitted where it causes harm to the character and appearance of that conservation area.
- 6.24 The Council have previously objected to the design of the development. It was considered the site and its context would not warrant a landmark-style building, and certainly not a building of excessive height and bulk. Furthermore it was considered that the excessive height, bulk, mass, scale and footprint would result in a development that would be unduly dominant and oppressive. It was also considered that the detailed design of the proposal offered little to the surrounding area. However as noted in paragraph 3.7 above, the Inspector did not agree with the Council on this point and did not support this reason for refusal but considered it would be an improvement to the surrounding area.
- 6.25 The current proposal is akin to the design of that of application 2013/4475/P in terms of the frontage building. The rearward projection has been reduced in height

and bulk setting the development in on the northern side as it neighbours No.279 Finchley Road.

- 6.26 Whilst the front element of the building as it fronts Finchley Road is very similar to that of the previous proposal, the alterations to the rearward projection with a reduction in length of the building by circa 10m. There has also been a reduction to the bulk of the development. As such the development would be an improvement on the previous proposals. Members are reminded that the Inspector did not raise objection to the previous proposals on grounds of design and considered the development would add an interesting and well-mannered addition to the area. In light of the history of the site and the amendments following the previous application no objection is raised on grounds of design.
- 6.27 The building would be clad in terracotta panels with aluminium framed windows which would be accompanied with spandrel panels, to the lower ground -2 level the terrace area for the student accommodation would be covered with a metal mesh material at the request of Network Rail. These are the same materials proposed during the previous applications. The quality of the materials will be key to the success of the character of the development. As such a condition is recommended to secure details of all windows and doors and samples of all facing materials prior to commencement of works.
- 6.28 To the southern elevation of the building the plans show the lettering 'Midland Crescent'. This wording is not considered appropriate in this location. Sited at high level and in a colour distinctly different to the materials of the building would result in the lettering appear crass on this prominent elevation. As such a condition is recommended noting that this lettering does not form part of the permission.

Standard of Accommodation

Student Accommodation

- 6.29 The student accommodation proposed would comprise of 60 student bedrooms. The rooms would be laid out predominantly as cluster of five rooms sharing a living/kitchen room together with the provision of individual studio rooms. A mix of cluster and studio units is welcomed as it provides a variety for the needs of the individual students. The rear section of lower ground -2 is reserved for an internal communal area of 31.3sqm with an external terrace of 62.3sqm. There would also be breakout study areas on the ground and lower ground – 1 level.
- 6.30 The development would be largely single rooms, however it is demonstrated on the plans there would be scope for double beds within the rooms if required. The mix of cluster and studio units is considered acceptable. When considering the amenity space provided, this only include areas which are accessible to all students. Therefore the living areas within the cluster units are not included in this figure. The proposal includes the provision of 93.5sqm of communal amenity space in the form of the common room and terrace area at lower ground -2, this provision exceed the requirement of 1m² per bedroom.
- 6.31 With regard to daylight and sunlight received by the proposed student accommodation, the majority of the windows to the units would be south facing,

thereby ensuring receipt of maximum levels of light. Windows serving the student accommodation would be largely unobstructed and all rooms would be served with sufficient window openings to ensure good levels of light are received.

- 6.32 The student rooms would experience a good level of outlook. Given the topography of the site all windows would be unobstructed even though located at lower ground -1. The windows to the student rooms would look onto the railway to the north and south of the application site. The windows would be separated from the railway lines by 4.7m to the north and 4.9m to the south.
- 6.33 The terrace area to the lower ground -2 would be covered in a metal mesh at the request of Network Rail. This would prevent a degree of sunlight being received into this area, however as it would be mesh covered it would enable its use in the colder months of the year.

Residential accommodation

- 6.34 All units within the residential element would exceed the required space standards set out in the London Plan. In terms of amenity space, seven units would have access to winter gardens with the remaining two having terraces at third and fourth floors. Given the sites located near the railway lines it is considered the use of winter gardens would an appropriate provision of amenity space. The terraces would provide a good level of privacy and a reasonable standard of private amenity space.
- 6.35 All units to the frontage and southern side of the building would be serviced by numerous windows and as such would receive a good level of sunlight and daylight. The unit at first floor level to the north of the site would likely receive the lowest levels of daylight and sunlight. The applicant has not provided an assessment to demonstrate the levels of daylight and sunlight that would be received into this unit. However, as the unit would be east facing, with the habitable accommodation being to the front of the building it is likely it would receive a sufficient level of daylight and sunlight. With regard to the rear window which would service the bedroom it is considered this would be sufficient to receive an adequate level of daylight and sunlight. In terms of outlook all rooms are considered to appreciate an acceptable level of outlook in relation to the rooms that they serve.
- 6.36 With regard to noise and vibration for both residential and student accommodation; the previous two applications (2013/0880/P and 2013/2564/P) were refused on the grounds that insufficient information was provided for the Council to make a judgement on whether there would the impact from noise and vibration that would be experienced by the future occupiers of the unit would be acceptable. The previous application 2014/4575/P was accompanied with a revised Noise and Vibration Impact Assessment which undertook a 5 day unattended noise survey. An updated report has been provided for this current application. The report provides predicted noise and vibration level for intensified rail traffic, over the next 15 years. The current assessment provides an average night noise level of: 62.6dBA and day average of 66.7dBA. The noise levels identified in the current report are within the noise bands where mitigation is required. Having reviewed the time graph history, provided in the appendices, there are significant occasions

when the noise rises above the noise limits in table B of the DP28. More significantly, the assessment demonstrates that vibration levels are of a level that would attract 'adverse comment' and therefore, does not satisfy the Camden's policy DP28.

- 6.37 The Council's Environmental Health officers consider that should planning permission be granted a condition should be used to attain further details of noise and vibrations mitigation measures prior to commencement of development, in order to demonstrate full details of mitigating the harm to the future occupiers of the development.
- 6.38 The report has suggested a number of mitigations measures with regard to noise and vibration together with specific measures that could be incorporated into the design of the building. As noted above if planning permission were to be granted, a condition is recommended that requires details of the construction and fit out which would ensure an acceptable level of amenity for future occupiers. This would then be accompanied with a post construction report to ensure compliance with the requirements of DP28.

Open Space

- 6.39 Given the constraints of the site it is not possible for public open space to be provided on site however there would be a lower ground floor terrace for student residents. As such the applicant would be required to provide a financial contribution towards improving existing public open space or towards the provision of new public open space. Based on the formulae within CPG8 the development would be required to contribute £50,648 towards public open space within the Borough.

Basement Development

- 6.40 Policy DP27 and CPG4 state that developers will be required to demonstrate with methodologies appropriate to the site that schemes for basements maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and run-off or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.
- 6.41 A Basement Impact Assessment (BIA) has been submitted in support of the application. The BIA has been produced by Ramboll and prepared by a senior Environmental Consultant, Geotechnical Engineer and reviewed by a Principal Engineer.
- 6.42 The BIA has been independently reviewed by LBH Wembley who have assessed the report and consider it to accord with DP27, raising no objection to the information provided.
- 6.43 Site investigations were undertaken in January 2012 comprising of four boreholes constructed to a maximum depth of 5m around the eastern end of the site. These were monitored for the following two weeks.

Surface flow and groundwater

6.44 The screening stage identified the following points which needed to be taken forward to the scoping stage:

- Surface water flows will be materially changed from the existing route.
- The development would result in a change in the hardstanding on site.
- The basement will result in changes to the profile of inflow of surface-water being received by adjacent properties or downstream.
- The site is in an area known at risk from surface water flooding

6.45 With regard to the above points as part of the proposed surface water drainage, surface water has been attenuated by 50% of the peak existing runoff rates. Green roofs have been proposed throughout the scheme which will reduce the overall volume of water discharge from the site through evapotranspiration, as such the overall water volume from the site will also be slightly reduced. Both the volume and flow rate for the development would be less than the existing case.

6.46 Historically the site was drained when in use as a station; the site has become derelict and overgrown. It is proposed to maintain the existing connection to the public sewer or provide a new connection to the Thames Water combined public sewer network to ensure run off will be discharged into the public sewer. Details of such a drainage strategy will be secured via condition.

6.47 The development would also include a Sustainable Urban Drainage System (SUDS) within the site designed with a climate change factor of 30% added to the proposed rainfall intensities. Details of the SUDS to be implemented will be secured via condition prior to the commencement of development.

6.48 A hydrobrake is proposed to restrict flow to the public sewer. The proposed would reduce the existing flow rates by 50% into the public sewer.

6.49 The site is located on Finchley Road which is known to have flooded in 2002. However the basement levels would be set above the predicted flood levels to prevent pluvial flooding estimated by both the Environment Agency and Camden.

6.50 Thames Water have been consulted on the proposed and consider that in respect of surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Thames Waters preferred option would be for all surface water to be disposed of on site using SUDS as per Policy 5.13 of the London Plan. Details of SUDS are recommended to be secured via condition.

Slope Stability

- 6.51 It is important to note that at the proposed basement levels railway lines bound the site to the immediate north and south as oppose to buildings.
- 6.52 The screening stage identified the following points which needed to be taken forward to the scoping stage:
- The existing site slopes at an angle greater than 7 degrees.
 - London Clay is the shallowest strata at the site.
 - The site is within an area of previously worked ground.
 - The site is within 5m of a highway or pedestrian right of way.
- 6.53 With regard to the angle of the land, the existing site levels would be reduced as a result of the development to that of the railway and would overcome this issue.
- 6.54 The boreholes dug showed than beyond the made ground London Clay was encountered. The long term effects from loading or unloading the clay as a result of the basement development will be designed for ahead of construction. Details of this shall be included within the basement impact plan to be secured via Section 106 legal agreement.
- 6.55 With regard to the land being previously worked ground, site investigations prior to construction will quantify the risk of encountering obstructions within the Made Ground. These will be removed and the final raft foundation will be constructed on the London Clay.
- 6.56 The site would be within 5m of the highway and pavement, undermining at this point will not occur.

Independent Review

- 6.57 The BIA provided was independently reviewed by LBH Wembley. LBH Wembley have confirmed that the submission demonstrates in sufficient detail accordance with DP27 and no objection is raised to the proposed basement development.

Basement conclusion

- 6.58 In light of the above it is considered that the proposed basement excavation would not cause harm to the built and natural environment and would not result in flooding or ground instability. A condition would be used to secure details of the drainage system prior to commencement of the development. It is recommended that a basement impact plan is secured via S106 legal agreement to include a requirement for monitoring of the works and also that the developers use reasonable endeavours to reduce the impact of the basement development. A construction management plan would also be secure via a S106 legal agreement to ensure the development would not cause undue harm to local amenity. Therefore the development would accord with the objectives of Policy DP27.

Neighbour Amenity

- 6.59 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore, Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight.

Daylight and sunlight

- 6.60 As with the previous applications the proposals have been supported by a daylight and sunlight report, which has been modified since the applications which were refused on grounds of insufficient information to demonstrate the impact on neighbouring residents.
- 6.61 The report has assessed the impact on the following properties:
- 279a and 279b Finchley Road
 - 158 Finchley Road and 8-10 Frognal Court
 - Rear 2-14 Rosemont Road

279a and 279b Finchley Road

- 6.62 These properties are the most likely to be impacted by the proposal due to their proximity to the site. The report has assessed the impact on Nos.279a and 279b. The only windows to be impacted would be those sited to the rear elevation. All but one window would meet the BRE guidelines. The one window that wouldn't is at first floor level, adjacent to the existing rear projecting wing of 279a Finchley Road. The existing projecting wing blocks a notable amount of daylight in the existing condition. The report quotes the BRE guidance which allows for a larger relative reduction when the existing window has projecting wings on one or both sides. Therefore, given the existing situation it is considered the impact from the proposed development would be negligible.
- 6.63 With regard to sunlight, all windows would achieve an APSH of 25%, of which 5% are in the winter months or experience a ratio reduction of at least 0.8 times its former value.
- 6.64 As the report demonstrates that the impact on Nos.279a and 279b would be negligible and in accordance with the guidance of the BRE, it has noted within the report that any further tests to the rear windows of 279c Finchley Road and adjacent properties will experience a smaller effect than those to 279b Finchley Road, due to the orientation of the windows in relation to the proposed site.

158 Finchley Road and 8-10 Frognal Court

- 6.65 These properties are sited on the opposite side of Finchley Road. All windows tested meet the BRE guidelines achieving either a VSC of 27% or above or experience a ratio reduction of at least 0.8 times its former value. In terms of sunlight, all windows tested would achieve an APSH of 25%, of which 5% are in

the winter months, or experiencing a ratio reduction of at least 0.8 times its former value. Therefore the impact on 158 Finchley Road and 8-10 Frognal Court is considered negligible.

Rear 2-14 Rosemont Road

- 6.66 Nos. 2-14 Rosemont Road are located some 48m to the north of the application site. The report notes that a full elevational survey for the rear of Nos.2-14 Rosemont Road could not be obtained due to access restrictions. As such the location of windows have been estimated from aerial photography. All windows to the rear of the said properties, meet the requirements of the BRE and would not be detrimentally impacted by the proposed works.
- 6.67 In light of the above, it is considered that the applicant has demonstrated that the proposed development would not have a detrimental impact on the amenity enjoyed by neighbouring residents in regard to daylight and sunlight and as such this reason for refusal is overcome.

Outlook and sense of enclosure

- 6.68 As noted in paragraph 3.7, the Inspector upheld the Council's reason for refusal on grounds of the development causing harm to the outlook enjoyed by the occupants of No.297 Finchley Road. To address this reason for refusal the development has been reduced in bulk, scale and depth to the northern side of the building. Previously the proposed development would have measured up to 17m in height as the building sits adjacent to the rear of No.279a Finchley Road, this height would have dropped down to 9m and then increased to 11.8m for the remainder of the length of the building.
- 6.69 Within the current proposal, as the building adjoins No.279 it would terminate at second floor level with the rear elevation being in line with that of No.279, as the building begins to extend beyond the rear elevation of No.279 and increases in height it steps away from the neighbouring property. Initially by 2.4m then 4.7m with the main bulk of the building being set 7.4m away from the boundary with No.279. It is considered this reduction in the mass and bulk and the redesign of the northern elevation aids in overcoming the previous concerns in terms of the development appearing overwhelming when viewed from the rear of No.279 Finchley Road.
- 6.70 In terms of height, please note all heights are measured from the finished floor level of the terrace to the rear of No.279a Finchley Road. The previous proposal included an extension directly adjacent to No.279 which would have measured 8.1m in height as it bounded the neighbour. This element of the design has been removed with the nearest wall to No.279 being 2.4m at a height of 10.3m. The building line at this point would angle away from the neighbour to address with outlook. The height point of the building would measure 17.7m, however this would be set away from the terrace to the rear of No.279 by 7.4m and would be for a length of 5.4m at which point the building would reduce to a height of 10.3m for a length of 20m and then a height of 8m for the remainder of the length. The design of the building on the northern elevation has been broken down to appear less

dominant and overwhelming both close to and along its length to the occupiers of 279 Finchley Road.

- 6.71 Objection was also raised in regard to the length of the development and how the rearward projection of the building harms the outlook for neighbouring residents. The previous proposal would have extended 90m beyond the rear elevation of No.279. The revised proposal has reduced this length to 78m, a reduction of 18m from the length of the building.
- 6.72 The revised proposal has been significantly reduced in length, height, bulk and mass to overcome the previous reason for refusal. It is considered that whilst there would be some impact on the outlook enjoyed by the occupiers of No.279 Finchley Road the impact would not cause significant harm to the outlook enjoyed by occupiers of this property and it is considered the reason or refusal has been overcome
- 6.73 The Inspector did not consider the impact on the residents within Rosemont Road sufficiently harmful to support that element of the reason for refusal. However the amendments made to improve the impact on the Finchley Road occupants would also aid in reducing the impact on the occupants within Rosemont Road. As such the proposal is not considered to cause harm to the outlook enjoyed to the occupants within Rosemont Road.

Privacy

- 6.74 The proposal includes the provision of open terraces at third and fourth floor levels to the frontage of the site. Given the siting of these terraces in relation to neighbouring residents, it is not considered there would be a loss of privacy to neighbouring residents.
- 6.75 The development includes a number of green roofs which could be accessed via communal hallways, it has not been made clear if these would be accessible by occupiers or only for maintenance purposes. The area at first and second floor level would lead to increased overlooking to occupiers of 279a Finchley Road, to prevent such overlooking should planning permission be granted a condition is recommended that these be accessed for maintenance purposes only.
- 6.76 In terms of the residents to the north along Rosemont Road it is considered these are sited a sufficient distance for there not to be an impact on the privacy enjoyed by these residents.

Plant Noise

- 6.77 It is proposed that there would be plant rooms located within lower ground -2 and -1 levels. Details of the plant has not been provided as part of the development. As such a condition is recommended that prior to occupation of any of the uses a detailed noise assessment detailing the plant that would be used together with any mitigation measures required to ensure there would be no impact on the amenity enjoyed by neighbouring residents would be submitted for approval.

Transport

- 6.78 The application site is located on the A41 Finchley Road, which forms part of the Transport for London Road Network (TLRN) for which TfL are the highway authority. The site has a PTAL rating of 6b(excellent).

Transport Statement

- 6.79 A Transport Assessment (TA) was provided in support of the planning application. This includes a section on trip generation. The trip generation calculations have been based on a comparison of traffic survey information from similar sites elsewhere in London. The TRAVL database has been used to predict trips associated with the office uses. However TfL have reviewed the application and consider in relation to this site, the methodology used is acceptable.
- 6.80 Table 5.5 provides predicted trip generation figures for the student residents with the various modes of travel during the morning and evening peak periods. This suggests that the proposal would generate 7 trips in the morning peak and 25 trips in the evening peak. These figures are lower than expected for a development comprising 60 student rooms. However, it is noted that the majority of trips may actually take place outside of peak periods. The residential accommodation would provide a trip rate some 50% higher per unit. The overall figures are lower than those within the previous applications when no objection was raised, therefore no objection is raised on this occasion.

Deliveries and Servicing

- 6.81 The TA provided in support of the planning application focuses largely on the transport impact arising from the student accommodation, it suggests that the proposed development is likely to generate in the region of 3 servicing delivery vehicle trips to the site on a daily basis. This appears to be reasonable. However, a slightly higher figure would be expected when considering refuse and recycling collections.
- 6.82 The TA suggests that servicing and deliveries would take place from the loading bay adjacent to the Finchley Road frontage. The loading bay cannot be used during the evening peak period (1600 to 1900 hours). Camden's transport planning section are satisfied with the proposal to use the loading bay to the front of the site and that loading can be accommodation outwith 1600 to 1900 hours. It is not expected the proposed uses to be serviced by articulated vehicles, the majority of servicing and delivery activity to be undertaken by small to medium sized vans. The largest vehicles likely to service the site would be Camden's refuse and recycling collection vehicles. To ensure servicing and deliveries to the site would be appropriate a delivery and servicing plan would be secured via Section 106 legal agreement should planning permission be recommended for approval. TfL would also support the provision of such a document.

Student Management Plan

- 6.83 A student management plan has been submitted in support of the planning application. This provides useful information to describe the proposed arrangements for students moving in and moving out at the start and end of an academic year, including a scheduling system to ensure student would not all arrive

and/or depart at the same time. The proposed arrangements are considered acceptable.

Travel Plan

- 6.84 A draft Travel Plan (TP) is provided in support of the planning application. This is a good example of what is expected from developers during the planning application process. The Travel Plan was assessed though the ATTrBuTE toolkit and failed the assessment. To be improved it would need to include baseline modal trips as number and % and targets for 3 and 5 years. However both Camden and TfL are content for this plan to be secured, monitored and delivered through a Section 106 to ensure it satisfied DP16 and CPG7.
- 6.85 In addition a financial contribution of £5,561 would be sought via Section 106 Agreement to cover the costs of monitoring and reviewing the Student Residential Travel Plan over a 5 year period.

Pedestrian, Cycling and Environmental Improvement

- 6.86 Given the scale of the proposed development, the Council would require a financial contribution towards Pedestrian, Cycling and Environmental Improvements in the local area. A significant level of walking trips between the site and nearby transport interchanges would be generated as a result of the development. These additional trips would have an impact on the surrounding footways and public transport facilities. A financial contribution would be sought to help to mitigate such impacts while also helping to encourage sustainable transport choices.
- 6.87 Such projects could include:
- One of the strategic projects noted on pages 170-176 of the Core Strategy;
 - Cycling improvements in relation to Cycle Superhighway Network (Route CS11) which runs past the application site;
- 6.88 Improvements to pedestrian and cycling facilities would be fairly and reasonably related to the proposed development. The financial contribution would be used to improve conditions for walking and cycling in the local area with a focus on the routes likely to be used by site users.
- 6.89 Camden is committed to rolling out the Legible London pedestrian wayfinding system across the borough. Given the significant level of pedestrian trips associated with the development, it may be considered appropriate to provide additional Legible London signs in the vicinity of the site.
- 6.90 Taking all of the above points into consideration, a financial contribution of £33k would be sought towards pedestrian, cycling and environmental improvements in the vicinity of the site. This would need to be secured by a Section 106 Agreement and would allow the introduction of pedestrian, cycling and environmental improvements in the vicinity of the site as described above.

Car Parking

- 6.91 The proposal would provide a car free development and the applicant is willing to enter into a car free agreement which is welcomed by the Council and TfL. The car parking proposals comply with CS11 and DP18 and are therefore acceptable. A car free agreement will be sought for the entire site to cover the student residential units and the office units. This should be secured by Section 106 agreement.
- 6.92 A number of local residents have raised concern in regards to the potential of future occupiers parking within the neighbouring streets. The surrounding area is located within Controlled Parking Zone as such this would prevent people parking within the surrounding area as residents would not be able to apply for parking permits.

Cycle Parking

- 6.93 The Council aims to promote cycling in the borough and this is detailed in DP17 (Walking, Cycling and Public Transport). Camden's Transport Strategy has set a target of 25% for cycling as a proportion of road traffic flows in the borough by 2020.
- 6.94 The proposal includes the provision of 60 covered and secure cycle parking spaces, for students and 18 for the residential units. The cycle stores would be located at lower ground – 1 and would be accessible by lifts. It would be preferred to see cycle stores located at ground floor level. However, the proposal is generally acceptable as step free access would be provided by the lifts. The lifts should have dimensions of at least 2 metres by 2 metres so that 2 people can easily be accommodated with their bicycles at any one time. Such details are recommended to be secured via condition. There would be an alternative access via internal stair which could be used in situations when the lifts are not in operation (e.g. routine maintenance or during an emergency situation), to ensure ease of access a condition is recommended which secures details of tracks on the steps to allow cycles to be wheeled up stairs.
- 6.95 The proposal includes the provision of 60 student rooms. Applying TfL cycle parking standards (1 space per 2 students), a minimum of 30 secure and covered cycle parking spaces would be required. This level of provision exceeds the TfL cycle parking standards minimum requirement and is therefore acceptable. The Josta two-tier cycle rack system is to be provided. This type of cycle parking facility is approved by Camden and is therefore acceptable.
- 6.96 For the residential use the development includes the provision of 18 cycle spaces this would be sufficient for the 9 residential units proposed. The access to cycle store would be similar to the access for the student cycle store however it would be a separate facility.
- 6.97 The proposal does not indicate if cycle provision would be available for staff, visitors or users of the commercial space, if planning permission were to be granted a condition would be used to secure separate cycle parking for such users. Given the proposed cycle parking exceeds the requirements of TfL it is considered it would be possible for this to be accommodated with the existing layout.

Construction Management

6.98 The applicant has provided a Construction Environmental Management Plan in support of the planning application. As the site is located on Finchley Road which is a TfL red route, TfL have reviewed the construction statement and are satisfied with its contents. The Construction Management Plan (CMP) would be secured via a section 106 agreement if planning permission were to be granted. The CMP would need to adhere to the guidance provided in the Camden Planning Guidance document CPG6 (Amenity). Pages 39 to 44 of this document provide specific guidance on transport requirements.

6.99 It is noted that parking would not be provided on site for construction workers. This is welcomed by Camden. However, there is concern that construction parking could create parking stress on roads in the vicinity of the site. The CMP/CLP should therefore include more detail to describe ways in which construction workers would be encouraged to travel by sustainable modes of transport. One suggestion would be to provide a travel planning leaflet to describe how to travel to and from the site via walking, cycling and public transport.

6.100 As Finchley Road is part of the TLRN any work required to enable construction vehicles to enter the site safely with due regard to pedestrians and cyclists and the temporary withdrawal of the parking bay would need to be agreed and delivered through a s278 agreement with TfL.

6.101 Further to these concerns with constructing the development, attention is also drawn to comments received from Network Rail who own the adjacent land and operate the railway lines which bound the site to the north and south. Network Rail have been in communication with the applicant regarding the engineering and safety issues and have raised concerns with regard to operational and construction issues as follows:

- clearance issues (the area between the development and the railway lines)
- signalling
- safety and stability of Network Rails infrastructure
- access rights to the site for maintenance works and power supply relocation
- management of the building and
- non-technical driving will be affected by the development and distraction on the approach to the development from when on the trains.

6.102 Network Rail have not provided further detail on how these concerns could be overcome. The applicant has offered a clause within the Section 106 whereby there is an agreement sought between Network Rail and the developer whereby these issues have to be resolved prior to the commencement of works on site. Network Rail have proposed the use of a Grampian condition to secure an agreement ahead of commencement of development. Officers consider that the logistics of implementing the development is something that would need to be resolved between Network Rail and the applicant and would not warrant refusal of planning permission. However a clause within the Section 106 to attain a Rail Safety Plan prior to the commencement of development would give Network Rail the opportunity to agree how the development would be constructed ahead of any works starting on site.

Highway Works

- 6.103 The development would include some works of making good to the adjacent highway and pavement due to the removal of the existing vehicle crossover and repaving of the footway adjacent to the Finchley Road frontage once the proposed works were substantially complete. These highway works would be constructed as part of the proposal, under a Section 278 Agreement between the applicant and TfL.
- 6.104 The development would also create a small area of forecourt adjacent to the Finchley Road frontage. TfL welcome the developer's proposal to enter into a Section 38 agreement for this area to form part of the highway.
- 6.105 Due to the site's location in close proximity to the bridge over the railway line if planning approval were granted, discussions would need to be held with TfL highway infrastructure. An informative would be imposed if planning permission were granted.
- 6.106 In light of the above, subject to appropriate conditions and section 106 clauses no objection is raised on transport grounds.

Waste

- 6.107 The proposal includes the provision of waste storage within lower ground -1 for the commercial uses and lower ground – 2 for the student and residential uses. The proposals appear acceptable. Refuse and recycling collections would take place from the loading bay adjacent to the Finchley Road frontage. Specifics of how this would operate could be secured via condition and would likely be included within the Servicing Management Plan.

Sustainability

- 6.108 Policies CS13 and CS15 establish the Council's aims in regard to sustainable development, and the detailed way in which this will be achieved in regard to building construction and use is embodied within policy DP22.
- 6.109 The development would include the provision of green roofs at 1st, 2nd, 3rd, 4th and roof level together with a green wall to the north facing elevation of the building. As the green wall would be north facing, there is a concern that the choice of species would need to take account of the aspect in order to be sustainable. Further details would be required in respect of the planting that would be used and how this would be maintained to ensure the development would provide a high quality sustainable green wall that would not compromise the design of the development. The development would also include the use of PV panels at roof level.
- 6.110 A BREEAM 2014 New Construction pre-assessment has been submitted with the application for the student accommodation and commercial use. The report demonstrates the development would achieve a BREEAM 'Excellent' rating for the

student and commercial areas with the residential elements achieving a Code 4 for sustainable homes in accordance with the targets set within DP22.

6.111 It has been predicted that the development would achieve a carbon emissions reduction of 23.1%. As such the development would not meet the 35% reduction in CO₂ emissions as required by the London Plan Policy 5.2. The Council's sustainability officer has reviewed the application and considers it may be possible to further reduce CO₂ emissions on site through renewable technologies. However it is recommended to require an offset payment to meet the 35% this would equate to £35,829 secured via Section 106 legal agreement. This is calculated by £90 x 30 x 13.27. The payment would be used to off-set carbon within Camden, on local carbon reduction projects as set out within the Council's Green Action for Change document.

6.112 Verification that the development as constructed would meet the BREEAM and Code for Sustainable Home targets would be secured, with the Section 106 legal agreement by the inclusion of a clause relating to a renewable energy and energy efficiency plan, and for a sustainability plan.

Air Quality

6.113 Officers consider the Air Quality Assessment (AQA) provided is sufficient to address how air quality within the area would be considered. Table 9 of the AQA identifies the risk of pollution from dust at various stages of construction, and some mitigation measures are proposed. To ensure commitment to all of the mitigation measures that are highly recommended in the Mayors SPG (see appendix 7 for a full list of highly recommended mitigation measures graded by risk level), a revised AQA shall be submitted to accompany the Construction Management Plan and secure via the Section 106 legal agreement.

Flood Risk

6.114 The Environment Agency notes that the main risk is the management of surface water run-off and ensuring that drainage from the development does not increase flood risk either on-site or elsewhere. Within the BIA it has been stated that the site was historically drained when in use as a station, but the site has become derelict and overgrown. It is proposed to connect the site to the public sewer network following, as noted within the basement above, it is recommended that details of a Sustainable Urban Drainage System will be secured via condition.

Biodiversity/Ecology

6.115 Located to the north of the application site is an area designated as Site of Borough Importance for Nature Conservation Grade I which forms part of the West Hampstead railsides. The area consists mainly of Sycamore woodland with ground level planting and footpaths for access into and around the site. Any shading of this site is likely to impact on its nature conservation value. The previous applications were refused on grounds that the development would impact detrimentally on the SNCI. However the Inspector did not uphold this reason for refusal and considered the impact would be minor and could be addressed by better management of the area. There is an existing Section 106 in association with the management of the

area which was secured as part of a development on Rosemont Road (Ref: PW9702272R3) and is managed by Frognal Estates. As the Inspector considered the impact on the area to be minor it is not considered reasonable to seek further mitigation in the form of financial contribution.

Crime Prevention

- 6.116 Policy CS17 aims to make Camden a safer place. It is expected the development would meet the Secure By Design Standards. The Council's community safety team have reviewed the information and raise no objections to the proposals.

Accessibility

- 6.117 As a new build development Approved Document M of the Building Regulations (ADM) will apply to both dwelling and non-dwelling sections of the development. In addition planning policy DP6 will require all dwellings to be designed to fully comply with Lifetime homes standards and 10% of the student bedrooms to be suitable for or easily adaptable for wheelchair users.
- 6.118 With regard to the residential units, the applicant has submitted details of the Lifetime homes standards within the D&AS confirming that all the relevant points have been achieved and this is confirmed by the drawings. A condition will be used to ensure these are achieved to all the residential units.
- 6.119 The student accommodation would provide 6 wheelchair accessible rooms (2 cluster rooms & 4 studio) this would satisfy planning policy in respect of room numbers. Minimal details of the room layouts and dimensions have been provided and full details should be submitted for review, this will be secured via condition should planning permission be granted.
- 6.120 In respect of the commercial element, during the course of the application an amendment was sought which saw the door openings to the frontage at ground floor level increased to meet the 1m wide door opening. As such the revised proposals are acceptable.

Land Contamination

- 6.121 The applicant has provided a site investigation report. As a result of the conclusions of this investigation, were permission to be granted, conditions would be attached to require further investigation, remediation (where necessary) and monitoring with the view of protecting future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial use of the site.

7 Planning Obligations

- 7.1 Based upon the formulas outlined in CPG6 and CPG8 the following financial contributions will be secured via a Section 106 legal agreement:

- Education contribution £23,709.

- Community facility contribution £58,800.
- Public Open Space contribution of £50,648.
- Off-set sustainability contribution of £35,829.
- Pedestrian, cycle and environmental contribution of £33,000.
- Highways contribution.

7.2 The Section 106 would also have the following heads of terms:

- Car free.
- Construction Management Plan.
- Delivery and Servicing Management Plan.
- Design stage and post-construction stage Sustainability Plan.
- Basement Impact Plan.
- Student Residential Travel Plan.
- Linking the development to a HEFCE institution within Camden or an adjoining Borough.
- Rail Safety Plan.
- Deferred affordable housing contribution subject to re-appraisal.

Mayoral Community Infrastructure Levy(CIL)

7.3 The proposal would be liable for the Mayor of London's CIL as the development would be providing new residential units and the additional floorspace exceeds 100sqm GIA. The scheme would be charged at a rate of £50 per m², were permission to be granted.

8. CONCLUSION

8.1 In light of the above assessment, the development is considered to be an appropriate use of land that would contribute to the vitality and vibrancy of the Town Centre and aid in the development of the Growth Area. Furthermore it would contribute towards the supply of residential accommodation within the Borough.

8.2 In light of the Inspectors decision and the reduction in the scale, bulk and massing of the development it is considered it would not sustain a reason for refusal on design grounds. The proposal has been significantly modified as it addresses properties located to the north to overcome the previous concerns in regards to neighbour amenity, as such further objection is raised on these grounds. The applicant has demonstrated that the basement development would not harm the surrounding area. The planning obligations and financial contributions would mitigate the impact of the development on the surrounding highway network, local community and Borough.

8.3 The development would be appropriate and in accordance with relevant National and Regional Policy, Core Strategy and Development policies and Camden Planning Guidance for the reasons noted above.

8.4 Planning Permission is recommended subject to a S106 Legal Agreement.

9. RECOMMENDATION 1

9.1 Planning Permission is recommended subject to conditions and a S106 Legal Agreement

10. RECOMMENDATION 2

10.1 In the event that the S106 Legal Agreement referred to under recommendation 1 has not been completed within 13 weeks of the date of the registration of the application, the Development Control Service Manager be given authority to refuse planning permission for the following reasons:-.

- 1 The proposed development, in the absence of a legal agreement securing a contribution towards educational infrastructure, would place an unacceptable strain on local educational resources, contrary to policies CS10 (Supporting Community Facilities and Services) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy.
- 2 The proposed development, in the absence of a S106 legal agreement to secure contributions towards community facilities, would be likely to result in unacceptable additional pressures on existing facilities in the area, contrary to policy CS5 (Managing the impact of growth and development), CS10 (Supporting community facilities and services) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.
- 3 The proposed development, in the absence of a legal agreement for securing contributions for public open space, would be likely to contribute to pressure and demand on the existing open space in this area contrary to policies CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 4 The proposed development, in the absence of a legal agreement to secure financial contributions towards off-setting carbon reductions, would fail to mitigate the impact of the development, contrary to CS13 (Tackling climate change through promoting higher environmental standards) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden LDF Core Strategy and DP22(Promoting sustainable design and construction), DP23(Water) and DP32(Air quality and Camden's Clear Zones) of the London Borough of Camden LDF Development Policies (2010).
- 5 The proposed development, in the absence of a legal agreement to secure financial contributions towards pedestrian and environmental improvements in the area, would fail to mitigate the impact of the development created by increased trips, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP16 (The transport implications of development), DP17 (Walking, cycling and public

transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Core Strategy and Development Policies 2010.

- 6 The proposed development, in the absence of a legal agreement to secure contributions to ensure public highway works would be likely to harm the Borough's transport infrastructure, contrary to policies CS11 and CS19 of the London Borough of Camden Core Strategy (2010), DP16, DP17 and DP21 of the London Borough of Camden LDF Development Policies (2010).
- 7 The proposed development, in the absence of a legal agreement to secure the development as 'car-free', would be likely to contribute unacceptably to parking congestion in the surrounding area, contrary to policy CS11 of the London Borough of Camden Core Strategy (2010) and DP18 of the London Borough of Camden LDF Development Policies (2010).
- 8 The proposed development, in the absence of a legal agreement to secure a construction management plan, would be likely to give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS11 (Promoting Sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy), DP20 (Movement of goods and materials), DP26 (Managing the impact of development on occupiers and neighbours), DP28 (Noise and vibration) and DP32 (Air Quality and Camden's Clear Zone) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 9 The proposed development, in the absence of a legal agreement securing a Servicing Management Plan for the commercial element, would likely give rise to conflicts with other road users and be detrimental to the amenities of the area generally, contrary to policies CS5 (Managing the impact of growth and development), CS19 (Delivering and monitoring the Core Strategy), DP20 (Movement of goods and materials) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 10 The proposed development, in the absence of a legal agreement to secure a design stage and post construction stage Sustainability Plan, contrary to policy CS13 (Tackling climate change through promoting higher environmental standards) and CS16 (Improving Camden's health and well-being) of the London Borough of Camden LDF Core Strategy and DP22(Promoting sustainable design and construction), DP23(Water) and DP32(Air quality and Camden's Clear Zones) of the London Borough of Camden LDF Development Policies (2010).
- 11 The proposed development, in the absence of a legal agreement to secure a Basement Impact Plan, would fail to safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Development Policies and policy DP27 (Basements and Lightwells) of the

London Borough of Camden Local Development Framework Development Policies.

- 12 The proposed development, in the absence of a Residential Travel Plan for the student accommodation, would fail to promote sustainable travel, contrary to policies CS11 (Promoting sustainable and efficient travel), CS19 (Delivering and monitoring the Core Strategy), DP16 (The transport implications of development) and DP17 (Walking, cycling and public transport) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 13 The proposed development, in the absence of a legal agreement for defining that no part of the student housing element of the development to be sold as a separate self-contained unit and the occupation of the student units should be restricted to students registered at higher education institutions that are based in Camden or the adjoining boroughs and supported by the Higher Education Funding Council for England, contrary to policies DP9 (Student housing, bedsits and other housing with shared facilities) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and Development Policies 2010.
- 14 The proposed development, in the absence of a legal agreement to secure submission and implementation of a Rail Safety Plan, would be likely to contribute unacceptably to rail safety and operations and be detrimental to the amenities of the area generally, contrary to policies CS16 of the London Borough of Camden Core Strategy (2010) and DP20, DP26, DP28 and DP32 of the London Borough of Camden LDF Development Policies (2010).
- 15 The proposed development, in the absence of a legal agreement to secure a re-appraisal of viability to provide affordable housing once the development is completed would fail to make a contribution towards the supply of additional affordable housing within the Borough, contrary to policies CS6 of the London Borough of Camden Core Strategy (2010), DP3 and DP4 of the London Borough of Camden LDF Development Policies (2010).

11. LEGAL COMMENTS

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents:
2004-00-DR-0101 RevP01, 2004-00-DR-0108 RevP01, 2004-00-DR-0109 RevP01, 2004-00-DR-0110 RevP01, 2004-00-DR-0111 RevP01, 2004-00-DR-0112 RevP01, 2004-00-DR-0113 RevP01, 2004-00-DR-0114 RevP01, 2004-00-DR-0115 RevP01, 2004-00-DR-0401 RevP01, 2004-00-DR-0402 RevP01, 2004-00-DR-0403 RevP01, 2004-00-DR-0404 RevP01, 2004-00-DR-0405 RevP01, 2004-00-DR-0601 RevP01, 2004-00-DR-0602 RevP01, 2004-00-DR-0603 RevP01, 2004-00-DR-0604 RevP01, 2004-00-DR-0605 RevP01, Air Quality Assessment by Ramboll dated August 2014, Phase I Geoenvironmental Report by Capita dated August 2014, Planning Brief for the Mechanical and Electrical Services by The Kut Partnership Ref: RFB/CMW/6000/0 Rev A dated 26 August 2014, Daylight, Sunlight Report by Point Surveyors dated 20 August 2014, Ecological Impact Assessment by Capita dated August 2014, Energy Statement by Metropolis Green dated 20 August 2014, Sustainability Statement by Metropolis Green dated 15 August 2014, Midland Crescent Noise and Vibration Assessment by Aecom Environment dated August 2014, Transport Assessment by Tim Spencer & Co dated August 2014, Outline Site Waste Management Plan by Ramboll dated 07 November 2012, Obtrusive Light Lighting Report by Ramboll dated 11 June 2013, Student Accommodation Supply & Demand Report by Jones Lang LaSalle dated August 2014, Construction Environmental Management Plan by MAH Project Management dated August 2014 Rev C, Commercial Space Overview by Stadium Capital Holdings, Basement Impact Assessment by Ramboll dated 21 October 2014, Phase II Ground Contamination Report by Capita Symonds dated February 2012, Design Note for Supporting Drainage Design Information by Ramboll dated 20 August 2014, Midland Crescent Student Management Plan by CRM Ltd dated August 2014.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 The details of the following shall be submitted to, and approved in writing by, the Local Planning Authority before any work is commenced on the relevant part of the development.
- a) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and door including shopfronts at a scale of 1:10 with typical glazing bar details at 1:1.
 - b) Plan, elevation and section drawings, of all boundary treatment at a scale of 1:20.
 - c) Samples and manufacturer's details of new facing materials including cladding, windows and door frames, glazing, balconies, all boundary treatments, balustrades, mesh covering to the terrace at lower ground -2 and all other facing materials.
 - d) A sample panel of the cladding to be applied to the building no less than 2m by 2m including junctions with window openings shall be erected on site for inspection for the local planning authority and maintained for the duration of the works.
- The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved, and implemented in accordance with any such approval.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development

Policies.

- 4 Notwithstanding the hereby approved plans, nothing in this consent grants permission for the lettering 'Midland Crescent' shown to the south elevation of the building. Prior to commencement of the development, replacement drawings demonstrating the replacement of the lettering with adjacent cladding materials shall be submitted to and approved in writing by the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 5 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, rooftop 'mansafe rails', television aerials or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Prior to occupation of the hereby approved uses, details of the siting, design, type and dimensions of any proposed plant and/or extract ventilating system required shall be submitted to and approved in writing by the Local Planning Authority.

The details shall be accompanied by an Acoustic Report prepared by a suitably qualified acoustic engineer which demonstrates that the noise levels from the proposed plant at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

The plant equipment and any associated noise and vibration attenuation measures shall not be installed other than in accordance with the recommendations and requirements of the acoustic report as approved. The plant and associated attenuation measures shall be maintained in accordance with the manufacturers' recommendations and the noise attenuation measures shall be retained for as long as the plant equipment remains in use.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Any units within the non-residential floorspace hereby permitted shall not operate outside the following times: 08:00hrs to 22:30hrs Monday to Thursday and 08:00hrs to 23:00hrs Friday and Saturday and 09:00hrs to 20:00hrs on Sundays and Bank Holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 and DP12 of the London Borough of Camden Local Development Framework Development Policies.

- 8 Prior to first occupation of the development, details of the location, design and method of waste storage and removal (including recycled materials) shall be submitted to and approved by the local planning authority and the approved facility shall therefore be provided prior to the first occupation of any of the new units and permanently maintained and retained thereafter.

Reason: To safeguard the amenities of the site and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Prior to commencement of development, details shall be submitted to and approved in writing by the local planning authority of how the building would be constructed and fitted out in order that the noise and vibration from neighbouring railway lines and Finchley Road that would be experienced by occupiers of the development would achieve 'good' internal room noise standards in accordance with the criteria of BS8233:1999 and vibration levels will meet a level that has a low probability of adverse comment and the assessment method shall be as specified in BS 6472:2008. The development shall thereafter not be carried out other than in complete compliance with the approved scheme and no unit shall be occupied until the mitigation measures relevant to that unit have been installed.

Reason: To safeguard the amenities of the future occupants of the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 10 Prior to occupation of the hereby approved student and residential use, a post completion noise and vibration assessment shall be carried out from within habitable rooms to confirm compliance with the noise and vibration report submitted as part of condition 7 of this planning permission. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To safeguard the amenities of the future occupants of the development in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 11 Details of bird and bat nesting boxes bricks and details of measures taken to enhance local populations of Biodiversity Action Plan priority species shall be submitted to and approved in writing by the Local Planning Authority prior to any superstructure works commencing on site. The details shall include the exact location, specification and design. The boxes / bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting boxes / bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

Reason: To ensure the development contributes towards creation of habitats and valuable areas for biodiversity in accordance with Camden Core Strategy Policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 12 Full details of the landscaping scheme and green walls, including biodiversity enhancement plan, species and maintenance plan, shall be submitted to and approved by the Local Planning Authority, in writing, before the development commences. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied.

Reason: To enhance the character and ecology of the development in line with Camden Core Strategy Policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 13 Full details of a biodiverse, substrate-based extensive living roof shall be submitted to and approved by the Local Planning Authority, in writing, before the development commences. The development shall not be carried out otherwise than in accordance with the details thus approved and shall be fully implemented before the premises are first occupied. This must include a detailed long term maintenance plan, details of its construction and the materials used, to include a section at a scale of 1:20, and full planting details.

Reason: To enhance the character and ecology of the development, to provide undisturbed refuges for wildlife, to promote sustainable urban drainage, and to enhance the performance and efficiency of the proposed building. To comply with Camden Core Strategy Policy CS15 of the London Borough of Camden Local Development Framework Core Strategy and Policies DP22 and DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 14 All hard and soft landscaping works, including living roofs and walls shall be carried out to a reasonable standard in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development or prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the Council gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a satisfactory standard of visual amenity in the scheme in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

- 15 No areas of flat roof shall be used as terraces or outdoor amenity areas and shall not be accessed for any purposes other than maintenance.

Reason: To safeguard the amenities of the adjoining residents and the area generally in accordance with the requirements of policies CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbour) of the London Borough of Camden Local Development Framework Development Policies.

- 16 Prior to occupation of the development, the following details of the proposed cycle storage areas and access arrangement shall be submitted to and approved by the local planning authority:

- a) The provision of at least 10 spaces for the commercial uses.
- b) The provision of at least 11 spaces for the residential use.
- c) The provision of at least 30 spaces for the student accommodation use.

The approved facilities shall thereafter be provided in entirety prior to the first occupation of any part of the site, and thereafter permanently maintained and retained.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 17 The development shall include the provision of and ongoing retention of one lift with a minimum dimension of 2 metres by 2 metres, the lift shall be able to accommodate at least 2 people with their bicycles at any one time.

Reason: To ensure development provides the primary access to the cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

- 18 All doors providing access to the green roofs and the communal terrace at fourth floor shall be self-closing.

Reason: To ensure the development would be well protected by air pollution in accordance with the requirements of policy CS16 of the London Borough of Camden Local Development Framework Core Strategy and policy DP32 of the London Borough of Camden Local Development Framework Development Policies.

19 At least 28 days before development commences:

(a) A written programme of ground investigation for the presence of soil and groundwater contamination and landfill gas shall be submitted to and approved by the local planning authority; and

(b) Following the approval detailed in paragraph (a), an investigation shall be carried out in accordance with the approved programme and the results and a written scheme of remediation measures [if necessary] shall be submitted to and approved by the local planning authority.

The remediation measures shall be implemented strictly in accordance with the approved scheme and a written verification report detailing the remediation shall be submitted to and approved by the local planning authority prior to occupation.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

20 In the event that additional significant contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the Environment Agency's Model Procedures for the Management of Contamination (CLR11), and where mitigation is necessary a scheme of remediation must be designed and implemented to the satisfaction of the local planning authority before any part of the development hereby permitted is occupied.

Reason: To protect future occupiers of the development from the possible presence of ground contamination arising in connection with the previous industrial/storage use of the site in accordance with policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

21 Prior to commencement of development details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change, demonstrating 50% attenuation of all runoff and demonstrating greenfield levels of runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CS13 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

22 Notwithstanding the hereby approved plans, no more than 125sqm of the area defined as commercial floorspace shall be occupied by one single unit within Use Class A1, A2, A3, A4, D1 or D2 and no more than 400sqm of the commercial

floorspace shall be in use as A1, A2, A3, A4, D1 or D2, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of a mix of uses to enhance the West Hampstead Interchange Growth Area and Finchley Road/Swiss Cottage Town centre and to safeguard neighbour amenity in accordance with the requirements of policy CS2, CS3 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP12, DP13, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

- 23 Prior to commencement of development dispersion modelling shall be undertaken to identify the optimum location for the inlet for mechanical ventilation, carbon filters must be added to the inlet. Details of the final location and filters must be submitted to an approved by the local planning authority. The approved details shall thereafter be provided in their entirety prior to the first occupation of any part of the site, and thereafter permanently maintained and retained.

Reason: To ensure the development would be well protected by air pollution in accordance with the requirements of policy CS16 of the London Borough of Camden Local Development Framework Core Strategy and policy DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 24 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 25 Prior to commencement of development, detailed plans at a scale of 1:50 of all wheelchair accessible rooms shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 This consent is without prejudice to, and shall not be construed as derogating from, any of the rights, powers, and duties of the Council pursuant to any of its statutory functions or in any other capacity and, in particular, shall not restrict the Council from exercising any of its powers or duties under the Highways Act 1980 (as amended). In particular your attention is drawn to the need to obtain permission for any part of the structure which overhangs the public highway (including footway).

Permission should be sought from the Council's Engineering Service Network Management Team, Town Hall, Argyle Street WC1H 8EQ, (tel: 020 7974 2410) or email highwayengineering@camden.gov.uk.

- 2 With regard to condition no. you are advised to look at Camden Planning Guidance for further information and if necessary consult the Access Officer, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 5124) to ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time.
- 3 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 4 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.
- 5 With regard to condition 12 you are advised that the substrate depth should vary between 80mm and 150mm with peaks and troughs, but should average at least 130mm. The design and planting scheme should be informed by a site biodiversity assessment and reflect the local conditions and species of interest. Extensive living roofs should be planted with 16 plugs per m2.
- 6 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction

costs index.

Please send CIL related documents or correspondence to CIL@Camden.gov.uk

- 7 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 8 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 9 Your attention is drawn to the need for compliance with the requirements of the Environmental Health regulations, Compliance and Enforcement team, [Regulatory Services] Camden Town Hall, Argyle Street, WC1H 8EQ, (tel: 020 7974 4444) particularly in respect of arrangements for ventilation and the extraction of cooking fumes and smells.
- 10 This permission is granted without prejudice to the necessity of obtaining consent under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Application forms may be obtained from the Council's website, www.camden.gov.uk/planning or the Camden Contact Centre on Tel: 020 7974 4444 or email env.devcon@camden.gov.uk).

Appendix A – Independent review of the application viability report

Land at Midland Crescent, Finchley Road, London, NW3 6NA

Application: 2014/5527/P

Independent Review of Assessment of Economic Viability

30th October 2014

1.0 INTRODUCTION

- 1.1 BPS Chartered Surveyors has been instructed by the London Borough of Camden ('the Council') to review a viability submission provided by Douglas Birt Consulting (DBC) on behalf of Stadium Capital Holdings (the applicant) in respect of a proposed development on land at Midland Crescent, Finchley Road.
- 1.2 The site is bounded by Finchley Road to the east and by over-ground train lines to both the north and south. It is triangular in shape, tapering towards the west, and is 0.15 acres in size. The site has recently accommodated billboard advertisements which faced Finchley Road.
- 1.3 The current planning application proposed a scheme comprising 9 residential units, 60 bedrooms of student housing, and 757 sqm GIA of office (B1) space.
- 1.4 A previous planning application (2013/4575/P) was refused on Appeal, primarily on design grounds. This previous application proposed to provide 9 residential flats, 92 student bedrooms (with communal kitchens, lounge and common room areas), and 808 m² of office space. The main alteration to the scheme is therefore a reduction in the number of student bedrooms from 92 to 60, while the commercial office space has been reduced from 808 sqm to 757 sqm (GIA). As per the previous application, the proposal also includes 9 residential dwellings.
- 1.5 As the scheme will provide over 1,000 sqm of net additional residential floorspace, it triggers an affordable housing requirement under the Council's Development Policy DP3. Under DP3, this scheme is required to provide one unit of affordable housing unit on site. However, DBC argues that the on-site provision is impracticable in this scheme.
- 1.6 The applicant is not currently offering to make any affordable housing contributions, but will provide £227,000 of Mayoral CIL payments and £290,923 of S106 contributions. DBC assert that the due to the viability position of the scheme, it cannot reasonably make any contributions towards affordable housing.
- 1.7 DBC's development appraisal of a scheme with nil affordable housing contributions shows a profit output of 18.5% on GDV, which falls short of the applicant's profit target of 20% on GDV, which indicates that the scheme is marginally unviable and cannot viably make any affordable housing contributions.

- 1.8 Our review has sought to scrutinise the costs and value assumptions included in the applicant's viability submission, in order to determine whether there may be scope for an affordable housing contribution to be made while ensuring the scheme is economically viable.

2.0 CONCLUSIONS & RECOMMENDATIONS

- 2.1 Following our review of the latest viability assessment, we have reached the conclusion that the scheme cannot viably make any affordable housing contributions. There is, however, the potential for improvements in viability over time to lead to the scheme generating a surplus, therefore we recommend that the Council seeks agreement to a deferred contributions mechanism, based on outturn costs and values, which would trigger an affordable housing payment if a surplus were to be generated.
- 2.2 DBC's development appraisal for the proposed scheme, with nil affordable housing contributions, shows a profit output of 18.5% on GDV, which falls short of the applicant's profit target of 20% on GDV. This indicates that the scheme is marginally unviable with a -245,000 profit deficit.
- 2.3 We have highlighted below where our views on costs and values differ from those included in the appraisal. There are a number of inputs into the benchmark land value (AUV) appraisal which we question, although the combined impact of our suggested changes is minimal as they largely counteract each other. We also suggest that somewhat lower student housing values can be justified than have been adopted in the appraisal, which would have the impact of further increasing the profit deficit. This strengthens the conclusion that the scheme, on present day costs and values, cannot support an affordable housing contribution.
- 2.4 We summarise in the remainder of this section our findings in respect of the key cost and value inputs.

Costs

- 2.5 Our cost consultant, Neil Powling, has reviewed the cost plan for the proposed scheme and has reached the conclusion that it is reasonable, and suitably reflects the high level of abnormal costs associated with this scheme.
- 2.6 The site is highly constrained by its location next to railway lines and to Finchley Road, which is likely to add complications to any construction project, and may cause costs to rise above the estimates that have been adopted in the appraisal.

Values

- 2.7 With respect to the student housing, DBC has reduced the yield from ■■■% to ■■■% since the previous appraisal, which suitably addresses the comment, in our previous report, that lower yields could be expected given the buoyant performance of the London student housing market.
- 2.8 We suggest that the weekly gross rents per room that appear to have been assumed by DBC are somewhat higher than we would expect in this locality, and for this reason we consider that the overall capital valuation of the student housing is somewhat optimistic.

- 2.9 We have concluded that the residential values and the commercial values are also reasonable, taking into account the site's drawbacks including its close proximity to railway lines.

Benchmark Land Value - AUV

- 2.10 The AUV estimate is of a hypothetical mixed use development which is largely based on a scheme (2008/4958/P) that gained consent in 2008 and has since lapsed. It includes 283 m² (NIA) of retail space on the ground floor. Unlike the 2008 scheme the AUV scheme includes residential uses, totalling 8 dwellings.
- 2.11 The alternative use valuation is the same as was used in the previous (August 2013) appraisal, and includes the same cost and values inputs, and consequently the same residual value of £854,000.
- 2.12 A landowner premium of 20% has been added to the AUV in order to arrive at the benchmark figure of £1.025m. We remain to be convinced that it is suitable in this instance to apply a landowner premium.
- 2.13 We are of the opinion that this landowner premium added to the AUV estimate is inappropriate because it has been applied to the Market Value of the property assuming redevelopment within the site's lapsed consent for office and retail use. It is not possible in our view to establish a premium for two reasons:
- a) The AUV represents market value for this use therefore it is not possible to seek a figure above market value.
 - b) It is evident that the proposed scheme is less viable therefore there should be no hope value attached to the site in relation to securing a higher value consent
- 2.14 He also considers the costs applied in the AUV to be reasonable and to be consistent with those agreed as part of the previous application's viability assessment.
- 2.15 If this premium were to be omitted, this would reduce the benchmark by £171,000. However, this change is more than cancelled out by the increase in residential sales value which we consider to be suitable alternative use scheme, to reflect the strong recent price inflation in Camden and maintain consistency with the residential values in the proposed scheme.
- 2.16 We conclude that £500,000 higher residential sales value can be justified in the AUV appraisal, which even allowing for the omission of the landowner premium, would still result in a high benchmark land value (£329,000 higher) and consequently would further increase the proposed scheme's profit deficit. However, this may be largely counteracted by the build costs of the AUV's commercial space, which our cost consultant suggests may be overstated by as much as £293,000. Overall, therefore, we accept that the AUV of £854,000 remains broadly reasonable and is potentially somewhat overstated.

3.0 PLANNING POLICY CONTEXT

- 3.1 We have had reference to national planning policy including the National Planning Policy Framework. We have also had regard to the local planning policy context including the London Plan (2011) Housing Policies and the Council's Core Strategy.
- 3.2 The Council's Core Strategy policy CS6 sets a target mix of 60% social rented and 40% intermediate tenure for affordable housing provision within the Borough.
- 3.3 Development Policy DP3 states that affordable housing contributions will be expected from all residential developments with a capacity to provide 10 or more dwellings, with a 50% negotiating target being applied on a sliding scale from 10% for schemes with a capacity of 10 dwellings, to 50% for those of 50 dwellings. The 50% target operates subject to the financial viability of the development.
- 3.4 The proposed scheme will provide, in addition to student accommodation, 9 flats totalling 1,114 meter² (GEA), which triggers an affordable housing requirement of 11% under DP3, equating to 111.4 sqm².
- 3.5 The applicant suggests that the proposed scheme cannot feasibly provide any onsite affordable housing because of the practical difficulties associated with the management of a single affordable unit located within a flatted scheme. Camden Planning Guidance (CPG8) sets out how affordable housing payments-in-lieu should be calculated, by using a £2,650 per sqm multiplier, applied to the area of the required on-site affordable housing. This results in a maximum payment-in-lieu of £295,210 when applied to this scheme.

4.0 PLANNING HISTORY

- 4.1 In 2005, outline permission was granted for the erection of a five-storey (inclusive of basement) building which would have accommodated retail and office uses. This building was intended to be constructed upon the eastern section of the site. A Reserved Matters application (reference: 2008/4958/P) was granted on 2nd January 2009. An adaptation of this scheme has been applied in DBC's alternative use valuation.
- 4.2 The current application (2014/5527/P) was registered on 8th September 2014 and is a modified version of 2013/4575/P. The previous planning application (2013/4575/P) was refused on Appeal, primarily on design grounds. This previous application proposed to provide 9 residential flats, 92 student bedrooms (with communal kitchens, lounge and common room areas), and 808 m² of office space.

5.0 VIABILITY BENCHMARK

- 5.1 As per the previous application (2013/4575/P), DBC has used a benchmark figure of £1.025m for the purposes of testing the viability of the proposed scheme. Using an Excel based model, DBC has calculated the site value at £854,500 and then added a landowner premium of 20% in order to arrive at the benchmark figure of £1.025m.
- 5.2 The AUV estimate is of a hypothetical mixed use development which is largely based on a scheme (2008/4958/P) that gained consent in 2008 and has since lapsed. The scheme includes 283 m² (NIA) of retail space on the ground floor. Unlike the 2008 scheme, the AUV scheme has been modified to include 8 residential dwellings.
- 5.3 Planning Officers have confirmed that they are satisfied that the AUV scheme is acceptable in principle in terms of planning policy. We note that the inclusion of residential uses would be a requirement under the Council's most recent planning policy, as detailed in Development Policy DP1, which requires mixed use schemes to provide 50% of the net additional floorspace as housing, and the AUV scheme does include policy-compliant level of housing.
- 5.4 We therefore consider that the Alternative Use Value approach taken by DBC is suitable in this case, given that the AUV scheme is based effectively on the resumption of a formerly consented scheme and appears to be consistent with current planning policy. Moreover, the fact that the site is undeveloped and has a limited existing use value (it is currently only being used for billboard advertising), lends support to the view that consideration of an alternative use is appropriate when arriving at a benchmark land value.
- 5.5 Although we accept the use of an AUV approach, we remain to be convinced that it is appropriate to add a landowner premium to AUV. We discuss below our review of the the cost and value inputs into the AUV appraisal, and then discuss the issue of landowner premium issue in more detail.

Residential values

- 5.6 With regards to the value of the 8 hypothetical apartments, the estimated sales value is £■■■ per sqft (£■■■ per sqm). This is the same figure per sqft as was applied in the previous AUV appraisal (August 2013). In our review of the previous submission, we concluded that the values ascribed to the apartments were unlikely to be overstated, given the disadvantages of this site and the location of these apartments above commercial uses.
- 5.7 Whilst the proposed scheme's values have increased from £■■■ per sqft to £■■■ per sqft (£■■■ per sqm) from the previous appraisal (August 2013) to the most recent appraisal, the values of the AUV apartments have remained static at £675 per sqft. This increase in the disparity in values acts to improve the viability position of the proposed scheme.
- 5.8 We note that the Land Registry House Price Index for Camden has inflated by 21.3% between August 2013 and September 2014, which compares to the 14.2% growth applied to the proposed scheme's apartments, although this is not unreasonable given that the strongest growth in the Borough has been further south, in the Central London area.

- 5.9 Irrespective of the precise level of achievable residential values in this locality, it is highly unlikely that a £125 per sqft (£1,346 per sqm) difference between the proposed scheme's and AUV scheme's apartments' respective values can be justified. If DBC were to reduce this differential the effect would be a further worsening of the viability position in the form of an increased profit deficit.
- 5.10 The differential between the proposed and AUV apartments' was previously £25 per sqft. If this difference were to be restored (by increasing the AUV apartments' values by £100 per sqft) this would increase the GDV of the AUV scheme by £648,000 and in turn increase the AUV residual from £854,000 to £1.33million.

Commercial values

- 5.11 The office space in the AUV scheme has been valued at £■■ per ft² (161 per sqm) per annum. We have not been provided with any evidence in support of this estimate. Our research shows that somewhat higher rents can be achieved in the Finchley Road area, it should be noted that the appraisal makes no allowance for letting incentives and void periods, which are both likely to be high in this locality, especially voids. On balance, therefore, we consider that the capital values applied to the office to be in line with what we would expect in this secondary office location.

Costs

- 5.12 Our Cost Consultant, Neil Powling, has reviewed the build costs that have been included in the AUV appraisal. He considers that residential element to be reasonably costed in comparison with BCIS rates, but suggests that the cost of the commercial element is potentially understated.
- 5.13 The rate applied to the commercial element is £1■■ per sqm, totalling £■■■. Neil Powling suggests that a BCIS rate of £■■■ per sqm is appropriate, which generates a £■■■ build cost. This is a difference of £293,000. Neil's cost rate is based on a reasonably high level of internal specification (although not including air conditioning). Given that the rent per sqft ascribed to the offices is relatively low for this location, at £■■ per sqft (£■■ per sqm), this implies that a modest specification (or partial fitout, with the tenant undertaking the remaining works) is more realistic. We therefore suggest that the discrepancy in costs is likely to be considerably lower than £293,000, although we have highly limited amounts of detail concerning the AUV scheme, so are unable to give a more definitive view.
- 5.14 We are satisfied that the finance costs and other cost inputs into the AUV appraisal are reasonable and are consistent with the approach taken for the proposed scheme.

Landowner Premium

- 5.15 DBC has calculated the site value at £854,500 and then added a landowner premium of 20% which results in a benchmark figure of £1.025m. We remain to be convinced that it is suitable in this instance to apply a landowner premium.
- 5.16 DBC's rationale for adding a premium to the AUV is that it is required in order to incentivise the landowner to sell. In other words, any alternative use values or existing use values ought to have a premium added to them in order to provide a

competitive return to the landowner, in line with the principles of the NPPF (para. 173).

5.17 According to DBC, without a premium over the AUV, there would be no particular incentive for the landowner to release the site.

5.18 We are not aware of any Appeal Decisions where AUV uplift has been supported. The Decisions we have viewed all relate specifically to the addition of a premium over the Existing Use Value (EUV):

- In 2009 an appeal case (APP/G1580/A/08/2084559) for a new residential development in Croydon it was concluded with an uplift of 20% on the site value which is based on its EUV.
- In a 2009 appeal case (APP/D3125/A/09/2104658) relating to a site in Oxford Street it was decided that a 10% premium is reasonable to apply to the EUV, to offset landowner inconvenience and assist with relocation.

5.19 RICS Guidance Note *Financial Viability in Planning* refers explicitly to the application of a premium to EUV but does not refer to AUV (para 3.4.1), and it also mentions (para 3.4.9) that when an AUV is estimated, this figure will equate to *Market Value* which by definition does not require a premium to be added to it in order to incentivise the landowner to sell.

5.20 *"Where an alternative use can be readily identified as generating a higher value, the value for this alternative use would be the market value." This means that a premium over the AUV is not commended by RICS as by definition Market Value is the maximum that the market will pay for the site."*

5.21 For a cleared site such as this, wherein the realisation of the value of any any alternative uses will require major expenditure (on a scale commensurate with the expenditure required for the application scheme), it is inappropriate to include a landowner premium over and the residual value that the alternative use scheme generates.

5.22 The following paragraphs from the National Planning Practice Guidance deal with the issue of suitable incentives for landowners:

"The National Planning Policy Framework states that viability should consider 'competitive returns to a willing landowner and willing developer to enable the development to be deliverable.' This return will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project.

"A competitive return for the land owner is the price at which a reasonable land owner would be willing to sell their land for the development. The price will need to provide an incentive for the land owner to sell in comparison with the other options available. Those options may include the current use value of the land or its value for a realistic alternative use that complies with planning policy."

5.23 This Guidance does not elaborate further on what a suitable level of incentive is, other than to say it will by its very nature vary between schemes. It is logical that an 'incentive' may be as little as £1 (i.e. a minimal sum). For example, if the residual value of a scheme exceeds the residual value of an alternative use scheme

by even a negligible amount, then it can be said to be viable and represent the most advantageous and valuable outcome for the landowner. No further incentive (e.g. a 20% premium) over this figure would be required.

6.0 BUILD COSTS

- 6.1 Our cost consultant, Neil Powling, has reviewed DBK's Cost Plan for the proposed scheme by making an elemental comparison against BCIS average tender prices. He has concluded that the overall cost estimate is realistic, and his full report is included in Appendix One.
- 6.2 DBC states that it considers a profit of 20% on Gross Development Value (GDV) to be a minimum target level in the current market, which we accept is appropriate and has been supported by Inspectors' decision in recent Planning Appeals.
- 6.3 The interest rate of 7% applied in the appraisal is reasonable in the current market. It has been applied to an overall 23 month development period, which includes an 18 month build period and a 5 month post-completion sales period.
- 6.4 The land finance cost has been estimated at £[REDACTED] using a [REDACTED]% interest rate. This figure is c[REDACTED]% as a proportion of the land cost, which is realistic for this scheme which has a development period of c2 years.
- 6.5 The Professional Fees of 12% and a Contingency of 5% are both realistic for a scheme of this nature and are in line with the typical benchmark rates currently applied in viability assessments.

7.0 GROUND RENTS

- 7.1 Annual Ground Rents from the flats have been estimated at £400 per apartment. This total ground rent income has then been capitalised using a 7% yield, resulting in a capital sum of £51,429, which we consider to be reasonable although the yield is slightly higher than we would expect but the impact on overall scheme values of adopting a lower yield on the appraisal is minimal.

8.0 PRIVATE RESIDENTIAL VALUES

- 8.1 The value of the nine residential units has estimated by local estate agency Stadium Residential at £[REDACTED] per ft² (£[REDACTED] per sqm), which leads to a total of £[REDACTED]. Stadium Residential has only provided one comparable transaction to support this valuation of £800 per sqft, so we have undertaken our own research to determine whether this is a suitable estimate.
- 8.2 Since the previous application, the estimates values have been increased from £[REDACTED] per sqft (August 2013) to £[REDACTED] per sqft. In our previous (October 2013) report we concurred that £[REDACTED] per sqft was a fair reflection of the proposed units' likely values. In reaching this conclusion, we took account of the site's disadvantages including its close proximity to railway lines, but also its advantages such as being close to good public transport links.

- 8.3 Given that Land Registry's HPI growth for Camden totalled 21.3% between August 2013 and September 2014, it is evident that a £100 per sqft (£1,076 per sqm) increase (14%) is possibly not sufficient. However, according to other growth indices, the increase in NW3 has been more modest over this period, at around 10%. Therefore we conclude that an increase of 14% is a fair reflection of the changing local market over the last 12 months.
- 8.4 We have also considered more recent comparable sales in the local area to ensure that £■■■ per sqft is indeed in line with typical market values for apartments of this calibre. It is apparent that the proposed units are at the bottom end of the local market, which includes many highly desirable streets.
- 8.5 The development consists of 2 one bedroom, 6 two bedroom and 1 three bedroom properties. Our analysis of local comparable sales evidence is set out below.

One Bed Flats

- 8.6 The one bedroom flats in the proposed scheme are both 53 m² and are both valued at £[REDACTED] (£[REDACTED] per sqm) compared to a local average of £9,497 per sqm for flats sold within a half mile radius. These comparable units are mostly second hand and as such we would expect the proposed flats to command a new build-premium. However, our further research indicates that properties located on Finchley Road tend to be of a lower value than most streets in the local area, partly because of the busy traffic along this road.
- 8.7 The following table details comparable sales along Finchley Road. These are [REDACTED]. It should be noted however that these comparable properties are not new builds.

Comparable evidence: 1-bed apartments near Finchley Road

Address	Price	Size (M ²)	Price PSM	Comments
Flat 56 Hillside Court, NW3 6HQ	385,000	47.1	8,174.10	Sold 02/05/2014
227B Finchley Road	359,000	50.12	7,162.81	Sold 28/02/2014: Located above retail
Finchley Road, NW3	435,000	38	11,447.37	Listed for Sale
Finchley Road, NW3	475,000	49.1	9,674.13	Listed for Sale
Finchley Road, NW3	499,950	52.86	9,458.00	Listed for Sale
Finchley Road, NW3	399,999	56.24	7,112.36	Listed for Sale
Average			8,838.13	

Two Beds Flats

- 8.8 The proposed two beds have an average value of £[REDACTED], which compares to an average of £735,634 for local properties sold within a half mile radius. The following table details achieved values and asking prices of comparable properties (please note, it is typical for achieved values to be discounted from the asking price).

Comparable evidence: 2 bed flats near Finchley Road

Address	Price	Size (per sqm)	Price PSM	Comments
Flat 18 St Johns Court	652,215	83.4	7,820.32	Sold 21/03/2014
Finchley Road	725,000	88.4	8201.36	Listed for Sale
Mandeville Court, Finchley Road	750,000	67	11194.03	Listed for Sale
Finchley Road	499,950	60.91	8208.01	Listed for Sale
Finchley Road	495,000	71	6971.83	Listed for Sale
Average			8,479.11	

Three-bed Flats

- 8.9 The single proposed 3 bed unit has a sales value of £[REDACTED] which compares to £1.028 million for flats sold within a ½ mile of the subject site in the last year. The following table shows the relevant comparable evidence for the 3 bed flats along Finchley Road:

Comparable evidence: 3 bed flats near Finchley Road

Address	Price	Size (per sqm)	Price PSM	Comments
Finchley Road, NW3	999,950	125.11	7,992.57	Listed for Sale
Finchley Road, NW3	1,399,500	195	7,176.92	Listed for Sale
Finchley Road, NW3	825,000	100.55	8,204.87	Listed for Sale
Langland Mansions	1,250,000	135.81	9,204.04	Listed for Sale
Average			8,144.60	

8.0 STUDENT HOUSING VALUES

- 8.1 The proposed scheme will provide 60 units of student accommodation with a total area of 2,533 m². This includes 50 'cluster flats' - i.e., rooms that have access to a shared kitchen and lounge, with these facilities each shared by 6 rooms. The remaining 10 units are studio flats.
- 8.2 A net rent of £[REDACTED] per m² per annum has been applied in the appraisal. This equates to a net rent per bed of £[REDACTED] per week. The resulting rental income has been capitalised using a [REDACTED]% yield, resulting in a £[REDACTED] capital sum which equates to £[REDACTED] per bed. The rental level of £[REDACTED] per sqm has been applied uniformly to all the student rooms, although we would expect that in reality different rent levels would be applied to the 'cluster' and 'studio' rooms.

- 8.3 The net rents per sqm are consistent with those applied in the previous appraisal, which we agree were reasonable after comparison of the implied gross rents per room with those achieved at other schemes. This is despite the average size of the rooms having been reduced.
- 8.4 The net rent of £■■■ per bed per week suggests that a gross rent of c£■■■ per week has been assumed by DBC. We have inferred this based on our estimated deduction of 25% to account for management costs and vacancy costs, based on the level of these costs that was applied in other student schemes we have recently reviewed.
- 8.5 As with the previous appraisal, we have not been provided with any comparable evidence or commentary to justify the proposed rental and yield assumptions by DBC.
- 8.6 We have undertaken our own research into the rental market and investment market for student housing in London in order to ascertain whether the value ascribed to the student units are reasonable.

Rents

- 8.7 We have undertaken research into the rental market for student accommodation in London and have compiled the following table of average (gross) rents charged at other London schemes:

Comparable Student Housing Schemes	Average Gross Rent (£ per week)
ISL Students - West Hampstead	from £199
The Curve - Shadwell	£199
UNITE - Beaumont Court	£255.00
Victoria Hall - Wembley	£180.00
Pure Student Living - Highbury	£248.00
CRM Students - Tufnell Park	£209.00
CRM Students - The Arcade	£174.00
APT Students - Wembley	£187.00
Urbanest - Kings Cross	£245.00
Knight Frank - 2014 Insight - Average London Studio	£299.00
Knight Frank - 2014 Insight - Average London ensuite	£220.00

- 8.8 A highly suitable comparable scheme is the nearby ISL scheme in West Hampstead which is also predominantly comprised of 'cluster flats', with rents starting at £199 per week for ensuite rooms and £259 for studios. The specification is similar to the proposed student accommodation.
- 8.9 We note that other schemes in North London, which are in broadly comparable locations in terms of distance from Central London (a critical factor for rental values in this market), have rents in the region of £200 per week, with rent of around £180 for those further afield such as Tufnell Park and Wembley. In contrast, rents in the region of £250 per week are achievable for the more centrally located schemes such as Urbanest's King's Cross development.

- 8.10 In conclusion, the effective gross rent per week of cf. [REDACTED] per room is [REDACTED].

Yields

- 8.11 DBC has applied an investment yield of [REDACTED]% to capitalise the net rental income from the student rooms, but no evidence has been provided in support of this yield. We have referred to number of market research reports on the student housing investment market, and to comparable evidence of recent investment sales, in order to assess the suitability of the [REDACTED]% yield applied in the appraisal.
- 8.12 It should be noted that although the subject site is not a 'prime' location (Zone 1) for student housing in London, one of the key drivers of yields is security of income and given that, for example, King's College is actively seeking to develop new student housing in the area, this suggests that sufficient demand exists in the area. It may be possible for a nominations agreement to be arranged with a university which would improve the achievable yield by increasing the security of income. However, it should be noted that the disadvantages of the site, such as the views over railways and Finchley Road, may negatively impact on the proposed schemes appearance to investors.
- 8.13 We note a number of recent investment sales including The Curve, E1, which achieved a yield of 6% and Canto Court, E1, which achieved [REDACTED]%. CBRE's *UK Student Housing Market View Report* for Q2 2014 estimates that student housing yields for Zones 2-4 at 6.15% compared to 5.9% for Zone 1. In this context, [REDACTED]% is a [REDACTED] for the proposed student housing, having regard to [REDACTED].
- 8.14 The Zone 2-4 yield estimate in the CBRE report for accommodation let direct to universities is 5.25%, and although one must consider the discount rents offered to universities compared with 'direct lets', there is still potential that higher capital values could be achieved if a long-term letting to a university were to be secured.
- 8.15 In order to support our review of the student housing units' estimated rents and yields, we have also compared the estimated capital value per bed (c.£[REDACTED]) with those achieved by other student housing schemes in London.

Comparison with other schemes

- 8.16 With regards to the recent investment deals in London student housing, we note the following transactions that completed in the first half of 2014. It should be noted that the transactions that have taken place are of relatively large developments.
- 8.17 Canto Court situated on Old Street, E1, sold for close to £32million for the 164 bed development reflecting a price of £196,000 per bedspace. This is in a better location than Midland Crescent.
- 8.18 Victoria Hall in Wembley sold for £41.5million and comprises of 435-beds, which indicates a price per bed of £95,400. This comparable scheme is arguable in a less desirable location than the proposed scheme.

- 8.19 Situated in Aldgate, E1, The Curve sold for £60million. At 350-beds this equates to cost of £171,428 per bedspace. As per Canto Court, this scheme is situated in a better location in comparison to the proposed scheme.
- 8.20 It is difficult to draw any precise conclusion from this evidence of capital values per bed, although it does tend to support our view that the student housing values adopted by DBC are [REDACTED]

9.0 OFFICE VALUES

- 9.1 The total sales value for the 757m² of offices is £[REDACTED], which is based upon a rent of £[REDACTED] per m² per annum (c£[REDACTED] per ft²) capitalised at an [REDACTED]% yield.
- 9.2 Our research indicates that rents of around £[REDACTED] per sqft can be achieved locally for good quality offices, in the immediate area with a 108-110 Finchley Road.
- 9.3 The office space is shown in Thornton Firkin's Cost Plan as being completed to a "shell and core" level only, and the level of costs adequately reflects this. It is therefore in the case appropriate for office rents to be at a level below those of full fit-out offices, and for this reason we accept the rental estimate of £10 per sqft applied in the appraisal.
- 9.4 With regard to the yield, of [REDACTED], it is worth considered that the site in question is not in what would be regarded as a prime location and given the specifications that it is unlikely to offer accommodation in a configuration that would generate a high level of market interest. Therefore on balance we are of the view that the yield is reasonable.
- 9.5 The resultant value generated by the appraisal does not include voids and other letting incentives in either appraisal.

BPS Chartered Surveyors
30th October 2014

Appendix One: Review of Cost Plan

1 SUMMARY

- 1.1 We consider the Applicants costs for the main scheme to be reasonable compared to an adjusted benchmark calculation.
- 1.2 We consider the residential element of the AUV scheme to be reasonable, but the costs of the commercial element to be low.

2 METHODOLOGY

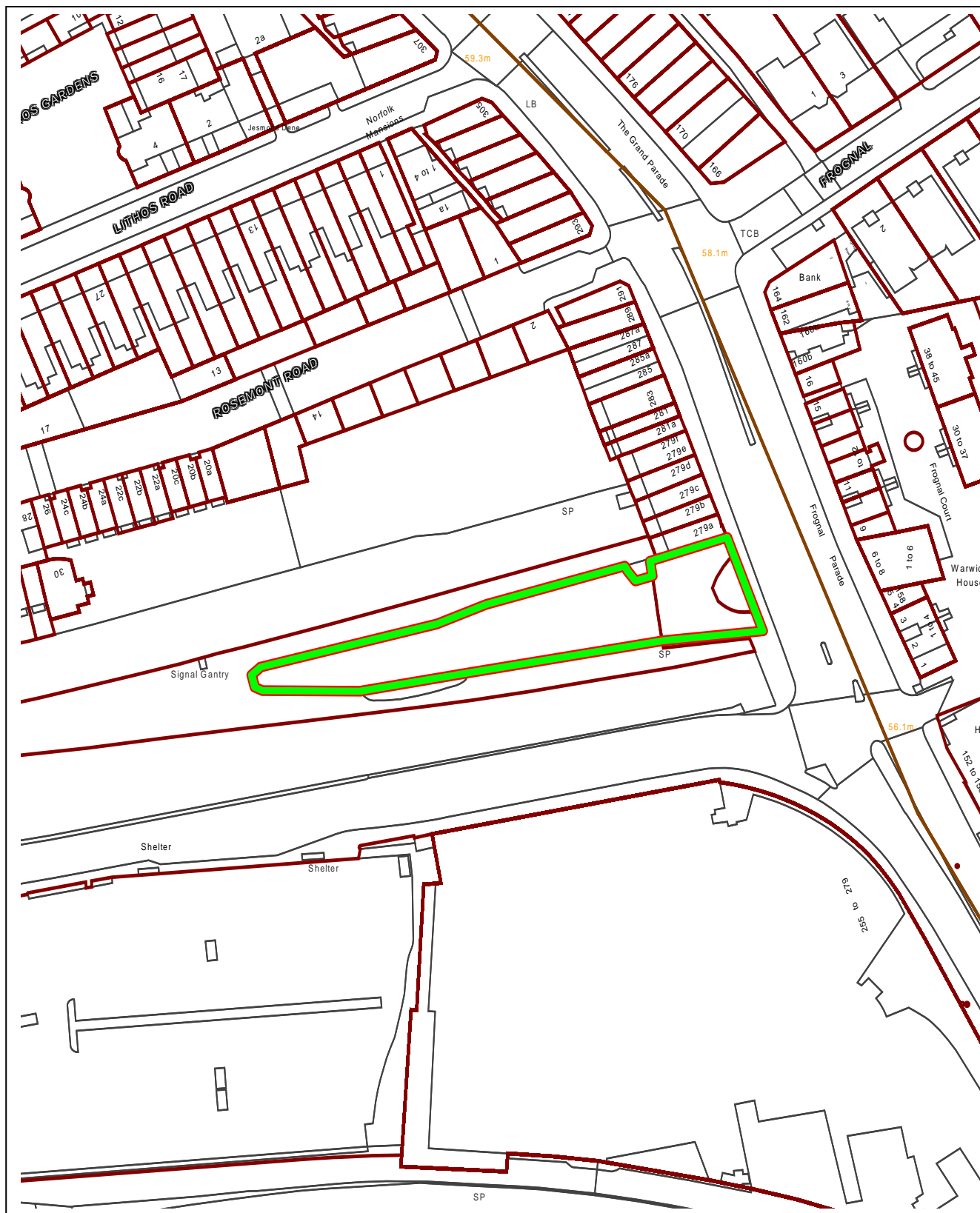
- 2.1 The objective of the review of the construction cost element of the assessment of economic viability is to benchmark the applicant costs against RICS Building Cost Information Service (BCIS) average costs. We use BCIS costs for benchmarking because it is a national and independent database. Many companies prefer to benchmark against their own data which they often treat as confidential. Whilst this is understandable as an internal exercise, in our view it is insufficiently robust as a tool for assessing viability compared to benchmarking against BCIS.
- 2.2 BCIS average costs are provided at mean, median and upper quartile rates (as well as lowest, lower quartile and highest rates). We generally use mean or upper quartile for benchmarking depending on the quality of the scheme. BCIS also provide a location factor compared to a UK mean of 100; our benchmarking exercise adjusts for the location of the scheme. BCIS Average cost information is available on a default basis which includes all historic data with a weighting for the most recent, or for a selected maximum period ranging from 5 to 40 years. We generally consider both default and maximum 5 year average prices; the latter are more likely to reflect current regulations, specification, technology and market requirements.
- 2.3 BCIS average prices are also available on an overall £ per sqm and for new build work (but not for rehabilitation/ conversion) on an elemental £ per sqm basis. We generally consider both. A comparison of the applicants elemental costing compared to BCIS elemental benchmark costs provides a useful insight into any differences in cost. For example: planning and site location requirements may result in a higher than normal cost of external wall and window elements.
- 2.4 BCIS costs are available on a quarterly basis - the most recent quarters use forecast figures, the older quarters are firm. If any estimates require adjustment on a time basis we use the BCIS all-in Tender Price Index (TPI).
- 2.5 BCIS average costs are available for different categories of buildings such as flats, houses, offices, shops, hotels, schools etc. The Applicant's cost plan should keep the estimates for different categories separate to assist more accurate benchmarking.
- 2.6 To undertake the benchmarking we require a cost plan prepared by the applicant; for preference in reasonable detail. Ideally the cost plan should be prepared in BCIS elements. We usually have to undertake some degree of analysis and rearrangement before the applicant's elemental costs can be compared to BCIS elemental benchmark figures. If a further level of detail is available showing the build-up to the elemental totals it facilitates the review of specification and cost allowances in determining adjustments to benchmark levels. An example might be

fittings that show an allowance for kitchen fittings, bedroom wardrobes etc that is in excess of a normal benchmark allowance.

- 2.7 To assist in reviewing the estimate we require drawings and (if available) specifications. Also any other reports that may have a bearing on the costs. These are often listed as having being used in the preparation of the estimate. If not provided we frequently download additional material from the documents made available on the planning website.
- 2.8 BCIS average prices per sqm include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs do not include these. Nor do elemental costs include for external services and external works costs. Demolitions and site preparation are excluded from all BCIS costs. We consider the Applicants detailed cost plan to determine what, if any, abnormal and other costs can properly be considered as reasonable. We prepare an adjusted benchmark figure allowing for any costs which we consider can reasonably be taken into account before reaching a conclusion on the applicant's cost estimate.

3 GENERAL REVIEW

- 3.1 We have been provided with the Affordable Housing Statement prepared by Douglas Birt Consulting dated September 2014. This includes as Appendix 3 Cost Model 3 prepared by DBK dated 18th August 2014. The estimate at 3Q2014 rates totals £[REDACTED].
- 3.2 The cost model has been prepared in a format that makes arrangement of cost data into BCIS elemental format impractical. We have extracted the information into BCIS group element format for the three main functional groups: commercial, student accommodation and residential flats. Refer to our pdf "Group elemental analysis & BCIS benchmarking".
- 3.3 We have downloaded current BCIS data for benchmarking including a Camden location factor of 120 that has been applied to all data in benchmarking.
- 3.4 The preliminaries have been calculated at 16%, although an allowance for abnormal preliminaries is made separately. This allowance rolled up with a further [REDACTED]% shows that the total preliminaries amounts to [REDACTED]% - this is a high figure but probably a fair allowance for the problems posed by this particular site. Overheads and profit are calculated at [REDACTED]% and a further provision of [REDACTED]% for contingencies. Both of these allowances we consider reasonable.
- 3.5 Our benchmarking results in a total adjusted benchmark figure of £[REDACTED] about £[REDACTED] less than the Applicants cost estimate. We therefore believe the Applicants costs to be reasonable.
- 3.6 We have considered the Applicants AUV of residential [REDACTED] ft² (762m²) @ £1[REDACTED]/m² and commercial [REDACTED]² ([REDACTED]m²) @ £[REDACTED]/m². Assuming these figures include a contingency we consider the allowance for residential to be reasonable but the commercial to be low; we would apply a figure of £[REDACTED]/m² for benchmarking purposes.



Application No: 2014/5527/P

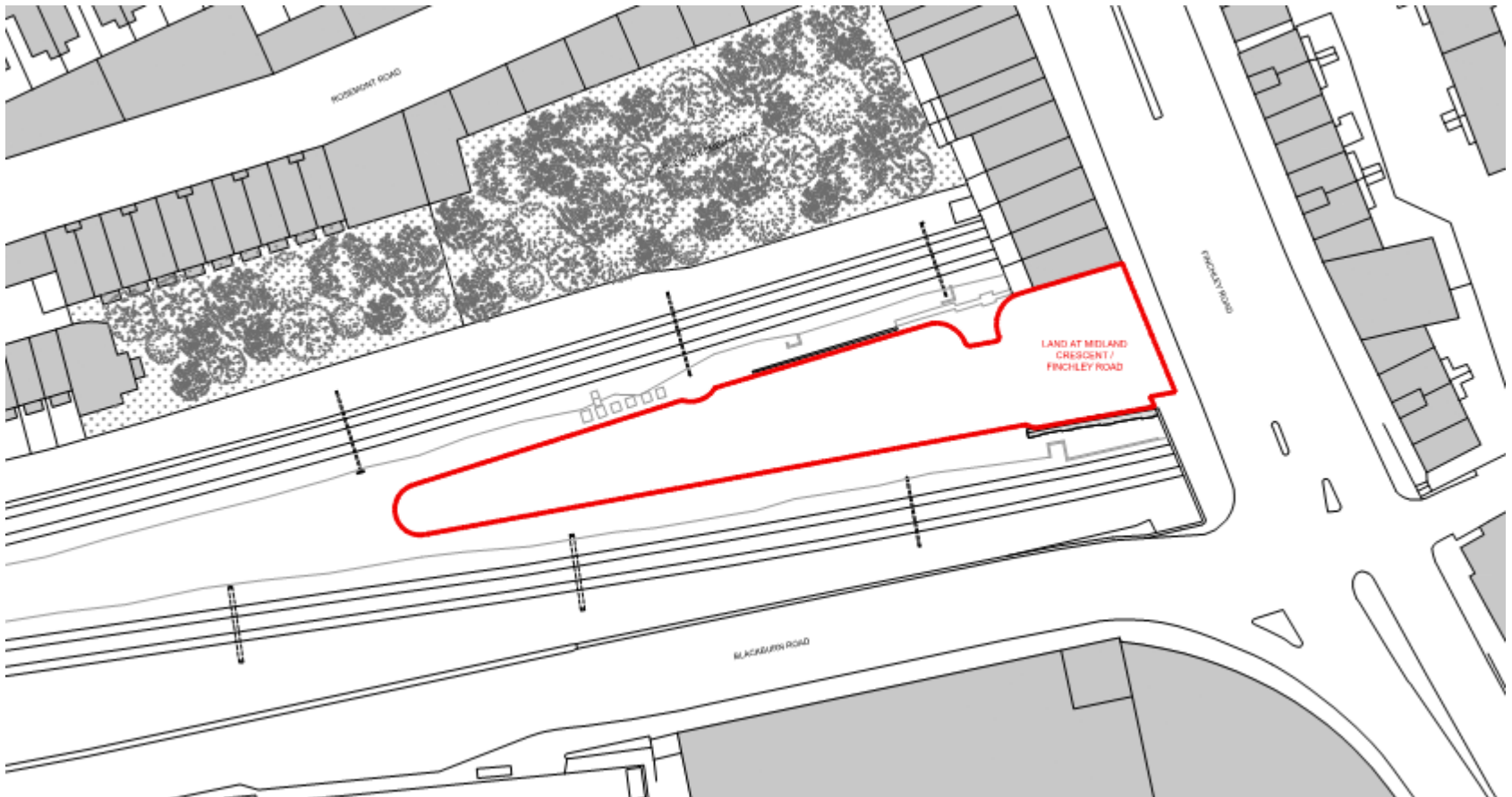
**Land at Midland Crescent, Finchley Road
London, NW3 6NA**

**Scale:
1:1250
Date:
4-Dec-14**



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2014/5527 – Land at Midland Crescent



Aerial Views of site

Rosemont Road
Properties

No.279 Finchley
Road



Aerial View looking
north

Site of Nature
Conservation
Importance

Application site

Aerial views of the site



View looking south

Application site



View looking east

Photos



View from opposite side of Finchley Road



View along Finchley Road from same site as application site

Photos



View of site from Finchley Road
looking west



View of site from upper portion of site

Photos



View north to rear of properties
along Finchley Road including
No.279



View east showing properties to
opposite side of Finchley Road

Photos

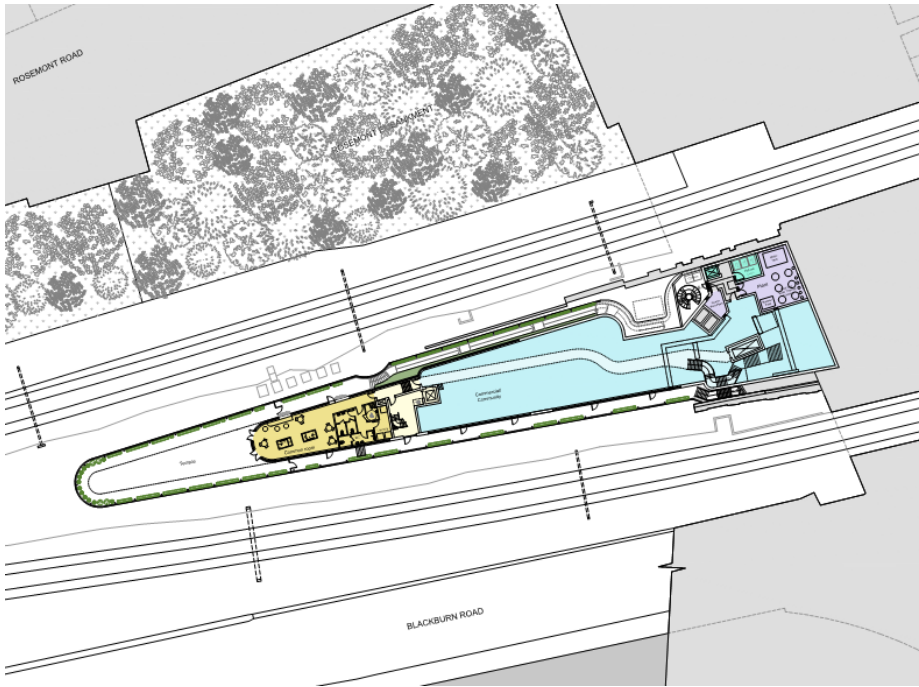


View from within site looking south west

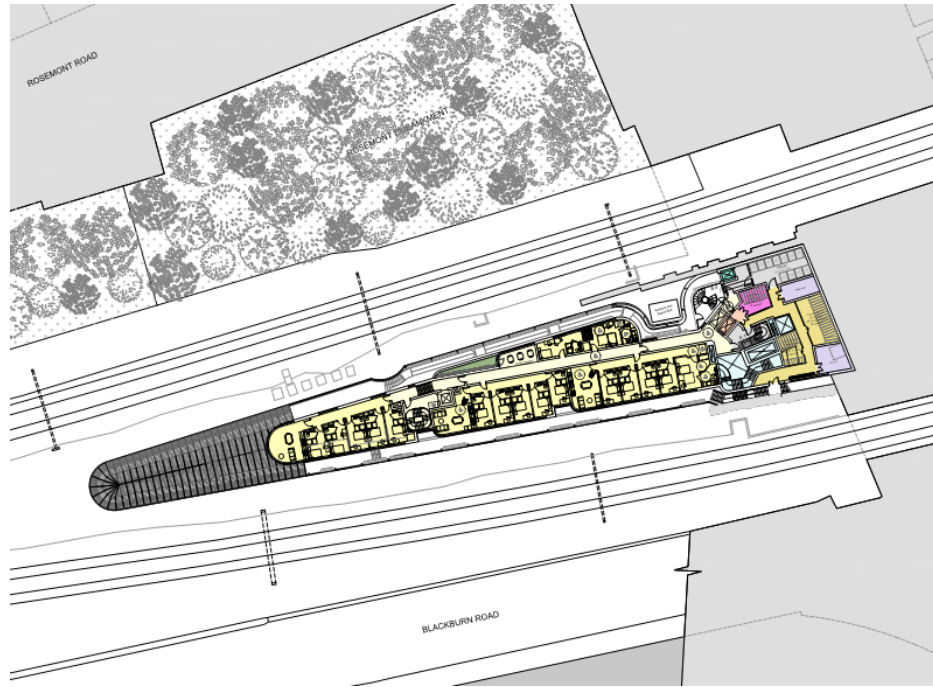


View from within site looking north west

Proposed floor plans

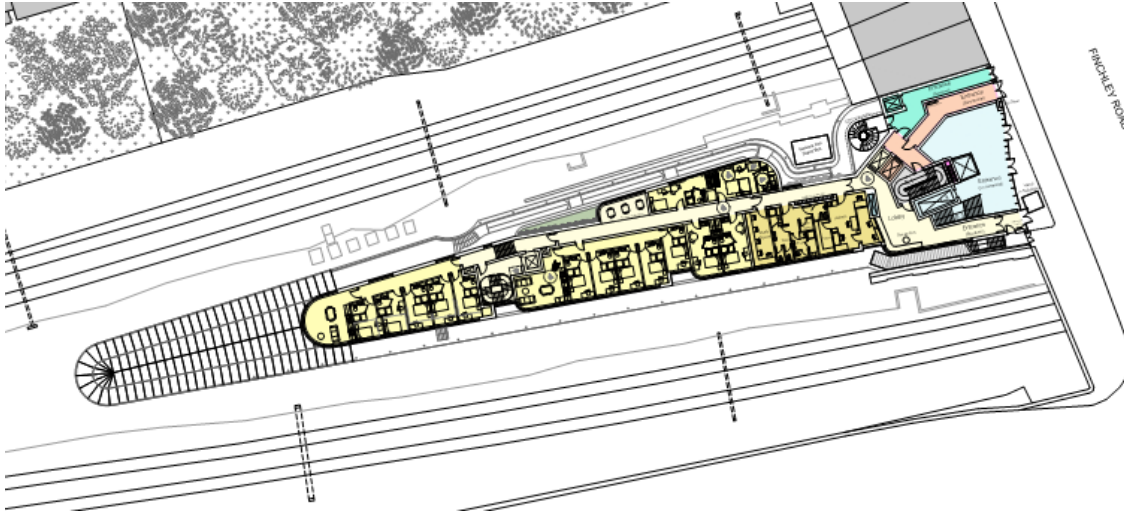


Lower ground -2

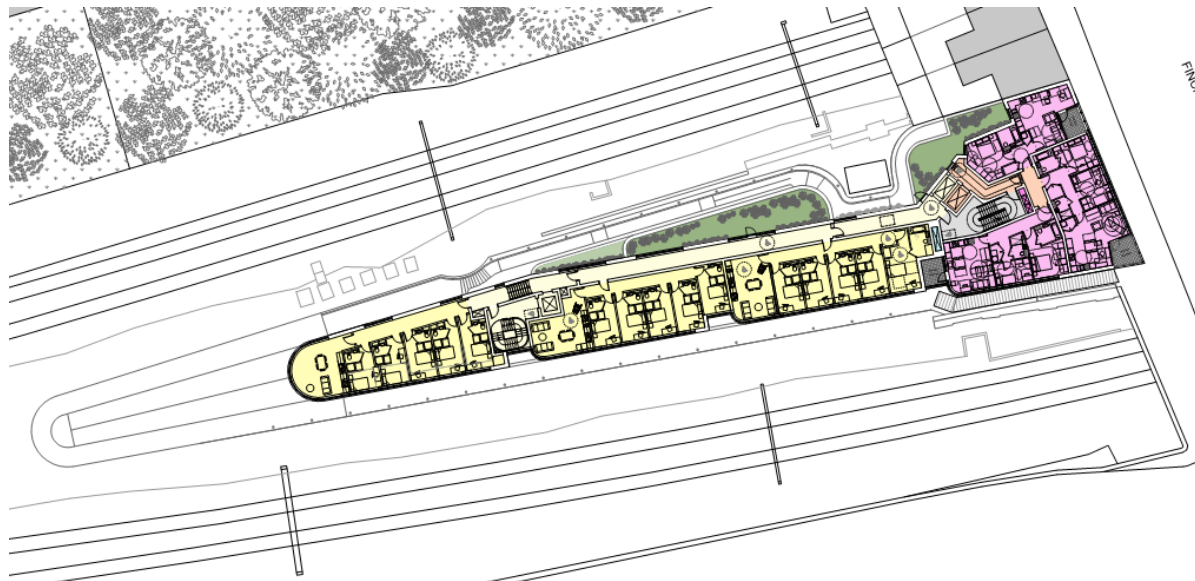


Lower ground -1

Proposed floor plans

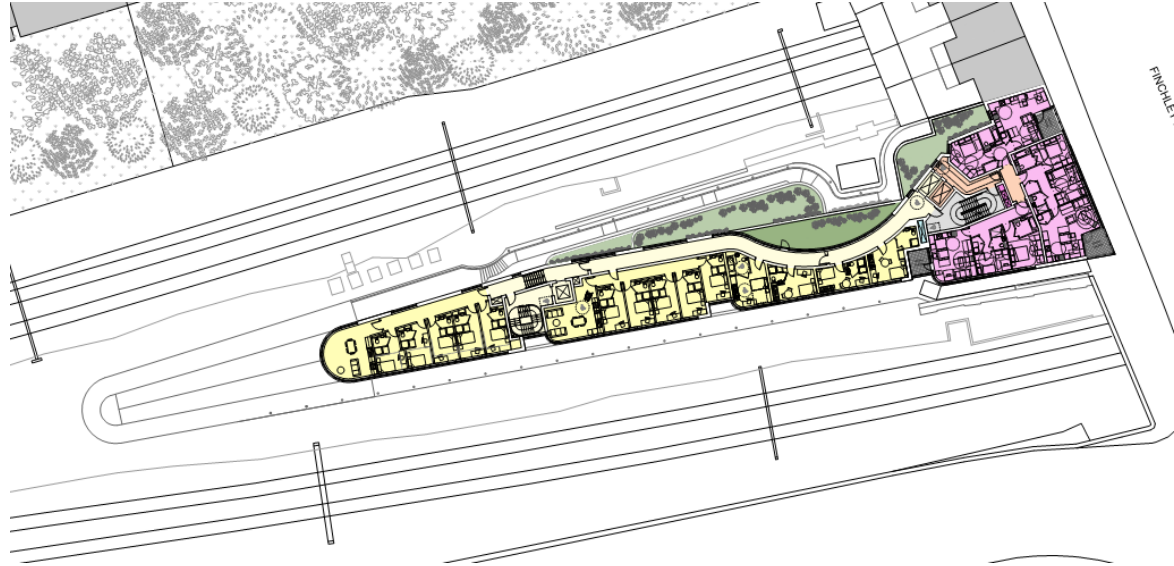


Ground floor

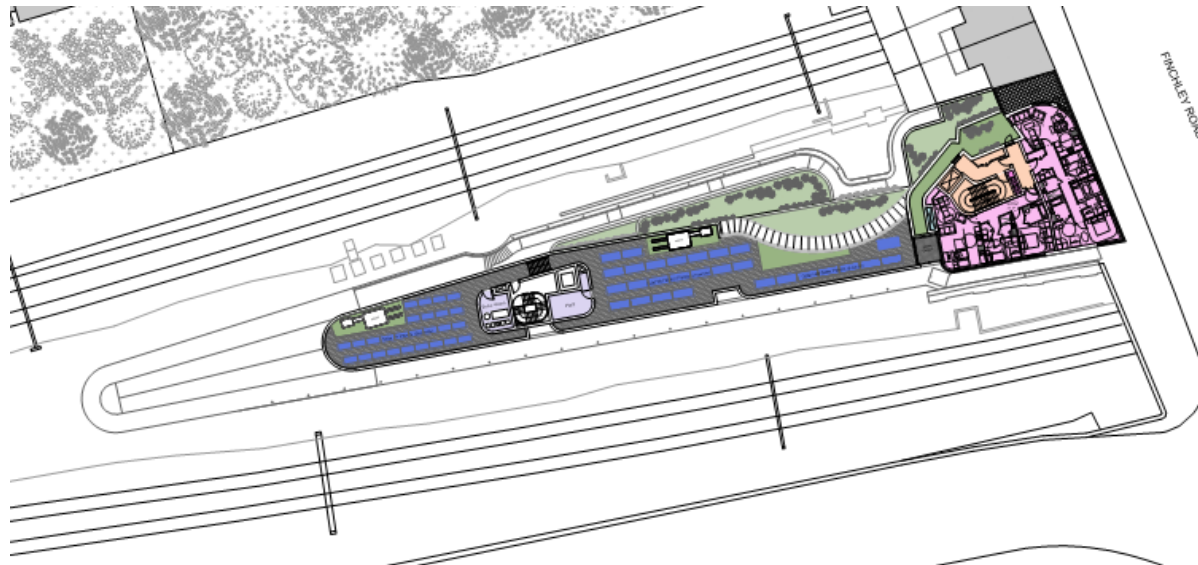


First floor

Proposed floor plans

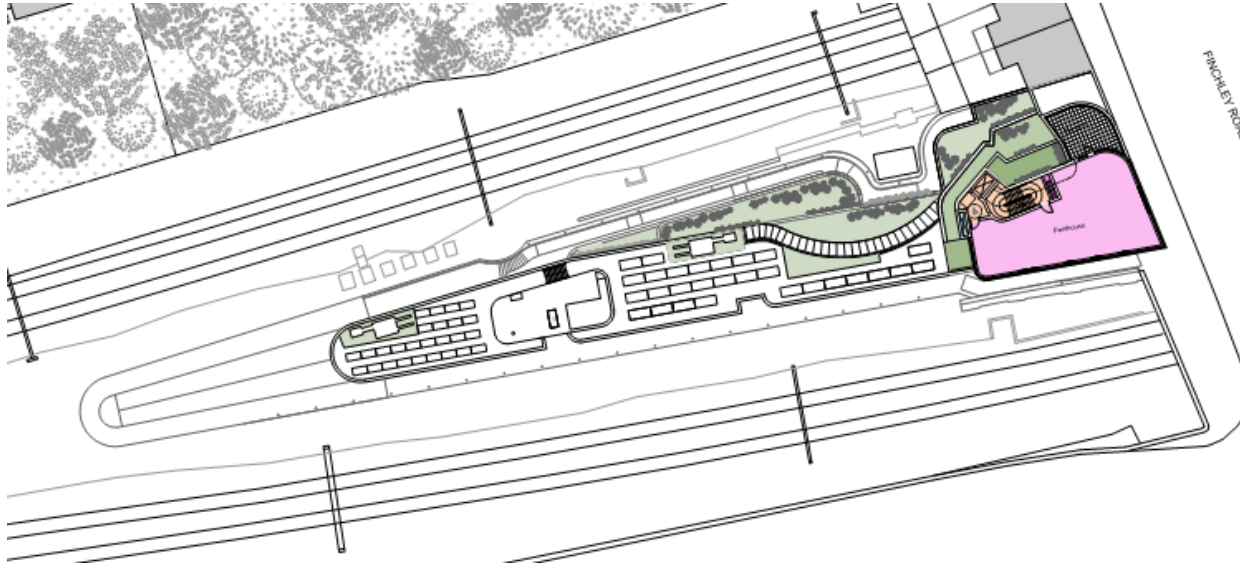


Second floor

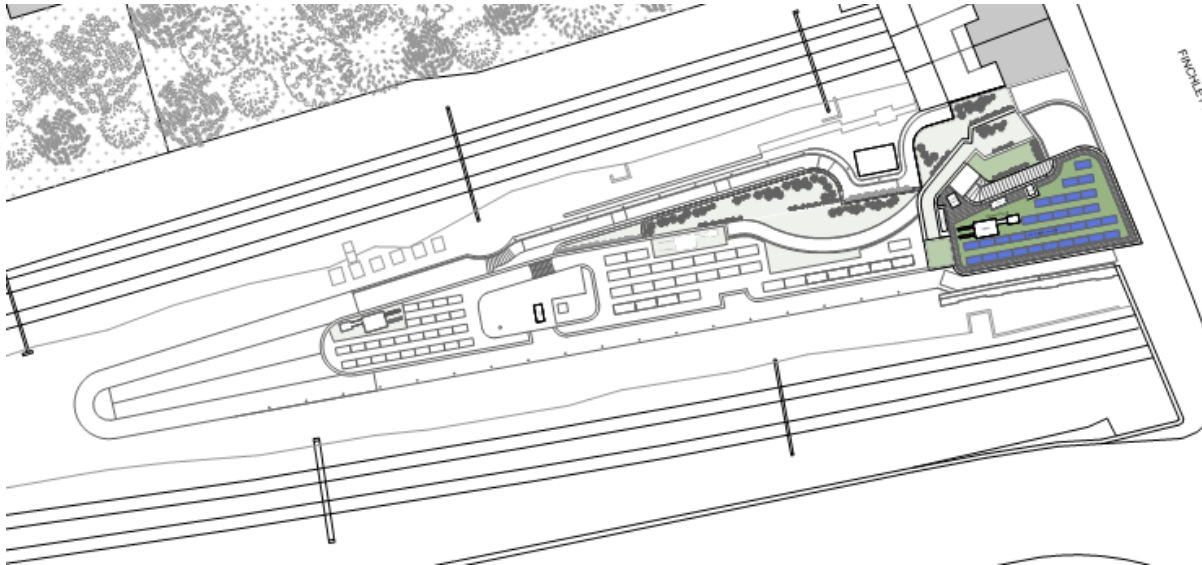


Third floor

Proposed floor plans



Fourth floor



Roof plan

Proposed elevations



Proposed front elevation



Proposed rear elevation

Proposed elevations

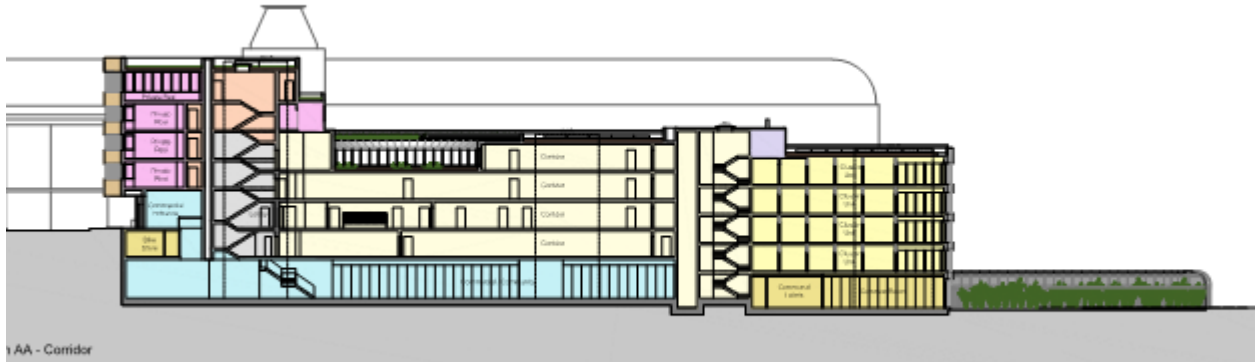


Proposed
south
elevation

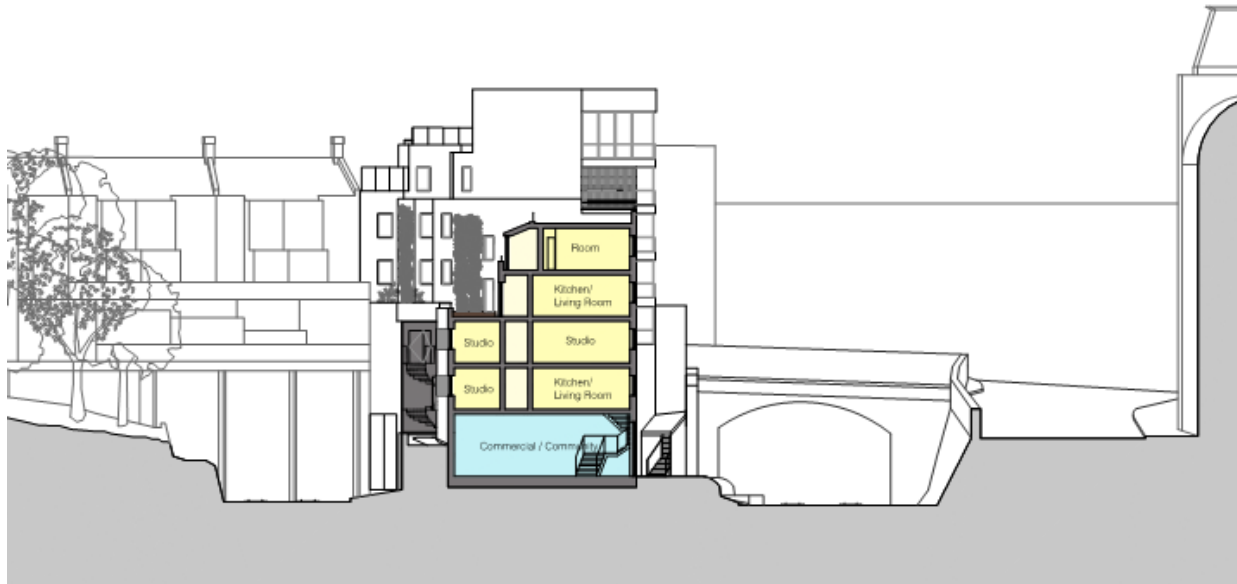


Proposed
north
elevation

Proposed Sections

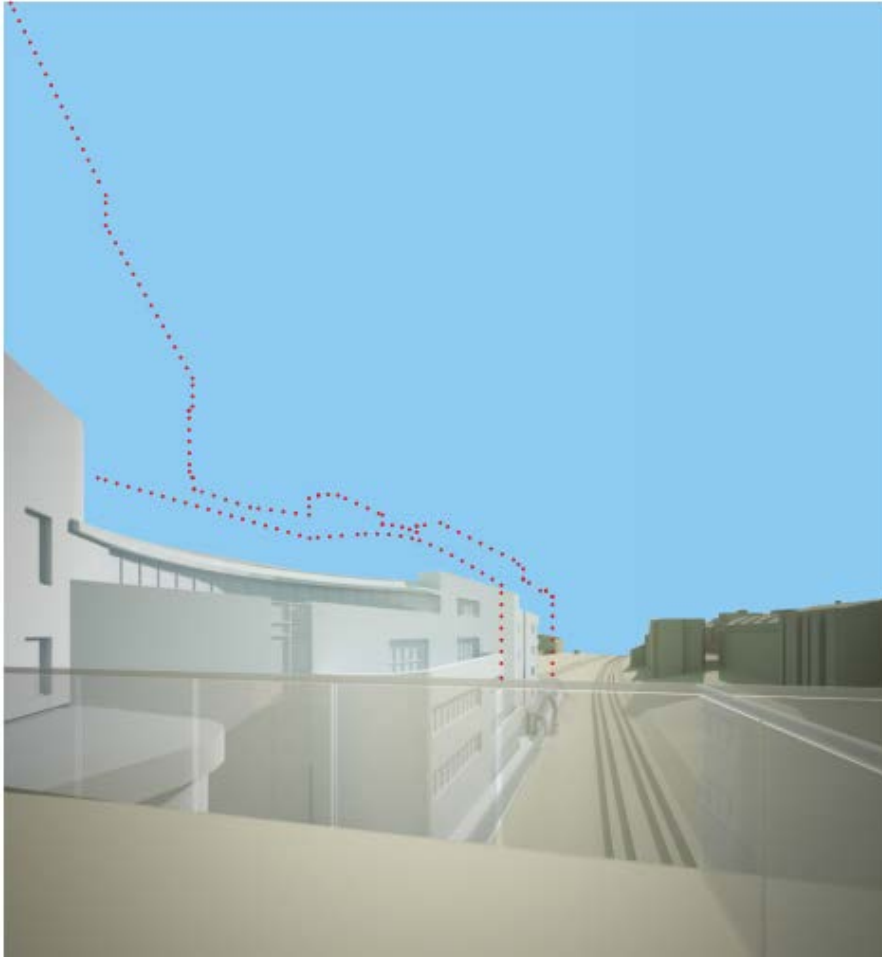


Long section
through building

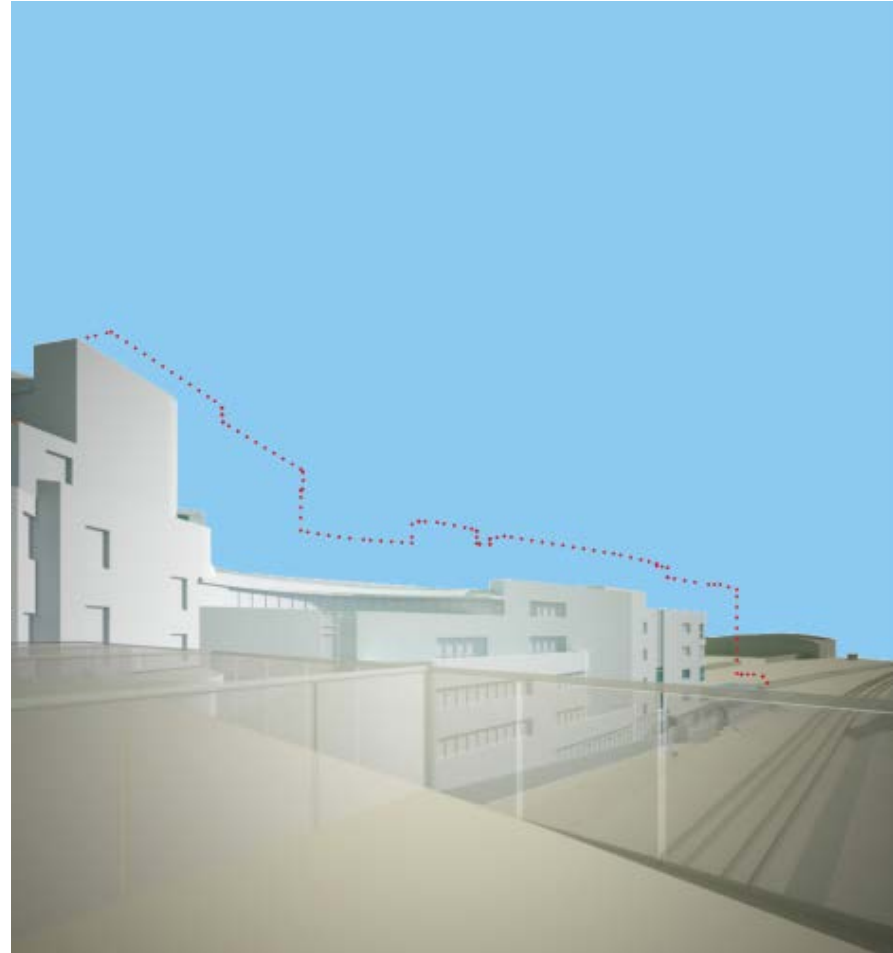


Cross section
through building

Views from 279 Finchley Road



Overlay of previous proposal
(outlined in red) against current
proposal, view from 279a



Overlay of previous proposal
(outlined in red) against current
proposal, view from 279d

Proposed CGI views from Finchley Road



CGI view from south of Finchley Road



2. View looking north up Finchley Road

CGI view to rear of proposal from Blackburn Road

