

# 42 PHOENIX ROAD LONDON BOROUGH OF CAMDEN



## PLANNING APPEAL

### Statement of Case

February 2017

Applicant:

The Findlay Estate Co Ltd

Planning Consultant:

Protean Planning Ltd

Architect:

Allies and Morrison

Heritage Consultant:

Geoff Noble Heritage and Urban Design

**Allies and  
Morrison**



# CONTENTS

<b>1</b>	<b>INTRODUCTION AND SUMMARY</b>	<b>2</b>
<b>2</b>	<b>SITE AND CONTEXT</b>	<b>4</b>
2.1	Local Context	
2.2	Euston Area Plan	
2.3	Maria Fidelis School	
<b>3</b>	<b>RESPONSE TO REASON FOR REFUSAL 1</b>	<b>7</b>
3.1	Non-designated heritage asset	
3.2	Feasibility of retention	
3.3	Public benefit	
3.4	Planning policy	
<b>4</b>	<b>RESPONSE TO REASON FOR REFUSAL 2</b>	<b>16</b>
4.1	Design and appearance	
4.2	Townscape	
4.3	Clarendon Grove	
4.4	Planning policy	
<b>5</b>	<b>RESPONSE TO REASONS FOR REFUSAL 3 - 11</b>	<b>29</b>
5.1	S106 agreement	
<b>6</b>	<b>RESPONSE TO OBJECTIONS</b>	<b>31</b>
<b>7</b>	<b>DESIGN REVIEW</b>	<b>32</b>
<b>8</b>	<b>CONCLUSIONS</b>	<b>33</b>

# 1 INTRODUCTION AND SUMMARY

## 1.1 Introduction

1.1.1 This appeal is made on behalf of the Findlay Estate Company, applicant and owner of 42 Phoenix Road, against refusal of planning permission: Application Ref: 2015/6383/P dated 31 August 2016.

1.1.2 The description of development is: *Redevelopment of the site involving demolition of the existing building and erection of a new six storey building with basement comprising community use (Class D1) at ground and basement level and student accommodation (7 x 6 bedroom units, 1 x 4-bedroom unit, 7 studio units and 53 bedrooms) on the upper floors; part widening of Clarendon Grove alleyway and the provision of 30 cycle spaces at basement level.*

1.1.3 The reasons for refusal are contested and our case is set out in detail in Sections 3, 4 and 5. A summary of our case is set out below.

## 1.2 Reason 1

*The proposal would result in the loss of a non-designated heritage asset of significance to the detriment of the streetscene and wider area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies and policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan, March 2016.*

1.2.1 The existing building, in ownership since 1992, has become increasingly expensive to operate, and with the quality of the fabric in continued decline, the rental income is insufficient to support improvements. The status of the existing building on the Local List has prompted the applicants to try and avoid demolition and investigate, systematically and comprehensively, all possibilities of modernising the structure to extend its life. The outcome of these

studies is set out in detail in the application Design and Access Statement. They prove conclusively that there is no financially viable model that could bring the building up to modern standards (in particular disabled access) without a very substantial number of additional floors, and significant changes to the existing facades. Furthermore, to meet current building regulations, details such as the original window fenestration could not be retained or convincingly reproduced, resulting in a further loss of integrity. The outcome of this scale of work would be that the alteration would unavoidably sacrifice the very qualities that prompted the local listing. The inescapable conclusion is that if the building is to be accessible to all and with a new lease of life as a community asset, demolition and redevelopment is unavoidable.

1.2.2 Planning policy requires a balanced judgment weighing the loss of the building and its heritage significance against the material benefits of redevelopment. There is a very clear analysis within the Heritage Statement to demonstrate that the building has limited heritage value and cannot be viably adapted without erasing what little heritage value exists. There are a host of social, economic and environmental benefits the replacement building brings and therefore the principle of redevelopment is justified.

1.2.3 In summary the merits of the proposals include:

- Fully accessible community use accommodation with street level access.
- Townscape improvements to Phoenix Road, Chalton Street and Clarendon Grove
- A building of architectural quality that would match the aspirations for the area as set out in the Euston Area Plan
- Improved, fully accessible and much-needed student accommodation, that would ease pressure on the increasing need for private rental accommodation in the area

- Public realm improvements, creating open, active frontages and including widening the Clarendon Grove alleyway, which has been identified by the local community and Schools as an anti social "hot spot"
- An opportunity to provide a building with a sustainable future replacing a building that is no longer fit-for-purpose in terms of contemporary technical performance standards, energy efficiency, accessibility and occupier expectations

### 1.3 Reason 2

*The proposed development, by reason of its scale, bulk and detailed design would appear overbearing and out of scale within its surroundings, sitting uncomfortably within the streetscape to the detriment of the character and appearance of the surrounding area, and the extended oversail proposed would be detrimental to the function of Clarendon Grove as a public right of way contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies and policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage Assets and Archaeology) of the London Plan, March 2016.*

- 1.3.1 The DAS demonstrates that a contemporary building of high quality is proposed which incorporates the positive characteristics of the existing building and improves the townscape of this part of Somers Town.
- 1.3.2 The scale and form of development has been carefully determined in reference to the surrounding residential mansion blocks, including the Grade II listed Ossulston Estate and Chalton House. It conforms to the 5 – 6 storeys (15 – 18 metres) height

guide in the Euston Area Plan. The proposal draws on aspects of massing and proportion of elements common to the local character and materially references the brick and fine, painted metalwork of the existing building but as a contemporary design response. The façade design changes with respect to it's aspect and reflects its functionality, The design approach also delivers the policy objectives of the Euston Area Plan as it will generate additional activity and overlooking of the principal Phoenix Road and Chalton Street frontages and also over the widened Clarendon Grove passageway.

- 1.3.3 The extended oversail of Clarendon Grove to reflect the depth of the building plot when considered with its widening and raised height, results in a very significant improvement to the function, appearance, amenity and safety of the public right of way.

### 1.4 Reasons 3-11

- 1.4.1 Camden Council have added an informative to the refusal notice stating that Reasons for refusal 3-11 would be withdrawn as part of an appeal process should the appellant conclude a S106 to the satisfaction of the Council.
- 1.4.2 We are in the process of preparing a S106 Agreement with Camden and will submit this in due course.



# 2 SITE AND CONTEXT

## 2.1 Local context

2.1.1 The property 42 Phoenix Road occupies a site 460sqm (0.046 ha) in area. It comprises a part 4, part 5-storey building, including a lower ground floor level, which is located on the corner of Phoenix Road (long frontage) and Chalton Street. The site is adjacent to Chalton House, to the south, a 5-storey residential building with pitched roof, which is set back from the street and with a rear parking area. To the west the site is bounded by Clarendon Grove, a public footpath running south from Phoenix Road to Doric Way, which the building oversails and adjoins the Maria Fidelis School buildings on the opposite side of the footpath.

2.1.2 The site is in the London Borough of Camden in the Somers Town Ward. Somers Town is a predominantly residential area between Kings Cross and Euston Stations, just north of the Euston Road. Phoenix Road is parallel to the Euston Road and runs east to west connecting Kings Cross and Euston station via their entrances on Midland Road and Eversholt Street. The character of the area is defined by tall, attractive residential buildings, tree-lined streets, open community gardens and the award winning Ossulston Estate. Phoenix Road is an increasingly popular pedestrian link between Kings Cross and Euston stations.



1 Chalton House



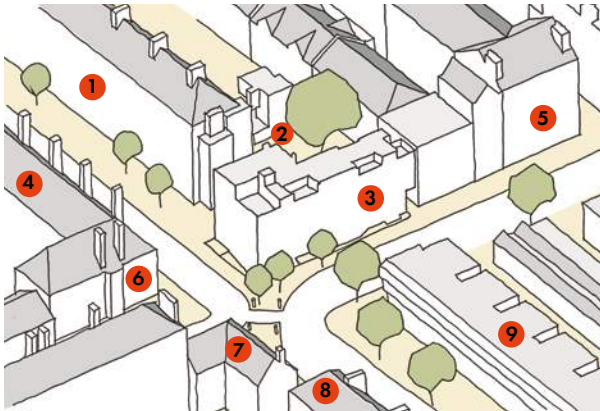
2 42 Phoenix Road rear



3 42 Phoenix Road front



4 Somers Town Coffee House



5 Maria Fidelis School



6 Grade II listed Ossulston Estate



7 The Cock Tavern



8 Walker House



9 Oakshott Court

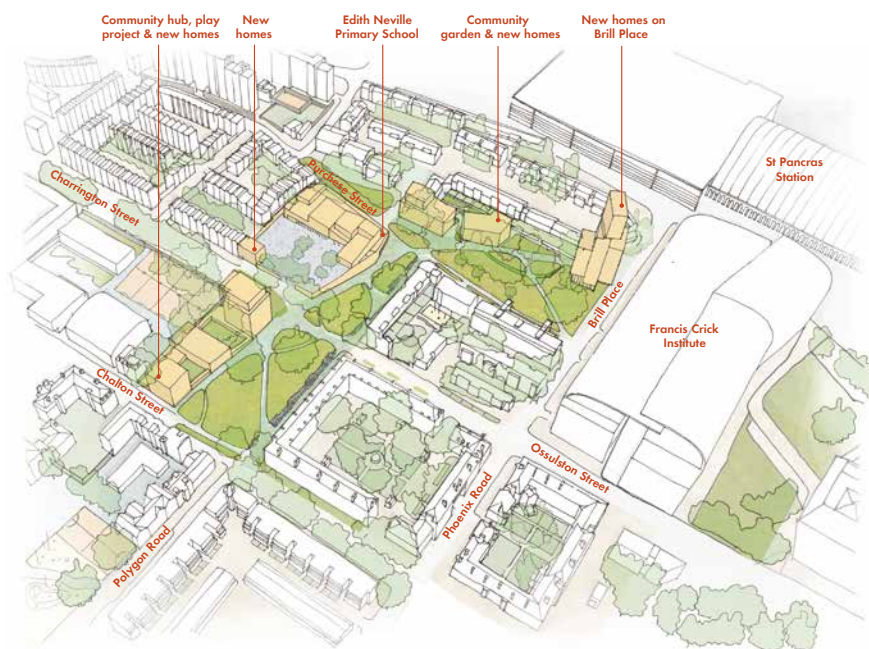
Fig 1 The existing context

2.1.3 The wider area includes much larger scale buildings than the immediate area, including St Pancras and Euston railway stations and the British Library. The recently completed Francis Crick Institute, a biomedical research building, is at the eastern end of Phoenix Road on Brill Place, opposite the Ossulston Estate. It is 15 storeys high and has approximately 91,000sqm of floor space. The 2016 approval for the Central Somers Town development including a 25 storey residential tower will, in future, provide further exceptional height, massing and design character at the eastern end of Phoenix Road, opposite the Crick Institute.

2.1.4 A number of neighbouring buildings are statutorily Listed, including the Cock Tavern Public House, Chamberlain House and the Ossulston Estate buildings. The area is not a designated conservation area. The building has been included within the Council's List of Non-Designated Heritage Assets (adopted January, 2015).



**Fig2** Francis Crick Institute



**Fig3** Central Somers Town masterplan



**Fig4** Brill Place Tower



## 2.2 Euston Area Plan (Adopted January, 2015)

- 2.2.1 The introduction of High Speed 1, Thameslink and plans for High Speed 2 (HS2), has led to Kings Cross and Euston railway stations each experiencing significant transformation. The Greater London Authority (GLA) working with Camden Council and Transport for London (TfL) have produced the Euston Area Plan, an Area Action Plan adopted as part of Camden's Local Development Framework (LDF) and Supplementary Planning Guidance to the London Plan. The Euston Area Plan (EAP) is a long term planning framework to guide transformational change in the area, focused around the redevelopment of Euston Station and seeks to spread regeneration potential to benefit the local community and London as whole.
- 2.2.2 The EAP Vision for the Euston area in 2031 is:  
*The Euston area will be rejuvenated as both a local hub of activity and a gateway to London through new high quality comprehensive and transformational development above and around a world class transport interchange at Euston Station. New homes, businesses, shops, community facilities, schools, new and improved public realm and open space will transform the area.*
- 2.2.3 Phoenix Road is identified as a key east west route connecting Euston and Kings Cross St Pancras Stations. The EAP identifies the need to enliven activity along the road, attract new street front businesses, improve pedestrian links and reduce crime and anti social behaviour.
- 2.2.4 Chalton Street has been identified in the Euston Area Plan as a 'local centre'. We understand the intent of this designation is to create a new identity for the area resulting in an increase of shops and street activity.

## 2.3 Maria Fidelis School Site

- 2.3.5 The adjoining Maria Fidelis School site is currently undergoing redevelopment, including demolishing existing buildings to construct new school buildings (Camden Planning Reference 2016/3476/P). The buildings along Phoenix Road and abutting number 42 would be replaced by outdoor play facilities (Multi-Use Games Area – MUGA) and a boundary wall with railings. It is noted that a number of the buildings to be demolished, Nos 34 and 36 Phoenix Road are included in Camden's 'local list' of non-designated heritage assets.
- 2.3.6 The proposed redevelopment of 42 Phoenix Road provides the opportunity to contribute positively to the streetscape of both Chalton Street and Phoenix Road at a time when the Maria Fedelis school Phoenix Road frontage is to be demolished. The proposal will help contribute to the objectives of the Euston Area Plan to activate the important east west pedestrian route and to contribute to the Chalton Street local centre. It will also help mitigate the impact of the school development by providing a building of significance and design quality to hold the corner, and enable improvements to the quality, character and safety of Clarendon Grove.



Fig5 Maria Fidelis School redevelopment - consented 2016



### 3 RESPONSE TO REASON FOR REFUSAL 1

*The proposal would result in the loss of a non-designated heritage asset of significance to the detriment of the streetscene and wider area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, policy DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies and policies 7.4 (Local Character) and 7.8 (Heritage Assets and Archaeology) of the London Plan, March 2016.*

#### 3.1 Non-designated heritage asset

- 3.1.1 The building has been included within the Council's adopted List of Non-Designated Heritage Assets, the 'local list' (adopted January, 2015). The NPPF defines Heritage Assets as buildings ... having a degree of significance meriting consideration in determining planning applications. NPPF Policy 135 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 3.1.2 The Heritage Assessment submitted in support of the application (*Geoff Noble Heritage and Urban Design*) examines the architectural and historic significance of the existing building at 42 Phoenix Road and considers its relationship with designated heritage assets nearby.
- 3.1.3 The assessment concludes that 42 Phoenix Road is architecturally unexceptional; furthermore, the building has not been preserved intact and has suffered from various alterations and accretions that disfigure its appearance especially at third and fourth floor levels. It is clear that the architectural value of the building is limited to only parts of the two street facades and that even those have been heavily altered. The historic interest of the building is notional and is limited to its former use as the Margaret Club and Day Centre, a children's nursery. It was not however the Margaret Club's first home, having moved to Phoenix Road from Ampthill Square. It is not evident that 42 Phoenix Road meets Camden Council's principles of selection for inclusion on the Local List.

- 3.1.4 The building is of some townscape significance, in that it is big enough to have some presence on the corner of Chalton Street/ Phoenix Road, and the detail that survives at lower floor levels provides some visual interest on these north and east elevations. It is noted that such qualities could readily be replaced by a contemporary building of stature and enhanced by creating a more active and accessible frontage. The poorer south and west elevations of the existing building will have increased prominence due to the future demolition of the adjacent Maria Fidelis school buildings yet would fall short of providing the desired townscape qualities.



**Fig 6** 42 Phoenix Road - corner elevation with Chalton Street



**Fig 7** 42 Phoenix Road - rear elevation

3.1.5 The proposed replacement building will offer a much higher standard of accommodation to its users and be accessible to all, including users of the ground floor community facility. The building will engage much more positively with both Chalton Street and Phoenix Road, providing street level access for all with an active frontage. The architectural refinement of the proposed building is exemplary, by an award-winning architectural practice noted for its skill in designing in context.

3.1.6 The scale and massing of the building together with the careful selection of materials will ensure that the new building fits in with its surroundings. It is considerably more modest in bulk and scale than the newly completed Crick Institute (on the opposite side of the Grade II listed Ossulston Estate) but is of sufficient size to have a positive and complementary relationship with its historic neighbours. The overall effect of the new development will be to enhance, not overshadow, the setting of the Ossulston Estate, ensuring that its significance is preserved.



**Fig 8** The proposed corner of Phoenix Road and Chalton Street



**Fig 9** Existing Phoenix Road, south side



**Fig 10** Proposed Phoenix Road, south side - with consented Maria Fidelis School

- 3.1.7 The Heritage Assessment demonstrates that beyond its contribution to the townscape along Phoenix Road and Chalton Street, the heritage significance of 42 Phoenix Road is low. It is not a work by a known designer or builder, it has no obvious historic associations and compared with many buildings in Euston and Bloomsbury, is relatively recent. Furthermore, it has been substantially degraded by alterations and additions, which restrict its aesthetic appeal to only two parts of the street elevations.
- 3.1.8 The NPPF test for proposals for the demolition of non-designated heritage assets is a lesser test than that required for listed buildings, where substantial harm or loss is considered to be “exceptional” (or in the case of grade I or II\* buildings, “wholly exceptional”). In the words of the NPPF (para 132) “The more important the (designated heritage) asset, greater the weight should be”. The presumption in favour of retaining a non-designated heritage asset cannot therefore be overwhelming.
- 3.1.9 It is concluded that the new building at 42 Phoenix Road will have all the architectural virtues of the existing building, whilst also engaging much more positively with the corner, having an active frontage that will provide surveillance on the street. By virtue of its design qualities it will enhance the setting of the grade II Chamberlain House and be part of a worthy sequence of buildings along Phoenix Road, culminating in the Crick Institute and the flank of St Pancras Station.
- 3.1.10 London Plan Policy 7.7 (Heritage Assets and Archaeology) states that development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate. The detailed assessment of the non-designated heritage asset, its context and the alternative development options considered (addressed in next sub section) , demonstrate that it is not practicable to restore or adapt the building and the proposals are not in conflict with this policy.
- 3.1.11 There are no Camden local policies relating to non-designated heritage assets. Camden's Planning Guidance Design July 2015 (CPG1 para 3.36) states:
- “... if planning permission is required for any proposal that would either directly or indirectly affect the significance of a non-designated heritage asset (either on the Local List or not) then the Council will treat the significance of that asset as a material consideration when determining the application. Officers will make a balanced judgment having regard to the scale of any harm or loss and the significance of the asset/s affected. They will take account of:*
- *The desirability of sustaining and enhancing the significance of any non-designated heritage asset/s and putting them to viable uses consistent with their conservation;*
  - *The positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality;*
  - *The desirability of new development that affects non-designated heritage assets to preserve and enhance local character and distinctiveness.*
- Applicants will need to show how the significance of the asset, including any contribution made by their setting, has been taken into consideration in the design of the proposed works. The level of detail required will be proportionate to the asset/s importance and no more than is sufficient to understand the potential impact of the proposal on the significance of the asset/s affected;”*
- The guidance has been fully adhered to in the application.

## 3.2 Feasibility of Retention

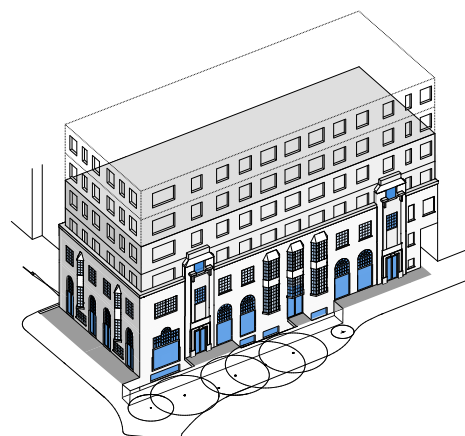
3.2.1 Camden officers in their report state that the submitted options fail to explore all less invasive, and costly, alterations to the existing building to address the issue of accessibility. The Council's conclusions in respect of the information provided are considered unreasonable and are not supported by planning policy. The building is not listed and not located within a conservation area. NPPF Policy 135 requires a balanced judgment having regard to, in this instance, the loss of the building and its significance as a heritage asset. There is a very clear analysis to demonstrate that the building is of low heritage significance. Notwithstanding, an extensive study into the feasibility and viability of retaining and adapting the existing building, in whole or in part, was undertaken.

3.2.2 The Findlay Estate Company has owned and operated the building since 1992. This development initiative is as a result of the existing building proving increasingly hard to economically maintain, repair and occupy and a realization that the building is no longer fit for its intended purpose. The client has sought to deliver a development that maintains the current building uses. In response to Camden Council's advice that the building was included in a draft local list as a non-designated heritage asset the Findlay Estate appointed a new professional team to take the project forward. This included commissioning specialist heritage advice and appointing highly acclaimed architects and a wider consultant team, each experienced in working with old buildings.

3.2.3 Allies and Morrison have undertaken a detailed analysis and feasibility study of retaining and adapting / extending the existing building. This was submitted to Camden during pre application discussions and included as a substantial part of the Design and Access Statement. As part of the feasibility study, Allies and Morrison reviewed the condition of the existing building to understand its potential for reuse and adaptation. A team of services, structure and fire engineers were also appointed at this early stage to consider the constraints and opportunities of reusing the existing building.

3.2.4 It was evident that it would be technically possible to alter the existing building to improve accessibility notwithstanding the adverse impact on the perceived heritage elements of the building. However any such investment would have to be commercially viable and unless the poor quality accommodation could be improved to increase its value, even the minimum investment could not be justified. The feasibility study therefore set a number of objectives to be met, including: providing street level and internal level access, rationalizing a myriad of small rooms and narrow corridors, improving thermal performance to walls and glazing, and identifying opportunities for creating additional floor area to offset the costs.

3.2.5 The constraints are significant. As it is not a listed building normal Building Regulations would apply, with no opportunity to seek any dispensations. Furthermore any internal remodelling of building should not result in the loss of D1 community floor space. Only two storeys of the north and east facade would remain in a facade retention scheme. This would make it hard to reconcile the proportional relationship between the existing building and any new extension. The existing brickwork would not be able to carry the load of additional storeys and so a new supporting structure and associated foundations would need to be introduced on the inside of the existing facade, taking out more useable space within the building.



**Fig 11** Investigating options for retention

■ Existing facade openings enlarged to enable functionality and meet technical standards



- 3.2.6 The study started by looking at options which kept as much of the building as possible and it was quickly realised that achieving level access to each of the existing levels would sacrifice too much floor space, rendering them even more inefficient and would not be viable from a cost perspective as it would result in a reduction of lettable area and create lower quality spaces. The study then considered options involving enabling development required to balance the financial viability of the changes, and to understand the works required to achieve the changes and their impacts.
- 3.2.7 Cost consultants were appointed and their analysis has demonstrated that façade retention is not viable due to the high additional development costs, programme extension and construction complexity that would be required, balanced against the modest increase in floorspace. It is also concluded that alterations to the retained facades, to support level access, rationalise windows with floor levels and provide thermally efficient windows / walls, in addition to the visual impact of brickwork renewal/repairs to enable temporary works would be so significant as to change substantially the building's external appearance and thereby undermine the main reason for its local listing.
- 3.2.8 It has also been demonstrated that, even if the viability position were to change, there is no prospect of upgrading the building without sacrificing or damaging much of the remaining original fabric.

### 3.3 Public benefit

- 3.3.1 NPPF Policy 135 requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. There is a very clear analysis to demonstrate that the building has only limited heritage value and that it cannot be viably adapted to meet reasonable minimum modern standards. There are significant benefits that the redevelopment brings which weigh in the balanced judgment.
- 3.3.2 In summary the benefits including public benefits of the proposals include:
- Fully accessible community use accommodation with street level access
  - Townscape improvements to the frontage/entry off Phoenix Road and Chalton Street and Clarendon Grove
  - A building of architectural quality that would match the aspirations for the area as set out in the Euston Area Plan and which strengthens the residential character of Somers Town
  - Improved, fully accessible and much-needed student accommodation
  - Public realm improvements including widening the Clarendon Grove alleyway through to Drummond Crescent, which has been identified by the local community and Schools as an anti social "hot spot" and which Camden are seeking to make 'a more attractive and safer route'. This route becomes all the more important with an increased school population and significant future development at Central Somers Town
  - An opportunity to provide a building with a sustainable future replacing a building that is no longer fit-for-purpose in terms of contemporary performance standards, energy efficiency and occupier expectations
  - Discrete and secure cycle and bin storage

3.3 Public benefit

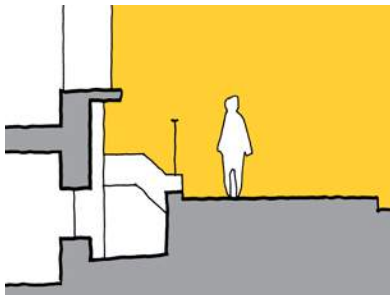


Fig 12 Inaccessible

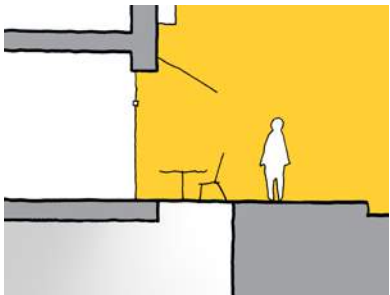


Fig 16 Accessible to all



Fig 13 Unsafe public realm



Fig 17 High quality public realm



Fig 14 Blank frontage



Fig 18 Active frontage

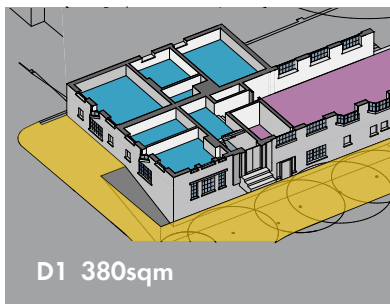


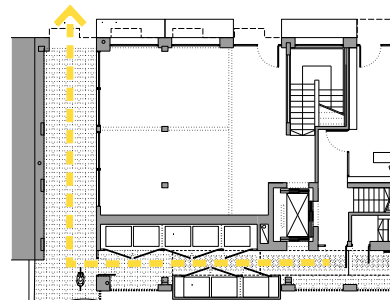
Fig 15 Convoluted and restricted D1 space



Fig 19 More D1 space with a flexible layout



**Fig 20** Servicing on the street



**Fig 24** Discrete, managed servicing at the rear



**Fig 21** Weak urban form



**Fig 25** Confident urban form



**Fig 22** Tired accommodation, no longer fit for purpose



**Fig 26** High quality accommodation



**Fig 23** Not sustainable



**Fig 27** Energy efficient and sustainable

### 3.4 Planning Policy

3.4.1 The reason for refusal cites the following policies:

#### **CS14 (Promoting high quality places and conserving our heritage)**

- 3.4.2 The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:
- a) requiring development of the highest standard of design that respects local context and character;
  - b) preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;
  - c) promoting high quality landscaping and works to streets and public spaces;
  - d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;
  - e) protecting important views of St Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views.
- 3.4.3 The proposals are in accordance with CS14 as the design is to a high standard that respects local context and character, not least the setting of the nearby listed buildings. Furthermore the proposals provide the highest standards of access, they improve the street and make Clarendon Grove safer

#### **DP25 (Conserving Camden's heritage)**

- 3.4.4 In order to maintain the character of Camden's conservation areas, the Council will:
- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;
  - b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;
  - c) prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;
  - d) not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and
  - e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.
- Other heritage assets: The Council will seek to protect other heritage assets including Parks and Gardens of Special Historic Interest and London Squares.
- 3.4.5 The site is not within a conservation area and the development would have no effect on any conservation area in the locality. In terms of 'other heritage assets', the officer report acknowledges that policies CS14 and DP25 were adopted in 2010, prior to the Local list being established, and prior to the principle established in national policy that the effect of development on the significance of a non-designated heritage asset was a material consideration in determining applications. The proposals are not therefore contrary to DP25.



### **London Plan 7.4 (Local Character)**

- 3.4.6 (Strategic) A Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area
- Planning decisions
- (Planning Decisions) B Buildings, streets and open spaces should provide a high quality design response that:
- a) has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass
  - b) contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area
  - c) is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings
  - d) allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area
  - e) is informed by the surrounding historic environment.
- 3.4.7 The scale and form of development has been carefully determined in reference to the surrounding residential mansion blocks, including the listed Ossulston Estate and Chalton House. It conforms to the 5 – 6 storeys (15 – 18 metres) height guide in the Euston Area Plan (EAP). The design approach also delivers the policy objectives of the EAP as it will generate additional activity and overlooking of the principal Phoenix Road and Chalton Street frontages and also over the widened Clarendon Grove passageway. The proposals can therefore be judged to be in compliance with London Plan 7.4.

### **London Plan 7.8 (Heritage Assets and Archaeology)**

- 3.4.8 (Strategic) A) London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.
- B) Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.
- (Planning decisions)
- C) Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.
- D) Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- E) New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.
- 3.4.9 Taking account of the heritage significance of the building, which is found to be limited, that its townscape qualities could readily be matched or exceeded by a contemporary building of stature with a more active frontage, a balanced judgment can be reached that the loss of the building is not contrary to this policy.

## 4 RESPONSE TO REASON FOR REFUSAL 2

*The proposed development, by reason of its scale, bulk and detailed design would appear overbearing and out of scale within its surroundings, sitting uncomfortably within the streetscape to the detriment of the character and appearance of the surrounding area, and the extended oversail proposed would be detrimental to the function of Clarendon Grove as a public right of way contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy, policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies and policies 7.4 (Local Character), 7.6 (Architecture) and 7.8 (Heritage Assets and Archaeology) of the London Plan, March 2016.*

### 4.1 Design

- 4.1.1 The application Design and Access Statement (DAS) demonstrates that a contemporary building of high quality is proposed which incorporates the positive characteristics of the existing building and improves the townscape of this part of Somers Town. The scale and form of development has been carefully determined in reference to the surrounding residential mansion blocks, including the listed Ossulston Estate and Chalton House. It conforms to the 5 – 6 storeys (15 – 18 metres) height guide in the Euston Area Plan. The design approach also delivers the policy objectives of the Euston Area Plan as it will generate additional activity and overlooking of the principal Phoenix Road and Chalton Street frontages.

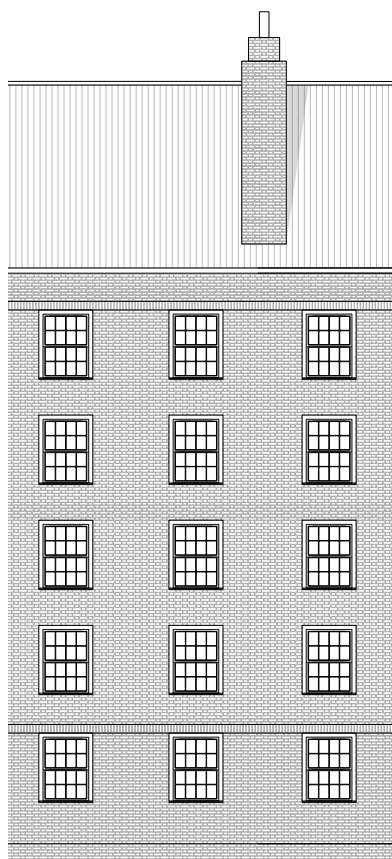


Fig 28 Chalton House Elevation

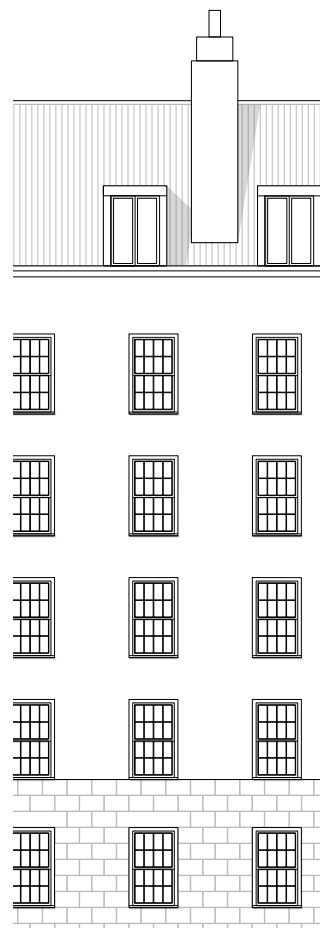
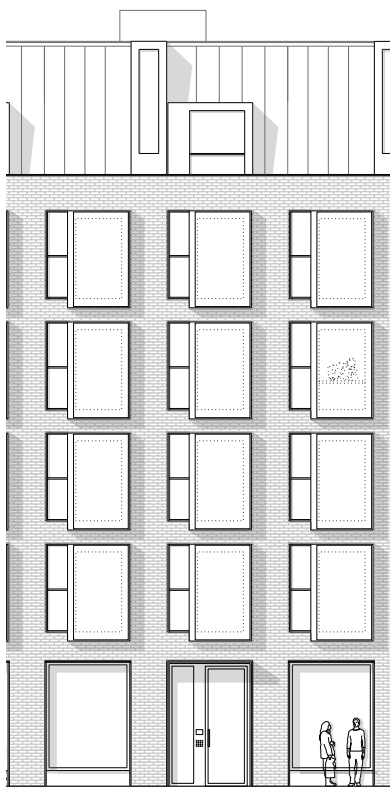


Fig 29 Walker House elevation



**Fig 30** Proposed 42 Phoenix Road elevation



**Fig 31** Existing Maria Fidelis School elevation

4.1.2 The design attributes of the proposal are evidenced in 9 principles or design objectives that are delivered:

### **1) Access for all**

The building creates clear entrances and level thresholds into and around the building which is accessible to all.

### **2) An active street frontage and a vibrant local centre**

The building occupies a prominent corner location at Phoenix Road/ Chalton Street and will contribute to the life and vitality of Somers Town and the increased footfall along Phoenix Road. The community use, particularly with an ancillary café, engages with passers-by, spills out onto the street and ties into the Camden aspiration for the vibrant local centre which Chalton Street will become.

### **3) High quality D1 spaces for the ground and basement**

Provides flexible space on the lower floors for facilities which could benefit the local community and further contribute to the vibrancy of the streets.

### **4) A safer public realm**

Improves public safety by providing passive street surveillance with large ground floor windows, particularly onto a widened Clarendon Grove passageway, giving careful consideration to materials and lighting.

### **5) High quality student accommodation**

Provides well-managed apartments that are designed and built to a high specification. The type of student accommodation being offered is not the usual single

room 1st year offering. We're proposing dedicated 2nd/3rd year and post grad accommodation for students seeking to move in their established social groups from Hall's of residence. The already over stretched private rented sector takes the vast majority of such student groups, so our proposal would have a significant benefit in reducing the demand for private rented family accommodation in the area.

### **6) De-clutter and widen pavements**

Removes the existing basement lightwells and railings, widening the pavements and keeping bins, bikes away from the public footpath.

### **7) Reflect attributes of the existing building**

The character of the existing brickwork and the lightness of the fenestration is reflected and reinterpreted particularly in the articulation of the projecting study room bays.

### **8) Compliment the adjacent Grade II listed building (Ossulston Estate) & surrounding context**

The building respects the height, form and materiality of the local area character with the patterns of repetition in the window openings within brick and the pitched roofs with chimneys and dormers, importantly without overshadowing or undermining the important context of the adjoining Grade II listed Ossulston Estate.

### **9) A sustainable future**

Achieves a BREEAM Excellent rating through the design of flexible, robust building that utilises the district heating system and includes solar panels for renewable energy and hot water sources.





**1** Access for all



**2** An active street frontage



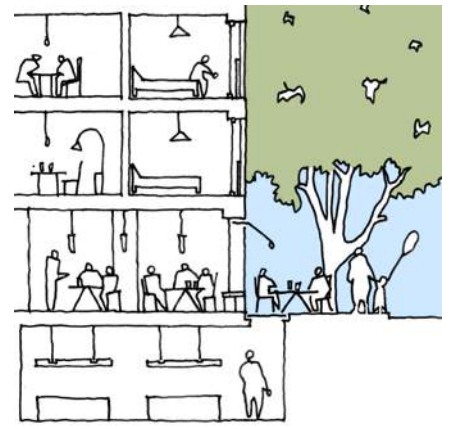
**3** High quality D1 space



**4** A safer public realm



**5** High quality student accommodation



**6** Declutter and widen pavements



**7** Reflect attributes of the existing building



**8** Reflect surrounding context



**9** A sustainable future

**Fig 32** Principles of the design

## 4.2 Townscape

- 4.2.1 The design assessment contained within the officer report is highly problematic. At para 3.33 it is stated that pre application advice given in respect of a wholly different proposal (by an earlier design team) is still relevant to the proposal and goes on to list points which are clearly not relevant to the application scheme at all.
- 4.2.2 Furthermore the assessment of design quality (para 4.10 – 4.14) is largely based on the inappropriate comparison with the existing and nearby buildings, judging that the proposal does not sufficiently reflect the existing building or surrounding buildings: ('the ratio of solid to void does not reflect the use of brick in the existing building', and 'the ground floor .... does not successfully correspond with the strong base of neighbouring buildings', and 'roof cladding .... quite unlike the fine grained texture of materials and detailing to the existing building and other roofs in the surrounding area').
- 4.2.3 It is worth noting that the existing building is quite unlike anything surrounding it. The design of the

proposed does subtly reflect attributes of the existing building. Fundamentally it is a design response to a specific brief, functional organization and site context. Its integrity should be judged on how well it responds to these and not on how it compares to the existing.

- 4.2.4 The proposed design approach has been to create a confident, particular, well-detailed building that extends the qualities of the neighbouring residential buildings, complements the existing townscape qualities and strengthens the unique character of Somers Town. It has not sought to create a design that is iconic or inappropriately extraordinary. There are a number of completed or consented proposals nearby that set out to do this, challenging the setting of the listed Ossulston Estate (Crick Institute, Central Somerstown Tower) or by removing the existing historic context including buildings on the Local List and creating a gaping townscape void along a key east-west connection between Kings Cross and Euston (Maria Fidelis School).



**Fig 33** Townscape

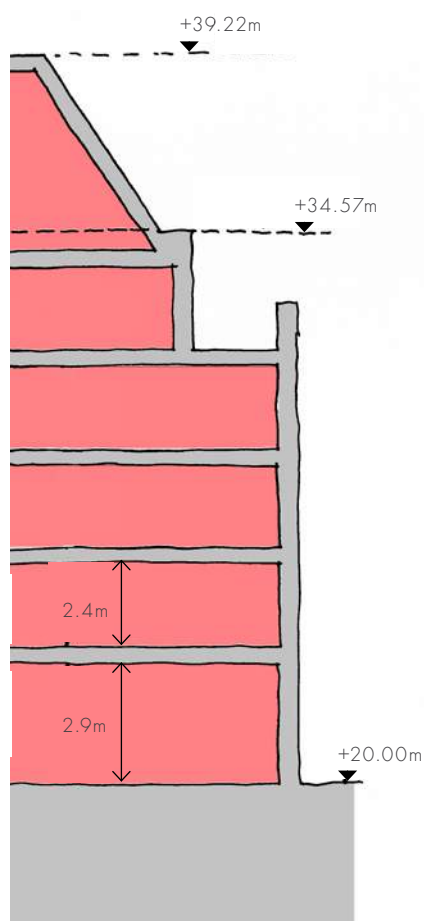


- 4.2.5 The specific conclusions within the officer's report in respect of the design are addressed in turn.

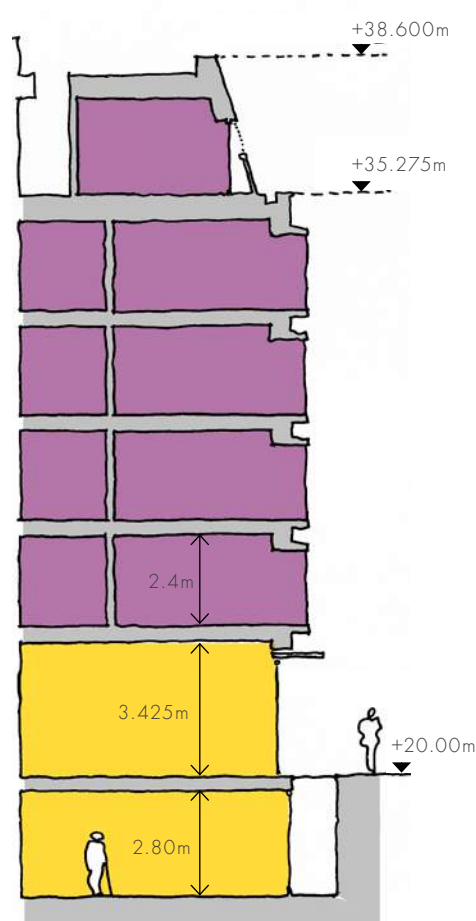
*The absence of architectural detailing and the dominance of the projecting bays*

- 4.2.6 The proposed building design has evolved with a regard to elements of the existing building, and the wider local character in terms of its massing, materials and scale. The ground floor is taller than upper floors – ensuring that the building has an ordering synonymous with neighbouring buildings; a base, middle and top configuration. It has large

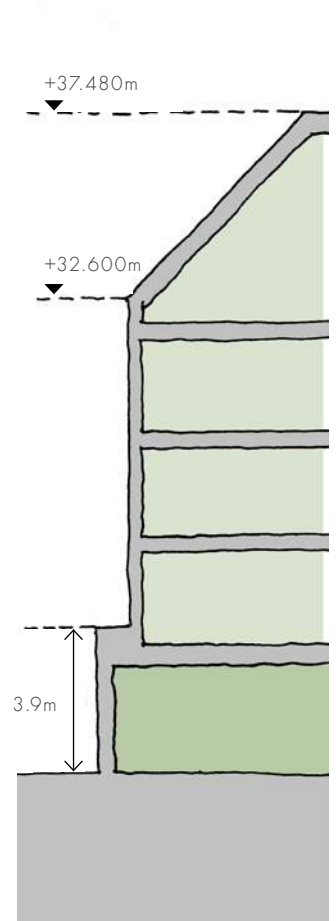
glazed openings which are recessed by a depth of 1.5 bricks to give the structural frame a primacy and that introduce shadows and relief onto the façade. These large windows increase daylight to the social spaces and encourage views in and out, improving the animation and activation with the street. Dedicated entrances for each use are clearly defined by metal canopy elements.



**Fig 34** Chalton House



**Fig 35** 42 Phoenix Road

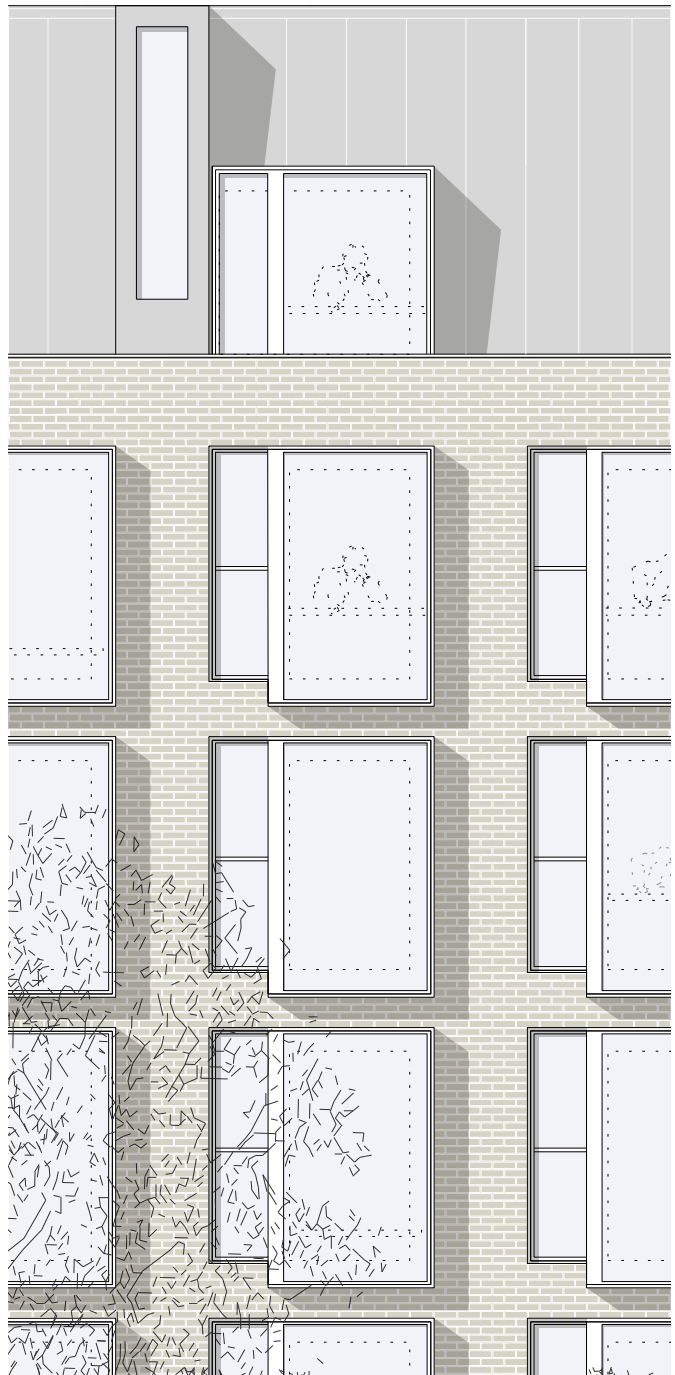


**Fig 36** Ossuleston Estate

The projecting glass bays of the north-facing student study bedrooms overlooking Phoenix Road again reference aspects of the existing building and provide a feature that can be occupied by a desk or a seat, creating spatial qualities and flexibility for the student spending long periods within the room as well as diversity when viewed from outside. To maximize daylight on the northern aspect the windows are full height, again enhancing the room qualities within. One edge of the projecting bay (facing east) is glazed, whilst the western edge is solid. This creates a different visual experience when viewed from the street level – ie travelling east to west or from west to east. An integral part of the projecting bay window is the adjacent recessed opening window, providing passive ventilation to each study room. The edge frame proportions vary along the vertical edges. The base of the projecting bay steps down below the adjacent window opening to provide thermal and structural needs, but also introduces an asymmetry into the assembly. These elements are conceived as high quality, off-site metal and glass fabrications. The three dimensional qualities of these bays will articulate interest and relief along this elevation and far outweigh those of the flush windows in rendered walls found at recent developments nearby, and provide unique, carefully considered design components that convey the clients commitment to produce a building of distinction and a high quality amenity for students and visitors.



**Fig 37** Articulated bays on the north elevation



**Fig 38** North elevation



*The roof cladding has a deadening effect...*

- 4.2.7 The existing building has a staggered, low quality flat roof. The proposed roof angles, heights and profiling have been carefully developed to reflect adjacent buildings, most particularly the nearby Chalton House. The proposed material, a profiled zinc panel with standing vertical seams, has been selected for its simplicity, ease of maintenance and modernity; the appearance sharpens and enhances the textural qualities of the brick facades. The same roof material and finish is incorporated into the dormer features which introduces further interest and shadows through folding the material to break down the overall surface area of the inclined plane.



**Fig 39** The roof form responds to the context

*The chimney like dormers are inelegant, contrived and too literal and crude as a response to context. They could serve to diminish the significance of the heritage asset (Ossulston Estate) by detracting from the appreciation of the meaning and expression of its chimney stacks as distinctive historic features.*

- 4.2.8 The proposed dormers are reminiscent of qualities found in the chimney stacks on the adjacent older buildings and are complementary to the diversity of elements at roof level. They clearly serve a different function. On the Phoenix Road façade the roof bay features align with the bay windows on lower floors. An asymmetry is introduced via an adjacent taller projection that brings in more daylight but also introduces a vertical component into the roofscape, adding further interest and visual diversity at this level. The dormers clearly enable use of the upper floor level for student rooms without increasing the building massing. The design has evolved as a number of options with regard to the scale and geometry such that they could provide roof level features and break down the scale of the roof surface in a similar way to the chimney stacks on adjacent buildings. The north facing dormers differ in proportion and arrangement to those on the east and west sides. To the east façade, on Chalton Street, the roof level bay and light feature is marked vertically by metalwork within the brickwork bays, defining at ground floor the D1 entrance location. To the quieter south side a more generous, shared terrace for these single bed apartments provides views back to the city. These respective treatments further indicate the change of design responses evident from one façade or aspect to the next.

*The proposed building fails to adequately address the corner position of the site ... the Chalton Street elevation is expressed as a secondary frontage with the same treatment as the rear elevation.*

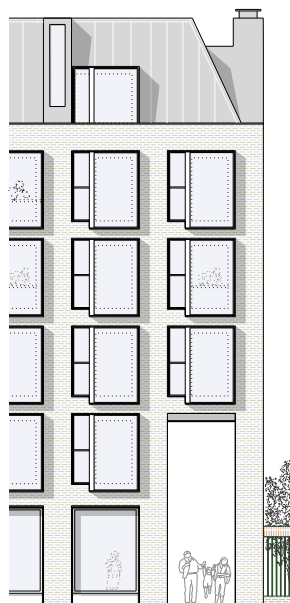
- 4.2.9 Each façade has been designed with regard to its aspect or outlook in combination with the functional use of the spaces within, and with respect to the use or layout changes at each floor level. The ground floor of Chalton Street is fully glazed, with an entrance marked by a metal canopy at ground floor level, but also this position is marked vertically across the façade on the floors above through varying the masonry treatment and culminates in the corresponding position of the metal roof dormer/ daylight feature. The intent has been to highlight this key street corner for distanced views up and down Chalton Street but also from the eastern approach

along Phoenix Road from Kings Cross Station. Whilst the structural grid of the brick is expressed as a frame to unify all elevations of the building, achieving a confident and coherent whole. The infill for each bay varies in proportion between north/ south and east/ west. The elements within each bay vary too; the north has the projecting metal and glass oriel window bays; the east and west are characterized by increased areas of masonry, which are slightly recessed and defined by a metal edge with asymmetrically placed smaller windows; to the south, the study rooms turn the corner and then the proportions adjust to reflect the larger shared spaces of each apartment (kitchen/ diner/ lounge) which have full-height sliding doors with a metal balustrade that enables occupants to enjoy the south-facing aspect, with increased privacy. The single, central core with lobbies defines the middle bay of the south elevation.



**Fig 40** East elevation

*Metal sections inlaid within the brick reveals vertically align the D1 entrance at street level with the profiled metal roof 'chimney' feature at roof level*



**Fig 41** North elevation

*A generous, open street frontage to D1 at ground level with projecting oriel bays for each student study bedroom, creating shadows and relief against the brick facade*



**Fig 42** West elevation

*Clarendon Grove passageway is characterised as an open, double-height, daylight space, and introduces asymmetry and interest to the facade organisation*



**Fig 43** South elevation

*South-facing student cluster communal spaces can open up with large sliding glass doors, with balconies at roof level for communal use and the studio rooms*

*There is a lack of sensitivity in the design to how the simplistic massing and proportions of the rigidly gridded elevations combine to give the appearance of a building that is out of scale with its surroundings.*

4.2.10 There are numerous examples of residential buildings within the immediate vicinity that have punched window openings within a masonry façade. It is a simple yet effective means to organize a façade, particularly where repetitive functions or layouts occur. Yet this also creates a familiar, normal character to this largely residential area. Our proposal seeks to extend this normality or ordinariness. It is not intended to create an object building at 42, but rather to build a well-detailed, high quality building that is apparently simple but which holds subtlety and refinement when viewed carefully and objectively. The proposed use does not warrant a more elaborate treatment; the Somers Town area is undergoing significant change, with the recently completed Crick Institute, and future development of Maria Fidelis School and Central Somers Town/ Brill Place residential tower will each offer further landmark opportunities.

4.2.11 With regards to scale we fail to understand how the proposal can be considered anything other than consistent with neighbouring buildings – Chalton House, Walker House, Ossulston Street. Our street elevations and more detailed bay studies clearly bear this out. The Camden approved demolition of the existing Maria Fidelis school buildings will create a gap or 'hole' in the Phoenix Road street frontage, disrupting the continuity of the street edge and replacing those locally listed buildings with a wall. This dramatic change, which has been addressed by the applicant in the amended 42 planning drawings for the western elevation and enhanced treatment for Clarendon Grove, imposes a greater need for replacing the poor quality, declining existing building with an alternative which has the confidence, character and identity which must address the key townscape issues arising.



**Fig44** The existing context (with existing Maria Fidelis School)

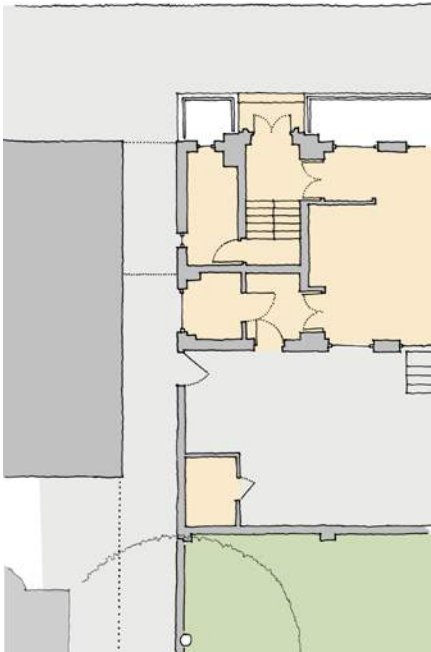


**Fig45** The proposed context (with consented Maria Fidelis School)





**Fig 46** Existing - Drawing



**Fig 47** Existing - Plan



**Fig 48** Existing - 4m high x 1.8m wide



**Fig 49** Proposed - Drawing



**Fig 50** Proposed - Plan



**Fig 51** Proposed - 6m high x 2.6m wide

### 4.3 Clarendon Grove

*“the extended oversail proposed would be detrimental to the function of Clarendon Grove as a public right of way”*

- 4.3.1 The extended oversail of Clarendon Grove reflects the depth of the building plot and when considered with its widening and raised height, results in a very significant improvement to the function, appearance, amenity and safety of the existing public right of way. The Council's assessment that it 'could be detrimental to the function of the route as a public right of way and thus to the wider policy goals of supporting pedestrian access and permeability' is wholly unsubstantiated. The arguments put forward are perverse.
- 4.3.2 It is argued that the improvements (openings in the building allowing surveillance, use of lighting, use of quality materials and increase in height and width) would subordinate the public nature of the route to the private realm rather than decrease fear of anti social behaviour and make it more attractive as a pedestrian route. The double-height opening clearly marks the entrance to Clarendon Grove off Phoenix Road, breaking the rhythm of the first floor projecting glass bays.
- 4.3.3 The statement at 4.17 “to allow this change in status would be to relinquish control of the public realm so that the fate of the public footpath would be dictated to a much greater extent than is currently the case by the functioning, management and maintenance of the building...” is without foundation. The public footpath would be substantially wider, enabling increased long-views down Clarendon Grove, and the oversail would be higher, a double-height proportion. It would be better lit and passively overlooked by the adjacent building and therefore it would not feel unsafe as it does now and more likely to be used as a route rather than avoided and / or the continuing focus for anti social behaviour. From our Secure By Design discussions the favoured design direction by the advisor was to be able to close off the route. The proposal avoids the need for such controls through careful, high quality design solutions.
- 4.3.4 It is stated that “the increase in oversail and the colonnade would change the perception of the opening so that it would be less clearly recognized as a public route”. The existing public right of way is not between two buildings (as is stated) but clearly beneath No. 42 Phoenix Rd. It is not particularly obvious or inviting because of its very modest proportions. In contrast the proposal will substantially increase the portal making the route much more obvious. The plot (at a nominal 12m) is not deep and notwithstanding the increase in the extent of the oversail, because of its proportions, and the amount of daylight introduced via the colonnade-type structure it would always appear relatively short and it would be well lit at night.
- 4.3.5 It is not accepted that the removal of the oversail would constitute a demonstrably improved footpath, particularly given its narrow width at 1.8 metres. The Maria Fidelis School has indicated that existing railings along the length of Clarendon Grove will be retained/ reused. There is no clarity on the benefits or improvements offered by this consent. In contrast the proposed 42 redevelopment, incorporating the significantly wider and higher oversail, is a demonstrably better public footpath. While access to the rear cycle and refuse storage is proposed via the Clarendon Grove, this activity and habitual usage will contribute to a greater sense of safety and significantly improve on the existing situation where its safety is a very real concern to local people.
- 4.3.6 The Council has stated (officer report 4.18) that the significant public benefit from removing the oversail would be weighed in the planning balance in compensating for the loss of a locally listed building. Our argument is that the proposal as it stands offers a demonstrably better public footpath than simply removing the oversail. This public benefit should weigh even more favourably in the balance in compensating for the loss of the locally listed building.



## 4.4 Planning policy

4.4.1 The reason for refusal cites the following policies:

### **CS14 (Promoting high quality places and conserving our heritage)**

See above, paragraphs 3.4.2 – 3.4.3

### **DP24 (Securing high quality design)**

The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:

- a) character, setting, context and the form and scale of neighbouring buildings;
- b) the character and proportions of the existing building, where alterations and extensions are proposed;
- c) the quality of materials to be used;
- d) the provision of visually interesting frontages at street level;
- e) the appropriate location for building services equipment;
- f) existing natural features, such as topography and trees;
- g) the provision of appropriate hard and soft landscaping including boundary treatments;
- h) the provision of appropriate amenity space; and
- i) accessibility.

4.4.2 We believe that we have demonstrated that the appearance of the building will make a positive contribution to the townscape and area in accordance with Policy DP24

### **DP25 (Conserving Camden's heritage)**

See above, paragraphs 3.4.4 – 3.4.5

### **London Plan Policy 7.4 (Local Character)**

See above, paragraphs 3.4.6 – 3.4.7.

### **London Plan Policy 7.6 (Architecture)**

(Strategic) A Architecture should make a positive contribution to a coherent public realm, streetscape

and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context. (Planning decisions) B Buildings and structures should:

- a) be of the highest architectural quality
- b) be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
- c) comprise details and materials that complement, not necessarily replicate, the local architectural character
- d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings
- e) incorporate best practice in resource management and climate change mitigation and adaptation
- f) provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
- g) be adaptable to different activities and land uses, particularly at ground level
- h) meet the principles of inclusive design
- i) optimise the potential of sites

4.4.3 We believe that we have demonstrated that the appearance of the building will make a positive contribution to the townscape and area. The architectural response is highly appropriate in terms of scale and height, it activates the street frontages and provides high quality accommodation for the different uses which is inclusive. The proposals are in accordance with London Plan 7.6

### **London Plan Policy 7.8 (Heritage Assets and Archaeology)**

See above, paragraphs 3.4.8 – 3.4.9

4.4.4 The design and appearance of the building meets the policy objectives set out in the London Plan, Camden Core Strategy and the Euston Area Plan.

## 5 RESPONSE TO REASONS FOR REFUSAL 3 – 11

### 5.1 S106 Agreement

- 5.1.1 Camden Council have added an informative to the refusal notice stating that Reasons for refusal 3-11 would be withdrawn as part of an appeal process should the appellant conclude a S106 to the satisfaction of the Council. We are happy to enter into an agreement in respect of these matters and have commenced the process and will submit a S106 Agreement in accordance with the appeal timeframe.

Reason 3: *The proposed development, in the absence of a legal agreement formally linking it to serve higher education institutions in Camden or adjoining boroughs, would be likely to contribute to pressure and demand on existing housing in this area, contrary to policies CS1 (Distribution of growth) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP1 (Mixed use development) of the London Borough of Camden Local Development Framework Development Policies.*

- 5.1.2 The applicant is already in discussion with Higher Education institutions in the area and is agreeable to a formal arrangement.

Reason 4: *The proposed development, in the absence of a legal agreement securing it as car-free, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Core Strategy and DP18 (Parking standards and limiting the availability of car parking) and DP19 (Managing the impact of parking) of the London Borough of Camden LDF Development Policies.*

- 5.1.3 The applicant is agreeable to a car free development

Reason 5: *The proposed development, in the absence of a legal agreement securing a construction*

*management plan, would be likely to give rise to conflicts with other road users and would fail to mitigate the impact on 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) of the London Borough of Camden Local Development Framework Core Strategy and policies DP20 (Movement of goods and materials), DP21 (Development connecting to highway network) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies.*

- 5.1.4 The applicant is agreeable to securing a construction management plan

Reason 6: *The proposed development, in the absence of a legal agreement securing a contribution for new or improved public open space, would be likely to contribute to pressure and demand on the existing open space in this area, contrary to policy CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP31 (open space and outdoor recreation) of the London Borough of Camden Local Development Framework Development Policies.*

- 5.1.5 The applicant is agreeable to making an appropriate contribution in line with Council policies.

Reason 7: *The proposed development, in the absence of a legal agreement securing necessary contributions towards highway works would fail to make provision to restore the pedestrian environment to an acceptable condition, contrary to policies CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policies DP17 (walking, cycling and*

public transport) and DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.

- 5.1.6 The applicant is agreeable to secure the necessary works to restore the adjoining highway / pedestrian environment.

Reason 8: *The proposed development, in the absence of a legal agreement securing a travel plan and associated monitoring and administrative costs for a period of 5 years, would fail to promote the use of sustainable means of travel, contrary to policies CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP16 (transport implications of development) of the London Borough of Camden Local Development Framework Development Policies.*

- 5.1.7 The applicant is agreeable to securing a travel plan and associated monitoring and administrative costs for the 5 year period.

Reason 9: *The proposed development, in the absence of a local employment and apprenticeships agreement and a local procurement code will be likely to lead to the exacerbation of local skill shortages and a lack of training and opportunities for local residents and businesses, and would fail to contribute to the regeneration of the area, contrary to policies CS5 (Managing the impact of growth and development), CS8 (Promoting a successful and inclusive Camden economy) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and*

*policy DP13 (Employment sites and premises) of the London Borough of Camden Local Development Framework Development Policies.*

- 5.1.8 The applicant is agreeable to securing local employment and apprenticeship opportunities and a local procurement code.

Reason 10: *The proposed development, in the absence of a legal agreement securing a sustainability plan, would fail to ensure that the development is designed to take a sustainable approach to the use of resources, contrary to policies CS13 (tackling climate change) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP22 (sustainable design and construction) and DP23 (water) of the London Borough of Camden Local Development Framework Development Policies.*

- 5.1.9 The applicant is agreeable to securing a sustainability plan.

Reason 11: *The proposed development, in the absence of a legal agreement securing an energy efficiency and renewable energy plan, would fail to take sufficient measures to minimise the effects of, and adapt to, climate change contrary to policies CS13 (tackling climate change) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 (sustainable design and construction) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.*

- 5.1.10 The applicant is agreeable to securing an energy efficiency and renewable energy plan.

## 6 RESPONSE TO OBJECTIONS

- 6.1.1 There were 9 objections in response to the planning application. These are summarised under appropriate headings and addressed below.

### **Loss of building on Local List and design issues**

- Loss of building of considerable historic character;
- The proposed replacement building is a faceless modern design not in keeping with the Somers Town area;
- The proposed building is too high, visually obtrusive and will overpower the immediate neighbourhood;

- 6.1.2 These concerns have been addressed in the case set out.

### **Student accommodation and affordable Housing**

- The introduction of student accommodation is changing the composition of this residential area and will introduce many more people there who have no long term concern about the local community;
- A large student accommodation that is not intended to be affordable or for UK students undermines the already huge demand for affordable housing in the area which is under threat via the new housing act proposal.

- 6.1.3 Student accommodation is an established use at the site. There is a recognised need for student accommodation in the area. The London Plan recognises that new provision may also tend to reduce pressure on other elements of the housing stock currently occupied by students, especially in the private rented sector. The type of accommodation is shared, aimed at senior students who might otherwise occupy private rented sector family accommodation.

### **Amenity**

- Overshadowing of neighbours;
- Air pollution concerns;
- Noise and disturbance;
- Recycling/waste management concerns;
- Lack of trees or green within the scheme

- 6.1.4 None of these points were identified as issues within Camden's officer's planning assessment. The building clearly does not overshadow the nearest residential building to the south. Facilities are provided for recycling and waste storage within the site. The development involves no loss of trees or planting and contributes to improved street frontages and the public realm of Clarendon Grove.

## 7 DESIGN REVIEW

7.1.1 During the course of the application Camden's own Design Review Panel was established but officers would not allow the application to be presented to it for review. It was explained that it was Council policy to only refer schemes that officers were minded to support. Following refusal of planning permission the applicant arranged for design review to be undertaken by another established design review panel. Design South East were approached and agreed to provide a review. This was undertaken in December 2015 and it is to be noted that Camden officers were invited and attended the review.

7.1.2 The design review report dated January 2017 is attached with this appeal submission. In summary the review report states:

*As it is a heritage asset on the local list, the principle of replacing 42 Phoenix Road could only be acceptable if the applicant demonstrates the high quality and appropriateness of the replacement. Based on material presented at the review we feel that a narrative describing how the new building is of sufficient quality and appropriate presence has not yet been completely set out. The Panel finds the overall scale and massing proposed to be appropriate. The main issue in replacing this recognised heritage asset is whether the replacement proposed adequately reflects the qualities of the existing building that are being lost. The Panel finds the proposed building to be modest and to fit into the townscape but to lack the articulation of detail in the existing building's façade. The uses for the local community, especially at ground level will continue to be an essential ingredient of this building's future, and we suggest they need to be more clearly reflected in the built form to signal a distinctive and unusual local landmark. The wider, taller 'oversail' design proposal is an improvement likely to help the environment of Clarendon Grove, a passage running along one side of the building.*

7.1.3 We were pleased to note that the Design Review Panel considered the bulk, mass and scale of the proposal to be appropriate and the extended oversail of Clarendon

Grove an improvement on the current arrangement. In the preceding sections 4.1 and 4.2, we have responded to the Design Review Panel's criticism by strengthening the narrative behind the appropriateness of the design to demonstrate that the proposed building meets the quality expectations of the panel. The design of the proposed does not purport to reflect the existing building, nor should it. We believe that the proposed building is a confident, particular, well-detailed response to the site and context that extends the qualities of the neighbouring residential buildings, complements the existing townscape qualities, without overshadowing its Grade II listed neighbours, and strengthens the unique character of Somers Town. It has not sought to create a design that is iconic or inappropriately extraordinary. Whilst our proposal has a strong and rational grid, a predominant characteristic of the townscape, there is also significant articulation of detail albeit more subtly expressed perhaps than the existing.



Fig 52 Proposed - Model



## 8 CONCLUSIONS

- 8.1.1 The status of the existing building on the Local List has prompted the applicants and their architects to try and avoid demolition and investigate, systematically and comprehensively, all possibilities of modernising the structure to extend its life. Comparable projects suggested by Camden's officers, including rebuilding behind façades, have been examined to see if any experience could be transferred.
- 8.1.2 The outcome of these studies is set out in detail in the Design and Access Statement. They prove conclusively that there is no financially viable model that could bring the building up to modern standards (in particular disabled access) without a very substantial number of additional floors, and significant changes to the existing facades if retained. To meet current building regulations, the original windows could not be retained or convincingly reproduced, resulting in a further loss of integrity.
- 8.1.3 The outcome of this work would be that the alteration would unavoidably sacrifice the very qualities that prompted the local listing. The inescapable conclusion is that if the building is to be accessible to all and with a new lease of life as a community asset, demolition and redevelopment is unavoidable.
- 8.1.4 Planning policy requires a balanced judgment weighing the loss of the building and its heritage significance against the material benefits of redevelopment. There is a very clear analysis to demonstrate that the building has limited heritage value and cannot be viably adapted. There are a host of social, economic and environmental benefits a replacement building would bring and therefore the principle of redevelopment is justified.
- 8.1.5 The 2016 consent for the adjacent Maria Fidelis School significantly alters the existing setting, increasing the pressure on 42 Phoenix Road to become a confident high quality building when viewed from all sides.
- 8.1.6 The proposed design addresses the shortcomings of the existing building. It captures and complements the local context, drawing on qualities of height, massing, ordering, organization, materials, and detail from these neighbouring buildings. As a detached, stand-alone building it responds on each façade to its particular aspect and use, and upholds the townscape qualities required of a building in this location.
- 8.1.7 We would conclude that the proposed building would provide a positive contribution to the Somers Town community and the local environment, providing high quality and much needed accommodation, facilities and amenity and enhancing the public realm and thereby providing significant public benefit.



**Fig 53** Proposed - Render

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