

Delegated Report		Analysis sheet		Expiry Date:	28/08/2017
		N/A / attached		Consultation Expiry Date:	17/08/2017
Officer			Application Number(s)		
Gideon Whittingham			2016/7088/P		
Application Address			Drawing Numbers		
Spiritualist Temple Rochester Square London NW1 9RY					
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
<p>Redevelopment of site involving demolition of the building (Use Class D1) and erection of a 3-storey building, plus basement level, to accommodate a community centre (Use Class D1) and 9 self contained flats (Use Class C3) comprising 8 x 2 bed and 1 x 1 bed (of which 6 would be market units and 3 affordable) , together with landscape works.</p>					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	616	No. of objections	613
					No. of support	3
Summary of consultation responses:	<p>Multiple site notices were displayed from 25/07/2017 (expiring on 15/08/2017) and a public notice was displayed in the local press from 27/07/2017 (expiring on 14/06/2012).</p> <p>At the time of this report being written, 613 objections (including petitions) had been received and 3 representations of supports.</p> <p>The matters of objection raised related to:</p> <p><i>Matters relating to Land use principles:</i></p> <ul style="list-style-type: none"> • Provides a needed place of/for worship which would be lost • The existing building requires limited renovation • Demolition requires greater investment than retention • Surrounding area already well served by community art spaces eg Cobb Gallery and Camden Image Gallery on Royal College Street • No evidence the proposed gallery use needed or desired, particularly given poor quality space • The proposal does not add anything significant to the community activities that are already available nearby. • Quality of community space provided is lesser than the existing – included a large hall and garden • The proposed new community space is of poor quality <p><i>Officer's response: see section on Land use principles.</i></p> <p><i>Matters relating to Affordable housing:</i></p> <ul style="list-style-type: none"> • Only one of the proposed flats is to be affordable. The proposed development will not make any significant contribution to fulfilling the need for affordable properties in the area <p><i>Officer's response: see section on Affordable housing.</i></p> <p><i>Matters relating to Impact on neighbouring amenity:</i></p> <ul style="list-style-type: none"> • Potential level of noise and light pollution • Lead to an unacceptable loss of light and outlook for the residents of 29-36 Rochester Square • Lead to overlooking, loss of privacy, noise and disturbance due to the proximity of the dwelling units and community spaces with Julian Court. • The slatted screens and partially frosted windows of the proposed buildings would not fully mitigate the disturbance to the privacy of our bathrooms and bedrooms at the rear of our property. • No information concerning sound insulation, lighting or facilities such as a refreshment bar in the plans • Inevitably be noise from the building, from users and from audiences as they arrive and depart; the public access route referred to above is the only external space available for smokers 					

Officer's response: see section on Impact on neighbouring amenity.

Matters relating to Conservation & Design:

- Historical nature of the site would be lost
- High level of detailed design required
- Important asset to the conservation area
- Demolition and loss of building
- The proposed building is quite simply ugly, bland and uncharacteristic of the surrounding area.
- Demolition of a historically interesting building which makes a positive contribution to the area
- No "specific justification" or "exceptional circumstances" to justify demolition of the Temple
- Overdevelopment of site, cramming a substantial building unacceptably close to the neighbouring buildings
- The proposed building is overbearing, out of scale (in terms of mass/volume and proximity to adjacent buildings) and out of character with the existing plot.
- The design is unsympathetic and unbalances the relationship between the old and new in what is a designated conservation area.
- A 3 storey building will be too high, it will be invasive to the properties immediately behind in Rochester Square.

Officer's response: see section on Conservation & Design.

Matters relating to Basement works:

- Consideration of ground water during and after construction
- Excavation of the basement may undermine foundations of neighbouring buildings, gardens, and below ground services.
- Nearby spring line not taken into consideration in the design

Officer's response: see section on Basement works.

Matters relating to Trees:

- Loss of open aspect and open space to conservation area
- The timing suggests that the application to fell the tree was taken as a step to facilitate the proposed development.
- At least three mature trees, including what should have been a preserved lime tree, have been axed without the permission of the council

Officer's response: see section on Trees.

Matters relating to Transport:

- Residents would have access to parking permits
- Construction noise and traffic congestion

Officer's response: see section on Transport.

A significant portion of the objections related to matters which, whilst material would receive limited weight in the determination of this application. These matters included:

- Ownership of the site
- The owner's operation of the site
- The owner's closure of the site

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|--|---|
| | <ul style="list-style-type: none">• The nature of the occupation of the site currently• The questionable funding of the host organisation• Specific legalities of ownership between respective representatives• Implications of Section 5 - Local Government and Housing Act 1989• Previous behaviour of the applicant/agent• Motivations of the applicant/agent |
|--|---|

**CAAC/Local groups
comments:**

The Camden Square CAAC objected for the following matters:

- The design of the development fails to enhance the conservation area
- The proposed development will be excessive in bulk and have a negative impact on privacy, overshadowing and flooding of neighbouring buildings
- Concerns regarding ownership of the site and the demolition of an existing building of historic and local interest, in relation to the conservation area

Officer's response: see sections on Conservation & Design, Impact on neighbouring amenity.

Ancient Monuments Society objected for the following matters:

- It is almost literally impossible to believe that the present Temple cannot easily be converted, with the retention of the pulpit and doors. A house cum studio inside would surely attract prestige value (and therefore a healthy return on investment) given the Conan Doyle connections.

Officer's response: see sections on Conservation & Design, Impact on neighbouring amenity.

The Twentieth Century Society objected for the following matters:

- In line with the NPPF, the Camden Local Plan requires a weighing of harm against any public benefit of the development. We do not consider that it has been demonstrated that the public benefit of the proposed scheme outweighs the harm caused by the total loss of this local heritage asset. In addition to the loss of a non-designated heritage asset, the new development comprises an increase in scale and density, and would result in the loss of open space and greenery. This is also in contrary to the appraisal, which states that green gaps in streetscapes and views along rear vistas should be preserved.

Officer's response: see section on Conservation & Design.

SAVE Britain's Heritage objected for the following matters:

- We consider that the building is of historic value and deserving of retention, and we recommend that you refuse this planning application.

Officer's response: see section on Conservation & Design.

Community Recovery Service for Older People objected for the following matters:

- I am writing to register my opposition to the demolition of Rochester Square Spiritualist Church. As the manager of an older people's day service adjacent to the site, we very much appreciate the sense of history that the Church's proximity lends to the area, and would be sorry to see this lost were the site to be re-developed. I would like to see the church building renovated in order to provide a public amenity.

Officer's response: see section on Land use principles.

Rochester CAAC commented:

- Queried underground water issues; and the important potential archaeological interest.

Officer's response: see section on Basement works.

Site Description

The application site is located on Rochester Square, to the west of Nos.29-36 (cons) Rochester Square and to the east Nos.144, 146 and 150 (Julian Court) Camden Road.

The site is located within the Camden Square Conservation Area.

The subject building is also highlighted as a positive contributor within the Camden Square conservation appraisal and management strategy.

The site recently contained a TPO tree amongst others which was removed and is currently being investigated as part of an enforcement enquiry.

Relevant History

Spiritualist Temple:

- 2016/3442/PRE – Pre-application submission for the Redevelopment of site involving demolition of the building and erection of a 3-storey building, plus basement level, to accommodate a new flexible arts-based community space (replacement D1 use) and 6 dwellings (Class C3). Advice issued 05/10/2016
- 2016/6157/PRE - Pre-application submission for the Redevelopment of site involving community space increased to 296m² NIA, space expected to house approximately 15 affordable studios and workspaces to be offered to local creative's, ground floor to house a substantial exhibition space also acting as a venue for classes, workshops and community events, proposed community use to be fully accessible and incorporates a DDA compliant lift, together with disabled access WC. Advice issued 10/01/2017
- 2017/5394/PRE - Pre-application submission for the Redevelopment of site involving community space increased to 296m² NIA, space expected to house approximately 15 affordable studios and workspaces to be offered to local creative's, ground floor to house a substantial exhibition space also acting as a venue for classes, workshops and community events, proposed community use to be fully accessible and incorporates a DDA compliant lift, together with disabled access WC.
- 2017/7020/P - Retention of building with exception to demolition of single storey rear wing; refurbishment for continued community use (Class D1). Erection of two storey rear extension, plus basement, comprising 5 self-contained flats (Use Class C3) comprising 1 x studio and 4 x 2 bed, with associated cycle parking and landscaping including 4no. trees. Currently under officer assessment.
- 2016/3236/T - (Application for works to Tree covered by a TPO [REF. C10-T39]) - REAR GARDEN: 1 x Lime - fell to ground level. Approve Works 09/09/2016

Rear Garden of 144-146 Camden Road:

- 2010/2152/P: Erection of a two storey residential dwelling house (class C3) within rear garden of 144 -146 Camden Road fronting Rochester Square. - Granted planning permission subject to a section 106 legal agreement 02/11/2010

Relevant policies

National and Regional Policy

National Planning Policy Framework (NPPF) 2012
London Plan 2016

Camden Local Plan 2017

Policy G1 Delivery and location of growth
Policy H1 Maximising housing supply
Policy H2 Maximising the supply of self-contained housing from mixed-use schemes
Policy H4 Maximising the supply of affordable housing
Policy H6 Housing choice and mix
Policy H7 Large and small homes
Policy C1 Health and wellbeing
Policy C2 Community facilities
Policy C5 Safety and security
Policy C6 Access for all
Policy E1 Economic development
Policy E2 Employment premises and sites
Policy A1 Managing the impact of development
Policy A3 Biodiversity
Policy A4 Noise and vibration
Policy A5 Basements
Policy D1 Design
Policy D2 Heritage
Policy CC1 Climate change mitigation
Policy CC2 Adapting to climate change
Policy CC3 Water and flooding
Policy CC4 Air quality
Policy CC5 Waste
Policy T1 Prioritising walking, cycling and public transport
Policy T2 Parking and car-free development
Policy T3 Transport infrastructure
Policy T4 Sustainable movement of goods and materials
Policy T1 Prioritising walking, cycling and public transport
Policy T2 Parking and car-free development
Policy T3 Transport infrastructure
Policy T4 Sustainable movement of goods and materials
Policy DM1 Delivery and monitoring

Camden Planning Guidance

Adopted March 2018:

CPG Housing (interim)
CPG 2 Housing, May 2016 (updated March 2018)
CPG Amenity
CPG Basements
CPG Biodiversity
CPG Community uses, leisure facilities and pubs
CPG Employment sites and business premises
CPG Planning for health and wellbeing
CPG Public open space

Adopted Prior:

CPG 1 Design (July 2015)
CPG 3 Sustainability (July 2015)
CPG 6 Amenity (September 2011)
CPG 7 Transport (September 2011)
CPG 8 Planning obligations (July 2015)

London Borough of Camden Strategic Housing Market Assessment (SHMA) (February 2016)
Camden Square conservation area appraisal and management strategy (2011)

Assessment

1. Proposal:

1.1 The application proposes:

- The demolition of the existing single storey building (243sqm) highlighted as a positive contributor within the Camden Square conservation appraisal and management strategy on a site of 410sqm.
- The erection of a 3 storey building (8.6m in height from pavement floor level [12.3m from basement floor level] x 9.6m in width x 44m in depth)
- Construction of a basement floor level at 3.2m in depth with 95% site coverage.
- The part of the building fronting Rochester Square south would comprise a 'community centre' of 277sqm (Class D1), 160sqm at basement floor level and 117sqm at ground floor level.
- The remainder of the building would comprise 9 residential units (1 x 1b 2p and 8 x 2b 3p) at all floors including basement totalling 652sqm - 1 unit (1 x 1b) would be shared ownership whilst 2 units would be social rents.
- The building would be built of mid-brown brickwork with Cor-ten steel elements and a green roof.

Revisions

1.2 The applicant formally amended the application on 04/04/2018 to include the following:

- Replace the proposed art/gallery with a broad community centre use
- Confirm units nos.4 and 5 for social rent (in addition to unit no.8 being shared ownership)

1.3 The main issues for consideration therefore are:

- Land use principles
- Tenure, unit size mix and quality of residential accommodation
- Affordable Housing
- Impact on neighbouring amenity
- Conservation & Design
- Basement works
- Trees
- Transport
- Sustainable design and construction
- S106 / Other Matters

2. Land use principles

Loss of facility for worship

- 2.1 A diverse range of community facilities helps to enhance quality of life and social cohesion, improve personal health and wellbeing, instil a sense of community identity and belonging and may help reduce crime and anti-social behaviour.
- 2.2 Policy C2 sets out how the Council will ensure that there is provision of community facilities to meet the needs of a growing population and safeguard against the loss of viable community facilities. This is linked to the Camden Plan's aims of 'investing in our communities to ensure sustainable neighbourhoods' and 'creating the conditions for and harnessing the benefits of economic growth'.
- 2.3 The term "community facilities" in this section refers to a wide range of social infrastructure that provides a service to the community. This includes childcare, education, adult learning and training, healthcare, police stations, youth provision, libraries, public houses, community halls, places of worship and public toilets. These facilities form a vital part of town centres and neighbourhoods and address the local community's needs.
- 2.4 The Council will work with its partners to ensure that community facilities and services are

developed and modernised to meet the changing needs of our community and reflect new approaches to the delivery of services.

- 2.5 The Council will, amongst other objectives:
- a. seek planning obligations to secure new and improved community facilities and services to mitigate the impact of developments. The Council may also fund improvements to community facilities using receipts from the Community Infrastructure Levy where this is identified on the Council's CIL funding list;*
 - b. expect a developer proposing additional floorspace in community use, or a new community facility, to reach agreement with the Council on its continuing maintenance and other future funding requirements;*
 - d. facilitate multi-purpose community facilities and the secure sharing or extended use of facilities that can be accessed by the wider community, except for facilities occupied by the emergency services due to their distinct operating needs;*
 - f. seek the inclusion of measures which address the needs of community groups and foster community integration;*
 - g. ensure existing community facilities are retained recognising their benefit to the community, including protected groups, unless one of the following tests is met:*
 - i. a replacement facility of a similar nature is provided that meets the needs of the local population or its current, or intended, users;*
 - ii. the existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area. Where it has been demonstrated to the Council's satisfaction there is no reasonable prospect of a community use, then our preferred alternative will be the maximum viable amount of affordable housing;*
 - h. take into account listing or nomination of 'Assets of Community Value' as a material planning consideration and encourage communities to nominate Assets of Community Value.*
- 2.6 With specific regard to places of worship or faith facilities, Camden has many meeting places; churches, synagogues, community facilities and Islamic prayer centres that cater for a range of faiths and beliefs. It is expected that further provision will be required to meet the needs of faith communities during the Plan period. The main sources of demand arise from the inadequate size of Islamic prayer spaces in the borough and the growth in forms of evangelical Christianity.
- 2.7 The Council welcomes investment by faith communities to develop new space to meet or worship, subject to other policies in the Local Plan. The Council will also encourage faith communities to consider sharing facilities where one community has spare capacity and another has a need for space.
- 2.8 Community facilities are vulnerable to pressure from uses which attract higher land values and once they are lost cannot easily be replaced. The Council will normally seek the retention of community facilities except in defined circumstances. This includes where there is suitable replacement provision secured through the use of a planning obligation. We will assess whether the accessibility of the replacement provision satisfactorily addresses the needs of the facility's users and how this addresses relevant plans or programmes of re-provision of public sector bodies. In exceptional cases, the Council may seek a financial contribution based on the cost of providing a replacement facility. The Council will expect that replacement facilities are sufficient in size and a high quality design which facilitates the successful operation of the community use.
- 2.9 There may also be circumstances where a community use, either wholly or in part, is no longer required or viable in its current use. In this instance, the applicant will be expected to demonstrate to the Council's satisfaction that the loss of the facility would not create, or add to, a shortfall in provision for the existing community use and if it would not, that the facility is unable to address a need for any other community use in the local area. The Council may require marketing evidence to show that the premises have been offered at a reasonable charge to community groups or voluntary organisations.

- 2.10 The objective of Policy C2 (g) is to not only retain a facility for community use within primarily Use Class D1, but firstly, the objective is to retain a facility for a very specific community use. In this instance, the requirement would be to identify and offer the facility to other users for worship as per the existing nature of the site, be that as a church, synagogue or for Islamic prayer for example, prior to offering the existing site for other community uses such as for childcare, education, adult learning and training, healthcare etc. The nature of use outlined by the applicant initially as an artist studio/gallery is discussed in paragraph 2.16.
- 2.11 The site and host building has served as a temple/place of worship (Class D1) for the spiritualist community since the early 1920's.
- 2.12 With regard to Policy C2 g, the applicants submission commented as follows:

Operation of the Site

“Rochester Square has been affiliated to the Spiritualists National Union since the 1930s. The union does not manage the church. Each church affiliated to the Union is autonomous. The members of each church appoint Church officers (President, vice president, Treasurer, secretary and in addition members to serve on the committee.) Every individual is a volunteer.

The Union does not interfere with any church unless it receives complaints as to the management of the church. Initially, we instigate a “fact finding exercise”. If the union finds that there has been “mismanagement” the church will be placed under supervision of the District Council for East London in order to try to resolve problems.

Supervision involves giving advice to the church as to the content of its services, healing and educational programs. It is open to each church to organise its own activities in order to raise funds.

The union does not close churches. Churches close by resolution members or failure of a Church to sustain a membership of more than 13 individuals. This was the case with Rochester square.”

Condition of the Site

“In 2005, an estimate was obtained for works on the building by Members of the Committee, who reported that completely refurbished this building would cost at least £250,000 this would include reroofing, damp proofing, examination of the foundations, re plastering, rewiring and a complete redecoration.

These proposals were put before our Finance Committee. Each church has to demonstrate that it has the ability to raise funds to repay any monies loaned to a church for refurbishment. The Union is therefore dependent on all volunteers to organise activities in order to raise funds over a number of years. We are also insistent that each church produce a business plan for consideration before embarking on any extensive repairs.

In this case, they would have been seeking a loan from the Union of £250,000 or thereabouts and the committee would be committing the Members to a regular repayment of this sum by way of loan over a period of 25 years amounting to approximately £750 per calendar month.

It was quite clear from the historical record of their accounts and the fact that we had to supervise the church in's activities permanently that the church could not sustain activities to generate this sort of funds.”

Alternatives for followers

“Other North London churches do not have [a] capacity issue. Manor Park has a minimum

capacity of 80: North London 100: Palmers Green 100: Walthamstow 120 and Acton 70. Spiritualism is listed as the fifth largest nonconformist church in the United Kingdom. It has considerable support and members of the public appear to be drawn to our churches. However, we cannot predict the growth of our organisation as it depends on individuals and their faith.”

- 2.13 Whilst the applicant’s version of events (i.e operation/condition of the site) is disputed by comments following public consultation, in the absence of sufficient evidence to the contrary, officers consider the applicant has provided information which aligns with objectives of Policy C2 g.
- 2.14 With regard to the replacement facility, the submission initially indicated a gallery and artist studio would be re-provided in a larger and more accessible space. The submission indicated the applicants holding company would fund 14 studio spaces on site to be offered to artists within the local community at subsidised rates. The intention is that this element would self-finance the facility. The ground floor could host community and charitable exhibitions, again at a subsidised rate to local community groups.
- 2.15 The application was formally amended on 04/04/2018 to replace the art space for a broad community use. The applicant states the space would be offered to the St Pancras Way Tenants Residents Association (TRA) for 3 hours every week - free of charge. Any further use by the TRA would be offered at a subsidised rate. Outside of this, the space would be offered for hire, as with many community spaces, which the applicant states will finance the space. Whilst the proposal is broadly compliant with the requirements of Policy C2, in accordance with the applicants offer and in line with Policy C2 b and g (i), the nature and provision of a subsidised work or community space and its continuing maintenance and other future funding requirements would need to be secured within a Section 106 Legal Agreement. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

3. Tenure, unit size mix and quality of residential accommodation

- 3.1 The provision of additional residential floorspace within the borough is strongly supported. Policies H6 and H7 of the Camden Local Plan states that the Council will aim to secure a range of homes of different sizes in all residential developments.

Density

- 3.2 In order to make the most efficient use of land and meet the objectives of policy H1, higher density development is encouraged in appropriately accessible locations and there is an expectation that densities will be towards the higher end of the density ranges set out in the London Plan. The emphasis on higher density development should be balanced with other considerations such as neighbouring amenity and securing the height, scale and massing appropriate to an area in terms of good design.
- 3.3 London Plan policy 3.4 sets out the considerations for determining appropriate density levels for sites. Using Table 3.2 (density matrix) of the London Plan the local built environment characteristics are identified as ‘urban’ and the site has a PTAL rating of 6a. Based on the applicants submission, the proposed development would provide 9 units, with the number of habitable rooms 27, across a site footprint of 0.041ha (approx. 410m²).
- 3.4 This equates to a density of 220 units/ha and 659 habitable rooms/ha which falls within the range of the density matrix within the London Plan for ‘urban’ sites (70-260 units/ha and 200-700 habitable rooms/ha). It should be noted however, the residential floorspace makes up approximately 48% of the total floorspace with the remaining being commercial. The acceptable density of the proposal is mainly determined by those matters assessed in the ‘Conservation & Design’, ‘Tenure, unit size mix and quality of residential accommodation’ and ‘Impact on neighbouring amenity’ sections within the body of the report. Given the concerns

raised in these sections of the report, it is considered the development is significantly constrained and results in overdevelopment of the site.

Housing Mix, Unit Size and Quality of Accommodation

- 3.5 The proposed residential element of the development would comprise 6 market units and 3 affordable units. The affordable units would comprise 2 social rent and 1 shared ownership units as detailed in the below table. Policy H7 aims to secure a range of homes of different sizes that will contribute to creation of mixed, inclusive and sustainable communities and reduce mismatches between housing needs and existing supply. In order to define what kind of mix should be provided within residential schemes, policy H7 includes a Dwelling Size Priorities Table (small units are described as studio, 1 & 2-bed, with large units being 3+bed units). A scheme of this size should meet the priorities outlined in the Dwelling Size Priorities Table in full.

Unit size	1-bed units	2-bed units	Total
Market	0	6	6
Social Rent	0	2	2
Shared Ownership (Intermediate Affordable)	1	0	1
Total	1	8	9

- 3.6 Camden Planning Guidance on housing currently indicates that the Council will aim for at least 50% of social-affordable rented dwellings in each scheme to be large homes, and on the basis of mismatches in the existing stock we expect to retain this aim. The Council will however be flexible when assessing development against Policy H7 and the Dwelling Size Priorities Table.
- 3.7 In terms of the mix of market housing, the proposal would bring forward 2-bed units all of high priority, which, whilst acceptable, the provision of larger 3-bed units could well be accommodated given the assessment below in 'Design and layout'. Notwithstanding this, the market housing would contribute to meeting the priorities set out in the Dwelling Size Priorities Table.
- 3.8 For the social rent units, the proposal would bring forward 2-bed units all of high priority, which, whilst acceptable, the provision of larger 3-bed units could again well be accommodated. Notwithstanding this, the social rent housing would contribute to meeting the priorities set out in the Dwelling Size Priorities Table. Policy H4 seeks to maximise the supply of affordable housing and aims for a tenure mix of 60% socio-affordable and 40% intermediate housing. Although not required in this instance, as the site provides fewer than 10 units, the scheme would be 66% socio-affordable and 33% intermediate housing.
- 3.9 It is noted in the 'Affordable Housing' section below that Shared ownership units are not supported by the Council, in addition, the social rented units would share the same entrance of the building which could render them more unaffordable. Further concerns are raised in the 'Design and layout' section as to the substandard quality of accommodation and particularly those depicted as affordable. Notwithstanding these concerns, the proposal would provide high priority residential units.

Design and layout

- 3.10 The schedule of accommodation is as follows:

- Unit 1 (first and second floor level) - 2 bed, 3 person duplex 83² [70m²]
- Unit 2 (first and second floor level) - 2 Bed, 3 person duplex 71m² [70m²]
- Unit 3 (first and second floor level) - 2 Bed, 3 person duplex 74m² [70m²]

- Unit 4 (basement and ground floor level) - 2 Bed, 3 person duplex 72m² [70m²] (Social Rent)
- Unit 5 (basement and ground floor level) - 2 bed, 3 person duplex 72 m² [70 m²] (Social Rent)
- Unit 6 (basement and ground floor level) - 2 Bed, 3 person duplex 78m² [70]
- Unit 7 (first and second floor level) - 2 Bed, 3 person duplex 70m² [70]
- Unit 8 (first and second floor level) - 1 Bed, 2 person duplex 58m² [58] (Shared Ownership)
- Unit 9 (first and second floor level) - 2 bed, 3 person duplex 71m² [70]

- 3.11 The London Plan Housing Standards SPG sets out acceptable room sizes, based on the number of potential occupiers and bedrooms. All 9 flats would meet or exceed these standards (70m² for 2b 3p flats and 58m² for 1b 2p flats).
- 3.12 The general layout of the units is acceptable providing functional and practical spaces. The ceiling heights of the residential spaces comply with the 2.3m minimum standards within CPG2 (Housing). No parts of the internal spaces are below 2.3m with the majority of the habitable rooms benefiting from a height of at least 2.5m. All of the units have openable doors and windows (i.e. passive/natural ventilation).
- 3.13 The majority of units are located within the northern part of the site, however some flats are located above the community/commercial use at ground floor level to the south. Due to the constraints of the site, a number of flats are located in areas that would receive limited daylight, sunlight and outlook, within single aspect accommodation.
- 3.14 Average Daylight Factor (ADF) is a measure of the level of daylight in a room. It can be used to establish whether a room will have a predominantly daylit appearance. It provides light levels below which a room should not fall even if electric lighting is provided. The calculation of ADF provides a more sophisticated method of calculating the daylight level experienced within a room than Vertical Sky Component (VSC - The level of ambient daylight received by a window) as it takes into account the size and reflectance of room's surfaces and the number, size and transmittance of its window(s), as well as the ambient daylight level (VSC) received at the window(s).
- 3.15 The minimum recommended ADF levels for different room types are as follows:
- Kitchens: 2%;
 - Living rooms: 1.5%;
 - Bedrooms: 1%.
- 3.16 The applicants analysis using ADF, shows the majority of proposed habitable spaces would be acceptable, save for the basement floor level bedrooms of Unit 4. The bedrooms only reach 0.91% and 0.82% and therefore fail recommended ADF levels for bedrooms.
- 3.17 With regard to outlook:
- Unit 1 would be dual aspect, looking south out over the highway of Rochester Square, and the properties of Julian Court to the west (4.7m) and Nos.29 -36 Rochester Square to the east (10.8m)
 - Unit 2 would be single aspect at first floor level, looking east to Nos.29 -36 Rochester Square (10.8m), whilst at second floor level, the unit would enjoy dual aspect looking south out over the highway of Rochester Square and east to Nos.29 -36 Rochester Square.
 - Unit 3 would be single aspect at first floor level, looking east to Nos.29 -36 Rochester Square (10.8m), whilst at second floor level, the unit would enjoy dual aspect looking south out over the highway of Rochester Square and west over Julian Court (4.7m).
 - Units 4, 5 and 6 would be single aspect, with the basement bedrooms looking out onto an enclosed lightwell (2m x 2.9m), whilst the ground floor would look out onto the shared entranceway of the development or flank elevation to the adjoining flat at a distance of 2.1-

2.5m.

- Unit 7 would be single aspect at first floor level looking east to Nos.29 -36 Rochester Square, whilst at second floor, the unit would look out onto the flank elevation to the adjoining flat at a distance of 2.1m.
- Unit 8 would be single aspect at first floor level looking east to Nos.29 -36 Rochester Square, whilst at second floor, the unit would be dual aspect facing the properties of Julian Court to the west (4.7m) and Nos.29 -36 Rochester Square to the east (10.8m).
- Unit 9 would be triple aspect, looking north out over the highway of Rochester Square, and the properties of Julian Court to the west (4.7m) and Nos.29 -36 Rochester Square to the east (10.8m)

3.18 With regard to privacy, the site is tightly constrained with limited outlook given the proximity of neighbouring buildings, as a result, windows facing east onto Nos.29 -36 Rochester Square would require obscure glazing to ensure privacy (depicted on plan for some but not all windows). In addition COR-TEN louvres enclose the lightwells and terraces in an attempt to reduce overlooking between units across the courtyard and neighbouring properties. This would go some way to limit the opportunity to overlook neighbouring properties, particularly those on Nos.29 -36 Rochester Square, but this would compound the issues of outlook and daylight/sunlight levels for the new units. The applicants submission has also failed to adequately demonstrate or clarify whether the submitted sunlight and daylight assessment has incorporated the requirement of obscure glazing and the louvre COR-TEN enclosing each lightwell to each unit. It is likely matters would be significantly worse if this has not been accounted for within the reports.

3.19 Given the constraints of the site, each unit is afforded less than the 9sqm for private amenity space, as per CPG Open Space. In total however, 85sqm of external amenity space is provided by way of external terraces or lightwells.

3.20 Within this context, whilst some units do enjoy dual or triple aspect accommodation, these are typically for outlook over very short distances; less than 3m and terminated by brick walls, across communal areas (such as pathways) onto enclosed lightwells (by COR-TEN louvres) or through 'slit' windows which would need to be obscurely glazed to ensure privacy.

3.21 It is therefore considered that the proposal for 9 units within this building and particularly those units specified as affordable, would result in substandard living accommodation for its perspective occupiers and a substandard quality of life due to poor outlook. In addition, the submission has failed to adequately demonstrate that all proposed flats would have acceptable levels of light. Given the above, the proposal represents overdevelopment of the site and that the amenity of prospective occupants has suffered as a result. This would be contrary to policy which requires new developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space and external amenity space.

4. Affordable housing

4.1 Government guidance seeks to limit development contributions from small-scale developers by setting a national threshold of 10 homes and 1,000 sq m which developments should exceed for affordable housing contributions to be sought. The Camden SHMA estimates the borough's requirement for additional affordable homes to be around 10,000 homes for the 15-year Plan period, compared with a Local Plan target of 5,300 additional affordable homes based on likely delivery. Given the gap between the requirements and the likely delivery, the Council has secured an exception to the national threshold through the Local Plan process. Consequently an affordable housing contribution is sought from all developments that provide one or more additional homes and involve an addition in residential floorspace of 100sqm GIA or more. The

purpose of the sliding scale is to achieve the maximum reasonable contribution to affordable housing overall without deterring small-scale development.

- 4.2 Local Plan policy H4 (Maximising the supply of affordable housing) requires an affordable housing contribution for all schemes that provide 1 or more additional homes and involves an addition of 100sqm (GIA) or more of residential floorspace. As the proposal would provide 9 new homes with 652sqm (GIA) an affordable housing contribution would be required.
- 4.3 The contribution is calculated using the target floorspace multiplied by £2,650 per sqm (the level of contribution per sqm described in CPG8). Policy H4 uses a sliding scale to calculate the target floorspace. The target starts at 2% for the first 100sqm GIA of floorspace which is considered to be the capacity for one additional home. This increases on a 'straight-line' basis with each additional 100sqm (i.e capacity for a further additional dwelling) increasing the target by 2%. Thus the target for a scheme with capacity for an additional 9 dwellings (652sqm rounded to the nearest 100) would be 14% of the proposed floorspace.
- 4.4 As the calculation relies on Camden Planning Guidance, (CPG8) which has not yet been updated to respond to the Local Plan, the target is applied to gross external area as opposed to gross internal area, so in this instance the target would be 14% of 815sqm (GEA = GIA x 1.25) or 114sqm. The proposal includes a 2 x 2 bed units for social rent each of 72sqm and a 1 bed flat of 59sqm for shared ownership totalling 203sqm, thereby 89sqm beyond what is required by the relevant Policy.
- 4.5 Whilst the policy requires only an affordable housing contribution, the applicant has provided three affordable units on-site, surpassing the requirement, providing public benefit with a view to outweighing the harm caused the less than substantial harm caused and shall therefore be accorded significant weight. An assessment of the types of the affordable units this proposal would bring forward shall therefore be assessed.
- 4.6 Three types of affordable housing are defined in the NPPF – these are social rented housing, affordable rented housing and intermediate housing:
- Social rented housing is primarily housing managed by local councils and housing associations. The cost of social rented housing is controlled through target rents set by a national rent regime operated by the regulator of social housing (now known as Homes England).
 - Affordable rented housing is housing managed by local councils and housing associations and let to households who are eligible for social rented housing. Rents are set on a scheme-by-scheme basis and are guided by local market rents rather than a national rent regime. The NPPF indicates that rents should not exceed 80% of the local market rent (including service charges where they apply).
 - Intermediate housing is housing that costs more than social housing but less than equivalent market housing. Intermediate housing costs (including service charges) must also be cheap enough for eligible income groups to afford.
- 4.7 The Council will generally seek intermediate rented housing rather than other forms such as shared-ownership housing. The Intermediate Housing Strategy (IHS) states that we will seek to ensure that the majority of intermediate housing in each scheme is affordable to households with incomes between £30,000 and £40,000 (as adjusted by wage inflation). The Council considers housing to be affordable where housing costs (including rent and service charges) take up no more than 40% of net household income (with net income assumed to be 70% of gross income). The Council will use S106 legal agreements to ensure that the cost of intermediate housing is consistent with the Intermediate Housing Strategy.
- 4.8 Shared-ownership housing refers to housing where occupiers buy a share (generally 25% to 75% of the value of the home) and pay rent on the remainder. Due to the high market values in Camden and lenders' deposit requirements, it is now rarely possible to develop homes for

shared ownership in Camden that would be affordable to eligible households. The Council therefore does not support this tenure as it is not affordable for people on incomes of £30,000-£40,000, which is the starting point for Intermediate Rent. The basis for this position is set out in the Council's Intermediate Housing Strategy (IHS), adopted in April 2016 and the Intermediate Housing CPG (IHCPG), adopted in March 2018. The IHCPG sets out the Council's priorities for Intermediate Housing and includes details of how the Council plans to secure the strategy through planning and complements the Camden Local Plan.

- 4.9 Although the Camden Local Plan does not exclude shared ownership, shared ownership tenure is not affordable in the Borough due to high property prices, the wages needed to afford the monthly costs (mortgage payments, rent on unowned equity and service charges) and the sizeable deposits needed to secure them. Therefore the benefit a unit on this site would provide is limited.
- 4.10 In schemes such as this with internal communal spaces, the Council does not generally seek to mix affordable and market dwellings on the same corridors or sharing the same stairs, lifts and entrance lobbies. This is because occupiers have to pay a service charge and/ or management charge for the cleaning and maintenance of communal spaces. Service charges are often a significant proportion of overall housing costs, particularly in market housing blocks, and can simply be too high for the occupiers of affordable housing to pay. The law ensures that an occupier cannot be required to pay higher service charges to subsidise charges to another occupier receiving the same common services, regardless of tenure. To ensure that service charges are kept to a minimum, the communal parts of affordable housing are generally designed for durability and low maintenance costs. Within this context, the social rent, shared ownership and market units would all be sharing the same entrance of the building. This would mean that the affordable units (shared ownership in particular) would share the same costly service charges that the private units would pay, which could make the unit even more unaffordable and only suitable for those with higher incomes. The nature of affordability of all units provided in this scheme is particularly uncertain, the composition of the offer (no details to suggest percentage of deposit required/monthly service charges/opportunity to staircase etc) has not demonstrated that it would be affordable and is therefore unacceptable.
- 4.11 The IHS and Camden policy identify Intermediate Rent as the preferred intermediate tenure, and Officers consider it unacceptable that shared ownership has been put forward as part of the offer.
- 4.12 The provision of social rent is strongly encouraged and, dependent on their quality can provide significant benefit. In this instance, the social rent units are at ground and basement floor levels and comply with the necessary size requirements set out in the London Plan. Beyond this however, the units are considered substandard living accommodation for its perspective occupiers and a substandard quality of life due to poor outlook. In addition, the submission has failed to adequately demonstrate that these flats would have acceptable levels of light. On this basis, the offer of social rent units on site of substandard quality is of limited merit.
- 4.13 Based on the above, the affordable housing provision proposed falls well short of the policy requirements in terms of tenure and affordability. The applicant has been made aware of the unacceptable nature of shared ownership units and the quality of accommodation provided at basement and ground floor levels that have been given for social rents. Officers consider that the proposal has failed to provide an acceptable offer of affordable housing.

5. Impact on neighbouring amenity

Policy review

- 5.1 Policies G1, A1, DM1 and CPG6 (Amenity) are relevant with regards to the impact on the amenity of residential properties in the area. Any impact from construction works is dealt with in the transport section.

Sunlight/Daylight

- 5.2 The development site is located to the west of Nos.29-36 (cons) Rochester Square and Rear Garden of 144-146 Camden Road and to the east of Nos.144, 146 and 150 (Julian Court) Camden Road, all of which are in residential use.
- 5.3 The facing elevation of 150 (Julian Court) Camden Road includes a number of windows, the closest (4.6m) serve bathrooms, with those set back further serving habitable rooms with balconies (14.3m).
- 5.4 The facing elevations of Nos.29-36 (cons) Rochester Square are between 7.6m – 9m in distance and serve a mixture of habitable rooms and bathrooms.
- 5.5 The flank elevation of the adjacent building, known as 'Rear Garden of 144-146 Camden Road', does not include windows. The rear elevation at ground and first floor level includes windows serving habitable rooms and would be 8m in distance from the development, albeit at an oblique angle.
- 5.6 The application is supported by the sunlight and daylight assessment by relevant specialists who state that the proposal would give rise to no material alterations to the daylight and sunlight levels, such that they will remain in a fully BRE adherent daylight and sunlight position around the site. This includes specific assessments using Vertical Sky Component (VSC), namely the level of ambient daylight received by a window and daylight distribution (DD), namely analysis which considers the area of a room which can receive an unobstructed view of the sky.
- 5.7 In respect of No.150 (Julian Court) Camden Road, the assessment indicates the development site will comfortably meet the BRE Guidelines recommendations in relation to both the VSC and DD.
- 5.8 In respect of Nos.29-36 (cons) Rochester Square the assessment indicates the development site would fail to meet the BRE Guidelines recommendations in relation to VSC, specifically the lower ground floor level rooms, however it is acknowledged this would be marginal (0.76, thereby 0.4 below the guideline). With regard to DD, one room fails to meet the BRE Guidelines recommendations, however this is considered marginal.
- 5.9 Within this context, the impact of the proposal upon neighbouring residential properties in terms of sunlight/daylight is considered acceptable.

Privacy / Outlook

- 5.10 Introducing a greater potential for close distance mutual overlooking, resulting in a loss of privacy to the occupiers of each building would be contrary to CPG6 (Amenity). To ensure privacy, there should normally be a minimum distance of 18m between the windows of habitable rooms of different units that directly face each other. As the proposal would result in a closer proximity to the facades of Nos.29-36 (cons) Rochester Square, 150 (Julian Court) Camden Road and Rear Garden of 144-146 Camden Road, many windows are depicted on plan to be obscurely glazed, whilst balconies or amenity spaces are set behind louvres.
- 5.11 In mind that these design solutions would typically be conditioned, the proposal would not exert material harm increase in noise nuisance, disturbance, loss of privacy or overlooking to the detriment of adjacent occupiers.
- 5.12 Those residential properties including Nos. 144 and 146 Camden Road (in excess of 18m distance), located on the northern and southern side of Rochester square (beyond the highway), by virtue of their location, orientation and distance would be of no greater detriment as a result of the proposal in terms of amenity levels (sunlight/daylight) than the existing site arrangement.

Plant

- 5.13 Noting the existing nature of the site, the submission depicts no plant as a result of this proposal. Any additions would require full planning permission and should be submitted in mind of maintaining the design principles and character of this scheme and ensuring residential amenity levels.

Noise nuisance of use

- 5.14 The existing use is without condition of a planning consent, therefore restrictions in terms of site management or hours of use could not themselves mitigate issues of noise disturbance.
- 5.15 Any permitted community/commercial use would likely require all windows to be fixed shut and/or no music shall be played on the premises in such a way as to be audible within any adjoining premises to safeguard the amenities of the adjoining premises. No details of opening hours have been put forward by the applicant, however the number of people capable of attending any one event could result in the disturbance of neighbouring amenity, therefore opening hours and details of noise insulation would be secured via a condition to ensure existing amenity levels.

6. Conservation & Design

The Existing Building

- 6.1 The Rochester Square Spiritualist Temple is located at the rear of Nos 144-150 Camden Road. It is an arts and crafts building designed by T. Yorke with an orange-red brick base and rendered gable. Founded in 1926, its members included Sir Arthur Conan Doyle and journalist Hannen Swaffer.
- 6.2 The building is located in the Camden Square conservation area.
- 6.3 On page 22 of the Camden Square conservation appraisal and management strategy (2nd to last paragraph of page) states that “the usual concept of a square is harder to decipher here [Rochester Square]; from the beginning a nursery garden was located in the centre of the Square, and houses in Stratford Villas backed onto this nursery on the east side. Plots were leased for small developments as the Estate started tentatively. A feature of this smaller development was that mews were not developed. In the 1920s space in the rear gardens of Camden Road houses was filled by the Spiritualist Temple.”
- 6.4 The subject building is also highlighted as a positive contributor within the Camden Square conservation appraisal and management strategy.
- 6.5 The Council places great importance on preserving the historic environment. Under the Planning (Listed Buildings and Conservation Areas) Act, the Council has a responsibility to have special regard to preserving listed buildings and must pay special attention to preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework states that in decision making local authorities should give great weight to conservation of designated heritage assets in a manner appropriate to their significance. The Council expects that development not only conserves, but also takes opportunities to enhance, or better reveal the significance of heritage assets and their settings.

Policy review

- 6.6 Policy D1 and D2 relate to the design and heritage respectively.
- 6.7 Part D2f confirms that the Council will “resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area.
- 6.8 Part D2h states the Council will “preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden’s

architectural heritage.”

- 6.9 The specific policies should be read in conjunction with, inter alia, the section of the policy which also refers to harm caused to heritage assets (the conservation area). It states that “The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.”
- 6.10 The policy also refers to ‘Other heritage assets and non-designated heritage assets’ stating that “The Council will seek to protect other heritage assets including non-designated heritage assets (including those on and off the local list), Registered Parks and Gardens and London Squares.
- 6.11 The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.”
- 6.12 Policy D1 Design states that the Council will seek to secure high quality design in development. The Council will require that, inter alia, development:
- a. respects local context and character;
 - b. preserves or enhances the historic environment and heritage assets in accordance with “Policy D2 Heritage”;
 - f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;
 - j. responds to natural features and preserves gardens and other open space;
 - k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,
- 6.13 Section 7.5 of the Camden Square Conservation Area Management Strategy confirms that:

“Within the conservation area demolition of an unlisted building requires conservation area consent. Any proposals for the demolition of an unlisted building that would harm the character of the conservation area would require clear and convincing justification. The PPS 5 requires all applicants to provide a level of information that is proportionate to the significance of the asset and the potential impact upon that significance of the proposals. (Policy HE6 clause 68). The loss of buildings which make a positive contribution will be resisted unless there are exception circumstances which would outweigh the case for retention.”

- 6.14 The Camden Square conservation area is a designated heritage asset.
- 6.15 Paragraph 132 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation.
- 6.16 Any harm to the conservation area from the loss of the existing building would result in less than substantial harm to the conservation area. The NPPF under para 134 requires the harm to be weighed against the public benefit of the proposal including optimum viable use of the site.
- 6.17 NPPF designates the building a non-designated heritage asset. The guidance states at para 135 that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard

to the scale of any harm or loss and the significance of the heritage asset.”

- 6.18 Section 7 of the NPPF is concerned with good design. Paragraph 60 states that, “Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.”
- 6.19 Under section 72 of the Planning (listed building and conservation area) Act 1990 requires special attention to be paid to the desirability of preserving and enhancing the character and appearance of a conservation area. This has been given great weight and importance as is required by law.

Assessment of Significance

- 6.20 The existing building is, architecturally, a restrained example of arts and crafts influenced chapel by architect T Yorke of Highgate. The temple contains architectural iconography associated with the Spiritualist movement including two foundation stones; plaster mould of preying hands on the street frontage; remembrance board; wall tablet; board hanging over the north wall and mostly notably three stain glass round arched windows which relate with the Spiritualists National Unions motto; and Sven pointed engraved glass star which signifies the seven principles of Spiritualism. The seven principle are also proclaimed on the board hanging on the north wall. Purpose built Spiritualist temples are rare and as such the temple has architectural as well as rarity value.
- 6.21 The church was purpose built as a Spiritualist Temple in 1926 through donations and remained as such until purchased by the current developers. Its founding members included Sir Arthur Conan Doyle and journalist Hannen Swaffer. It is understand that Sir Arthur Conan donated much of the funds for the building. Conan was a keen proponent of Spiritualism. At the International Spiritualist Congress, held in Paris, in 1925, Sir Arthur was nominated Honorary President. He wrote a number of books on the subject including History of Spiritualism, 1926. The same year the Rochester Temple was opened.
- 6.22 The temple has religious significance as a local centre of the Spiritualist movement. It also has social value, which isn't necessarily embodied in the fabric but has significant value for local community as part of its social, spiritual and moral contribution to the area.
- 6.23 Listed in the C20 Society Churches Database, the temple is also highlighted as a positive contributor within the Camden Square conservation appraisal and management strategy.
- 6.24 The site also contained a TPO tree for which consent has recently been granted for its replacement. This adds to the character and appearance of the site and the contribution it makes to the conservation area.

Proposed scheme - Design and Scale

- 6.25 Notwithstanding the issues around the demolition, the use of materials is considered to be broadly acceptable. However the design detailing and scale is considered to be at odds with the character and appearance of the area and represents overdevelopment.
- 6.26 The submission refers to the view that the proposed building takes the form of a small London Mews style complex which reinforces a distinctive quality of the CA. However the proposal appears to bear little resemblance to a traditional London Mews not least because it does not, in the main, contain large openings at ground floor with smaller openings above.
- 6.27 Additionally though the height of the building would be below the ridge heights of nearby buildings, having regard to its overall scale, mass and form, officers consider that it would not respond to the rhythm; plot widths and two storey mews scale or the nearby houses and would therefore be at odds with the otherwise consistent character of each character zone or sub

area identified in the CAAMS. The long unbroken west wall which would betray the scale of the development results in an elongated unbroken shape which doesn't relate to the typical plot widths found in a mews or the townhouses which run parallel to the site. Whilst noted that the Mews is a typical characteristic of the Camden Square Conservation Area, it forms its own specific character zone which the site does not form part and is almost exclusively two storeys with set back third floors. The site does is not a mews. It does not align with the Camden Mews.

- 6.28 In assessing the scheme and having regard to the advice contained within paragraph 60 of the National Planning Policy Framework (the Framework) that planning decisions should not attempt to impose architectural styles or particular tastes or stifle innovation. However paragraph 60 also states that it is proper to seek to promote or reinforce local distinctiveness and it is considered that the proposal fails in this regard as it does not adequately reflect and respond to the character and appearance of the CA.

Conclusion

- 6.29 The proposal would result in harm to due to the loss of the existing building and due to the additional harm caused from the unsuitable replacement of the trees on the site. These add intrinsic value to the character and appearance of the area and their loss also needs to be weighed in the balance of acceptability. The design and scale of the proposed development is also considered not to successfully respond to the mews plot width rhythm of the adjoining typical established pattern of development or nearby mews style characteristics.
- 6.30 Taking the above matters into consideration, it is concluded that the proposal would fail to preserve the character and appearance of the CA and would not meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.31 This has been given great weight and importance as is required by law.
- 6.32 For the same reasons it would not accord with paragraph 132, 134 or 135 of the Framework, with policies D1 and D2 of the Camden Local Plan and policies 3.5, 7.4, 7.6 and 7.8 of the London Plan (LP).
- 6.33 These policies seek, amongst other things, housing developments to be of the highest standard of design and to enhance the quality of local places, to have regard to the form, scale and mass of surrounding buildings, comprise details and materials that complement the local architectural character and to conserve the significance of heritage assets.
- 6.34 Notwithstanding the need to give great weight and importance to the fact that harm is considered to be caused to the conservation area the NPPF asks the decision maker to assess the level of harm caused to the heritage asset affected and balance this harm with any public benefits of the scheme.
- 6.35 The harm caused is considered to be less than substantial to the character and appearance of the Camden Square Conservation Area.

Public benefit

- 6.36 The proposed development provides a replacement community style space, private market housing, two of which would be available for social rent and one would be shared ownership unit.
- 6.37 The proposed commercial or community space would be seen in terms of Policy C2 as of similar but not greater benefit when compared with the current accommodation, the value of this is discussed in the Land use principles section.
- 6.38 The provision of 9 residential units, two of which are social rented and one is shared ownership, does provide some benefit by creating housing for London and the borough, the

value of this is discussed in the Tenure and Affordable Housing sections, however significant failings are also found with the offer in terms of likely affordability and substandard accommodation amongst others. Camden is meeting its housing target and the necessity for windfall sites such as this is not crucial in this respect, particularly at the expense of a building which makes a positive contribution to the character and appearance of the area which policy protects, in addition to the other failing outlines in the body of this report.

- 6.39 The applicants have also suggested that the design of the replacement building is of public benefit, which the assessment in the body of this report disagrees. Camden policy and guidance expects this as a prerequisite to any development in the borough.
- 6.40 Within this context, the public benefits of the proposal would not outweigh the less than substantial harm to the significance of a designated heritage asset.

7. Basement Works

- 7.1 The impact of basement development is principally considered by policy A5 (Basements) which is supported by supplementary planning guidance (CPG4 – Basements and lightwells).
- 7.2 Policy A5 is split into three sections, the first section (parts a-e) deals with harm to the natural and built environment and states that the Council will only permit basement development where it is demonstrated that the proposal will not cause harm to neighbouring properties, structural, ground or water conditions, the character of the building, area or any heritage assets, and requires the submission of a Basement Impact Assessment (BIA).
- 7.3 The second section (parts f-m) deals with the siting, location, scale and design of basements and seeks to ensure that they are subordinate to and have a minimal impact on the host building.
- 7.4 The third section (parts n-u) seeks to ensure that basements do not harm neighbouring properties, amenity, landscaping and trees.
- 7.5 In terms of the first section, a Basement Impact Assessment is required to demonstrate that a proposal will not harm the built or natural environment. Policy A5 states that “In order to provide the Council with greater certainty over the potential impacts of proposed basement development, we will generally expect an independent verification of Basement Impact Assessments funded by the applicant” (6.117). It goes on to advise when verification is required, such as where a scheme requires applicants to proceed beyond the screening stage and where the proposed basement development is located within an area of concern regarding slope stability, surface water or groundwater flow, which are both applicable in this instance. This is also referred to in CPG4 (3.33). The Council’s webpage for basement developments gives more detail and outlines the approach whereby Campbell Reith have been appointed as the single framework provider for the audit service.
- 7.6 The applicant submitted a Basement Impact Assessment (BIA) and Campbell Reith reviewed the BIA and requested more information. The applicant provided additional basement information which was further reviewed by Campbell Reith.
- 7.7 Campbell Reith concluded:
- A site specific ground investigation was conducted, comprising boreholes and ground water monitoring.
 - The site geology consists of up to 0.8m of Made Ground, overlaying approximately 1m of Head Deposits, overlaying London Clay.
 - During the return monitoring visit ground water was recorded at depths of 6.58mbgl and

1.64mbgl at either end of the site. The ground water has been identified as perched water to varying depths within the head deposits, and is not anticipate forming a strategic ground water flow. It has been concluded that the basement may penetrate beneath the ground water level, which is not anticipated to significantly impact on the ground water level.

- Appropriate temporary works have been proposed with propping provided to the piled wall during construction, with local dewatering within the piled wall which is to act as a barrier to water in the temporary case.
- An appropriate geotechnical interpretation has been produced with engineering properties of the soil for use the design of the piled wall and basement slab provided. Outline structural calculations have been provided for the basement slab, however an outline design for the piled walls has not been provided.
- Outline structural calculations are required for the basement piled/liner wall to demonstrate feasibility that stability can be provided in the permanent and temporary case.
- An outline draft construction programme has been provided.
- Heave pressures due to the unloading of the clay soil have been taken into account.
- A ground movement assessment has been produced and this shows the predicted damage to neighbouring properties to be no greater than Burland Category 1.
- A flood risk assessment confirms that the property is in a low to medium risk of flooding from surface water.
- The developed area is increasing which will increase the volume of surface water drainage into the sewer system. It is indicated that SUDs will be provided by way of greens roofs and an acceptable run off rate has been calculated. However further details are required to show how the flow is attenuated in order to achieve the stated run off rate.
- Evidence of consultation with transportation asset owners has been provided.
- A movement monitoring strategy of the neighbouring buildings has been proposed.
- It has not been demonstrated that the proposal adheres to the requirements of CPG4 and other Camden planning policy.

7.8 The basement impact of the proposal is therefore considered to be contrary with the first section (parts a-e) of Local Plan policy A5.

7.9 In terms of the second section of policy A5 (parts f – m), the purpose of this part of the policy is to ensure that a proposed basement is subordinate to the host building, and sets certain limits on the size and location of proposed basements.

7.10 Part h states that basement development should not exceed 50% of each garden within the property. This criterion applies to the front garden, the rear garden and gardens to the side of the property individually, rather than calculated as an aggregated garden area for the whole property. This criterion applies to gardens as they currently exist and not the gardens of the proposed development. The unaffected garden must be in a single area and where relevant should form a continuous area with other neighbouring gardens. Sufficient margins should be left between the site boundaries and any basement construction to sustain growth of vegetation and trees.

7.11 Part m states that basement development should avoid the loss of garden space or trees of townscape or amenity value.

- 7.12 The proposed basement floor plan clearly shows the coverage of the basement amounts to 95% of the site. With regard to the existing rear garden, an area currently totalling 140sqm, would be reduced by 130sqm to retain an area of just 10sqm (92% decrease) without a basement beneath it. Basement development should not exceed 50% of each garden. As such, basement development would exceed 50% of the garden contrary to policy A5(h and m)
- 7.13 The final part of the basement policy (parts n – u) also looks at harm to the built and natural environment. It requires the BIA to demonstrate risk of damage to neighbouring properties to be no greater than Burland Scale 1, which the BIA does, however as discussed in the later section of 'Trees', the proposal would be contrary to parts r. provide satisfactory landscaping, including adequate soil depth; and u. do not prejudice the ability of the garden to support trees where they are part of the character of the area by virtue of its site coverage.
- 7.14 Exceptions to criterion f. to k. may apply on large comprehensively planned sites. For the purposes of this policy, large comprehensively planned sites are:
- new major developments, for example schemes which comprise 1000sq m
 - additional non-residential floorspace or 10 or more additional dwellings;
 - large schemes located in a commercial setting; or
 - developments the size of an entire or substantial part of an urban block.
- 7.15 The proposal would not fall reasonably within any of the above subsections, by virtue of the number of units provided (9) and the size and setting of the site.

8. Trees

- 8.1 The site has been the subject of a number of tree applications and pre-application enquiries resulting in a number of site visits from Camden Tree officers and supporting documents provided by the relevant applicants. The supporting documentation included a ground floor plan depicting a number of trees in situ in the rear garden. The most recent pre-application enquiries (2016/3442/PRE, 2016/6157/PRE and 2017/5394/PRE) also included supporting information including photographic evidence of a number of trees in situ in the rear garden.
- 8.2 The trees set within the grounds, including a lime (TPO) contributed positively to the Camden Square Conservation Area. The trees were located on the rear corner of the site or at a terminating height visible to the public and their retention or suitable replacement is essential.
- 8.3 Permission was granted on 09/09/2016 (2016/3236/T) to fell the lime, subject to its replacement with a Hornbeam, within 5m of the removed tree.
- 8.4 Trees in the conservation areas are statutorily protected. Permission has not been granted for the removal of any other trees on this site, however all the vegetation has been removed by the applicant between the Council's response to the Pre-application enquiries, which explicitly acknowledged all trees on site are to be retained (save for recent permissions for their removal) and not be harmed by the proposed development and the submission of the planning application.
- 8.5 The works relating to 2016/3236/T have been implemented, namely the Lime has been removed but not replaced.
- 8.6 The proposal would plant a Lime adjacent to the residential flank elevation (as a required replacement as per 2016/3236/T) and two silver birch trees within planters along the flank of the commercial/community use. It is worth noting, as a part of this application, the supporting information depicts by way of photographic evidence (Google earth images) in the Arboriculture report a number of trees present on site, however the supporting assessment states 'No trees are currently growing within the site'.

- 8.6 Given the insufficient space to accommodate replacement planting that would mitigate the loss of visual amenity and canopy cover that was provided by the removed vegetation, the scheme is considered unacceptable. The planters are relatively small and the above ground space for all trees to develop a full crown would be limited by their proximity to the building. The replacement lime tree would be located approximately 1m away from the Southern façade of the residential building, whilst the two silver birch trees would be 0.4m from the commercial/community use façade.
- 8.7 The proposed planting would also be subject to continued pruning pressure in such close proximity to the proposed building. The pruning and branch removal that would be required would be damaging to the natural appearance and the amenity value of the trees. It is likely that there would be a number of future pressures for further pruning of the trees or even their removal resulting from its closeness to the development.
- 8.8 This would likely be a result of branches shading light to windows, closeness of branches to the structure, possible apprehension of future residents due to the closeness of the tree and fear of falling branches and specific problems relating to leaf drop in gutters for example.
- 8.9 The trees are situated to the south of the proposed building and would likely cast dense shade on the property and its windows. Whilst some thinning may be acceptable it is unlikely to be enough for future residents of the building. Further pruning of the tree would lead to an increased lack of visual balance in the crown structure and a further reduction in the visual amenity of the trees. Over hanging branches to the property are likely to be viewed with apprehension. Falling leaves, particularly in autumn, on the garden terrace and roofs will require frequent and potentially onerous clearance.
- 8.10 Additionally, their position placed down the side of the development would limit the visual amenity they would provide. It is therefore noted that prominent trees have been removed that make a significant contribution to the character and amenity of the area without sufficient justification or replacement, which result in harm to the character and appearance of the site, the wider area and the character and appearance of the Camden Square Conservation Area
- 8.11 With regard to site coverage, the garden to the rear is approximately 140sqm, the proposal would result in 68sqm retained, only 20smq of which would not see a basement directly beneath it. The proposed basement floor plan clearly shows the coverage of the basement amounts to 95% of the site, with 20sqm retained specifically for required replacement planting.
- 8.12 The remainder of 'open' area, 68sqm, serves as a pathway and space for cycle spaces. As depicted on section, the majority of 'open' areas proposed would have less than 1 metre of soil above the basement, contrary to Policy, as this would not enable garden planting and rainwater runoff and flood mitigation. With specific regard of the rear, the garden is 140sqm, of which 9sqm would be retained with at least a 1m depth of soil. Again, the remaining 34sqm serves as a pathway and space for cycle spaces.
- 8.13 This results in a significant and detrimental reduction in open amenity space for the garden and the site as a whole of more than 50%. The extent of the basement development would result in a significant loss of garden space extending up to the borders of the property and leave little provision for future planting, contrary to A2, A3 and A5 of the Camden Local Plan.

9. Transport

Policy review

- 9.1 Policy A1 seeks to ensure that standards of amenity (the features of a place that contribute to its attractiveness and comfort) are protected. Policy T1 of the Local Plan promotes sustainable transport by prioritising walking, cycling and public transport in the borough. Policy T2 seeks to limit the availability of parking and requires all new developments in the borough to be car-free. Policy T3 sets out how the Council will seek improvements to transport infrastructure in the borough and Policy T4 addresses how the Council will promote the sustainable movement of

goods and materials and seek to minimise the movement of goods and materials by road.

- 9.2 London Plan policies on transport of relevance include policy 6.9 (Cycling), 6.10 (Walking) and 6.13 (Parking).

Car parking

- 9.3 The site does not currently benefit from any on-site car parking facilities and none are proposed.

- 9.4 Policy T2 of the Local Plan requires all new development in the borough to be car free regardless of PTAL rating. The applicant has agreed to a car-free development. This is welcomed as it will help to encourage active, healthy and sustainable lifestyles. It will also help to minimise the impact of the development on the Controlled Parking Zone (CPZ). For car free developments, the Council will not issue on-street parking permits and will use planning obligations to ensure that future occupants are aware they are not entitled to on-street parking permits.

- 9.5 The development would therefore be car-free and this would be secured by legal agreement if planning permission were to be granted. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

Impact on kerbside activity directly adjacent to the site

- 9.6 The site abuts the carriageway directly on the south side of Rochester Square. Pedestrians use the footway on the opposite side of the road. While 'keep clear' markings prevent parking directly adjacent to the site. The Council would consider replacing the 'keep clear' markings with double yellow lines. This would prevent parking but would permit loading and unloading activity.

- 9.7 The site abuts a narrow footway on the north side of Rochester Square. Pedestrians use the footway on the opposite side of the road. Two parking bays (1 disabled bay and 1 permit holder only bay) are marked on the carriageway. There is some concern that parked cars could obstruct pedestrian access to the northern section of the site. The Council would therefore need to consider relocating or removing the two parking bays and replacing them with double yellow lines in order to facilitate the proposed development. This would prevent parking but would permit loading and unloading activity.

- 9.8 The summary page of Policy A1 (Managing the impact of development) states that the Council 'will resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network'. Paragraph 6.9 of Policy A1 goes on to state that 'any development or works affecting the highway will also be expected to avoid disruption to the highway network, particularly emergency vehicle routes and avoid creating a shortfall to existing on-street parking conditions or amendments to Controlled Parking Zones'.

- 9.9 The potential loss of two on-street parking bays would therefore constitute a reason for refusal in the absence of any supporting information to discuss the impact of such losses on the Controlled Parking Zone. This reason for refusal could be addressed if the two parking bays could be relocated nearby. It could also be addressed if the applicant were to undertake a parking beat survey to demonstrate that the loss of two parking bays would not have a detrimental impact on the CPZ in the general vicinity of the site. The parking beat survey would need to be undertaken in accordance with approved methodology (i.e. London Borough of Lambeth methodology).

Cycle parking

- 9.10 Policy T1 requires developments to provide for accessible and secure cycle parking facilities exceeding minimum standards outlined within the London Plan and design requirements outlined within Camden Planning Guidance document CPG7 (Transport). Table 6.3 of the

London Plan provides minimum cycle parking standards for the various use classes. The minimum requirement for this development is as follows:

- C3 Residential: 17 long stay spaces and 1 short stay space
- D1 Community Use: 1 long stay space and 3 short stay spaces

9.11 The proposal would provide 18 covered and secure cycle parking spaces for residents and 4 secure cycle parking spaces for residential users and their visitors. This is in accordance with and slightly in excess of the minimum requirements of London Plan policy 6.9 (Cycling).

9.12 The proposal would also provide 4 covered and secure cycle parking spaces for staff and visitors associated with the D1 use. This is in accordance with the minimum requirements of London Plan policy 6.9 (Cycling).

9.13 The 3 separate cycle stores would be easily accessible with step-free access from both sides of Rochester Square. However, there is concern that the space provided would be insufficient to accommodate the proposed number of cycle parking spaces in accordance with Camden Planning Guidance document CPG7 (Transport). In addition, the type of cycle parking facilities to be provided is unclear. The proposed cycle parking arrangements are therefore unacceptable and constitute a reason for refusal.

Refuse and recycling storage

9.14 Refuse and recycling stores have been designed in easily accessible locations in close proximity to the public highway. The proposed ground floor plan indicates that the doors to the refuse store on the northeast side of the property would open outwards onto the public highway. This would be unacceptable as it would be contrary to Section 153 of the Highways Act which prohibits doors opening on to the highway and subsequently provides powers to the local authority to enforce the removal of such practices. It would also be contrary to Local Plan policy A1 (Managing the impact of development). This matter could however be overcome by way of a suitably worded condition and would not therefore constitute a reason for refusal in this instance.

Highway works

9.15 The public highway directly adjacent to the site on Rochester Square is likely to sustain significant damage as a direct result of the proposed demolition, basement excavation and construction works. Remedial works would therefore be required to repair any such damage following completion of the proposed development.

9.16 The Council would also need to amend the existing traffic management orders on the north and south sides of Rochester Square in order to facilitate the proposed development. A highways contribution would need to be secured by way of a planning obligation. The highway works would be undertaken by Camden's highways contractor (the Transport Design Team would prepare a cost estimate prior to a positive determination of the planning application). In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

Deliveries and other servicing activities

9.17 Policy T4 notes that the movement of goods and materials by road can have a significant impact on the environment and the health and wellbeing of residents, in terms of noise disturbance and its contribution to road congestion and air pollution.

9.18 Delivery and servicing arrangements will remain the same as existing with loading and unloading taking place from the kerbside on Rochester Square. This includes refuse collection, postal deliveries and general deliveries to the site. The proposal would not result in a significant number of delivery and servicing related trips on a daily basis.

Managing and mitigating the impacts of construction

9.19 Construction Management Plans (CMPs) are used to demonstrate how developments will

minimise impacts from the movement of goods and materials during the construction process (including any demolition works). A draft CMP has been submitted in support of the planning application. This provides some useful information and follows the Council's approved format. However, it lacks detail as a principal contractor has yet to be appointed.

- 9.20 The site is located in close proximity to Camden Town and at least two schools. This part of the borough suffers from severe traffic congestion during peak periods. Our primary concern is public safety but we also need to ensure that construction traffic does not create (or add to existing) traffic congestion in the local area. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality, temporary loss of parking, etc). The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A more detailed CMP would therefore be secured via a planning obligation.
- 9.21 In order to minimise traffic congestion and road safety issues during development works, construction vehicle movements would need to be scheduled to take place between 0930 and 1500 hours on weekdays during school term (between 0930 and 1630 during school holidays), and between 0800 and 1300 hours on Saturdays, with no construction vehicle movements (apart from exceptional circumstances) on Sundays and bank holidays unless agreed beforehand with the Council. This is to minimise the impact of construction on the public highway at peak times, which will help to address some of the requirements of policy A1 (Managing the impact of development). Specific details would need to be agreed with Camden during the development of the CMP.
- 9.22 The Council has a pro-forma which developers are required to use when preparing detailed CMPs once a Principal Contractor has been appointed. The CMP would need to be approved by the Council prior to any works including demolition commencing on site. A Key element of the CMP is a requirement to comply with best practice guidelines within the Standard for Construction Logistics and Community Safety (CLOCS) scheme. The Principal Contractor would also need to be registered with the Considerate Constructors Scheme.
- 9.23 There are a number of significant developments in the general vicinity of the site that are currently under construction or have been approved. This part of the borough already experiences significant traffic problems. The construction of various significant developments concurrently raises concerns about cumulative impacts on the transport network as well as amenity issues such as noise, dust, air quality and vibration. The developer and principal contractor, once appointed, will be required to work closely with other contractors working nearby with a view to minimising and mitigating the cumulative impacts of construction.
- 9.24 The development, if approved, would require significant input from officers. This would relate to the development and assessment of the CMP as well as ongoing monitoring and enforcement of the CMP during demolition and construction. A CMP implementation support contribution of £7,564.50 would be secured as a planning obligation. In the absence of an acceptable scheme (and hence no section 106 agreement) these become a reason for refusal.

Basement excavations directly adjacent to the public highway

- 9.25 The proposal would involve basement excavations directly adjacent to the public highway along both Rochester Square frontages. The Council has to ensure that the stability of the public highway adjacent to the site is not compromised by the proposed basement excavations.
- 9.26 The applicant would be required to submit an 'Approval In Principle' (AIP) report to our Highways Structures & Bridges Team within Engineering Services as a pre-commencement Section 106 planning obligation. This is a requirement of British Standard BD2/12. The AIP would need to include structural details and calculations to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site. The AIP would also need to include an explanation of any required mitigation measures.

9.27 The AIP and an associated assessment fee of £3,600 would need to be secured via a planning obligations if planning permission is granted. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

Open lightwells directly adjacent to the public highway

9.28 The proposal would introduce open lightwells directly adjacent to the public highway on both the east and west sides of Rochester Square. The proposed elevation plans suggest that cast iron railings would be provided as a boundary treatment between the site and the adjacent public highway. This would be acceptable so long as the railings are at least 1,100mm high as per paragraph 2.24 of Camden Planning Guidance document CPG4 (Basements and lightwells). This requirement could be secured by condition if planning permission were to be granted.

10. Sustainable design and construction

10.1 Policy CC1 sites that the Council will require all development to minimise the effects of climate change and encourage all developments to meet the highest feasible environmental standards that are financially viable during construction and occupation. Policy CC2 requires all development to adopt appropriate climate change adaptation measures.

10.2 The applicant has submitted a sustainability/energy statement which refers to various proposed sustainable measures (such as water consumption, SuDS) and indicates an improvement over Part L of the relevant Building Regulations.

10.3 The compliance with Policies CC1 and CC2 would be secured as a planning obligation. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

11. S106 / Other Matters

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

- Affordable community space
- Affordable housing
- Car-free development
- Highways contribution
- Construction/Demolition Management Plan
- Approval In Principle
- Energy and Sustainability

12. Conclusion

12.1 The key issues, for which limited public benefit arises, include:

- A community space of similar value - at a reasonable charge, with continuing maintenance and other future funding requirements;
- The proposal would provide substandard living accommodation for its prospective occupiers and a substandard quality of life due to poor outlook, particularly those depicted as affordable units;
- The affordable housing provision proposed falls well short of the policy requirements in terms of tenure, affordability and quality of accommodation;

- The proposal would result in harm due to the loss of the existing building and due to the additional harm caused from the unsuitable replacement of the trees on the site;
- The failure to demonstrate the basement would maintain the structural stability of the building and neighbouring properties and avoid adversely affecting drainage and run-off or causing other damage to the water environment avoid cumulative impacts upon structural stability or the water environment
- The basement development fails to demonstrate the details of SUDs strategy required due to potential increase in surface water area, feasibility that stability can be provided in the permanent and temporary case
- The basement development would exceed 50% of the garden representing excessive overdevelopment.
- The extent of the basement development would result in a significant loss of garden space extending up to the borders of the property and leave little provision for future planting
- The potential loss of two on-street parking bays
- Insufficient cycle parking provision for future occupiers of the residential flats
- The failure to demonstrate that the proposed development would not affect the stability of the public highway adjacent to the site
- The failure to be sustainable in its use of resources

12.2 Based on the above, the proposed development is considered to fail on the three dimensions of sustainable development – economic, social and environmental – as specified in paragraph 7 of the NPPF. The development is not considered to be sustainable and while there would be some public benefit from the 9 additional residential units, 3 of which would be affordable, brought forward it would be outweighed by the demonstrable harm outlined within the body of this report and the reasons for refusal.

Recommendation: Refuse planning permission