

King's Cross Methodist Church, 58A Birkenhead Street, WC1H 8BW (2015/7013/P)



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1. Birkenhead Street façade (positive contributor)



2. Birkenhead Street – looking towards Kings Cross Station



3. Birkenhead Street – looking towards St Chads Street



4. Crestfield Street façade



5. Crestfield Street – looking towards Argyle Square



6. Crestfield Street – Looking towards Kings Cross station



7. aerial view of the site and its existing relationship with the neighbouring listed buildings (circled in red)

Delegated Report		Analysis sheet	Expiry Date:	13/04/2016
		N/A / attached	Consultation Expiry Date:	30/12/2018
Officer			Application Number(s)	
Sofie Fieldsend			2015/7013/P	
Application Address			Drawing Numbers	
King's Cross Methodist Church 58a Birkenhead Street London WC1H 8BW			Refer to Draft Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Demolition and redevelopment to provide a replacement church with community facilities (Class D1), a replacement Methodist Chaplaincy House with 25 non-selfcontained student rooms (Sui Generis), and 11 residential selfcontained flats (Class C3) plus associated plant, cycle storage and refuse storage.				
Recommendation(s):		Refuse planning permission		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice			
Informatives:				
Consultations				
Adjoining Occupiers:	No. of responses	192	No. of objections	18
Summary of consultation responses:	<p>A site notice was displayed on the 22/01/2016 and the consultation period expired on the 12/02/2016. A press notice was advertised on 21/01/2016 and expired on 11/02/2016.</p> <p>Following revised plans, a further site was displayed on the 05/12/2018 and the consultation period expired on the 29/12/2018. Also a further press notice was advertised on 06/12/2018 and expired on 30/12/2018.</p> <p>The following individual responses were received on both original and revised schemes:</p> <ul style="list-style-type: none"> • 18 Objections • 78 Comments • 93 letters of support <p>The comments received were supportive of the scheme.</p> <p>The <u>objections can be summarised</u> as follows:</p> <p><i>Character and appearance</i></p> <ul style="list-style-type: none"> • Impact on the terrace of listed buildings and conservation areas, benefits of the development do not outweigh the harm • Impact on the Grade I listed King's Cross Station, views interrupted by height • Overdevelopment • Inappropriate design, scale, massing, height and materials • Crestfield Street elevation inappropriate mass • Loss of historic host property, not enough evidence for its loss • Design unnecessarily overstates the church in relation to the streetscape. • Need to retain Birkenhead Street frontage, any development should enhance it • Does not respect existing building line, erodes character of listed buildings • Materials out of character with the street • Two towers and crosses on Crestfield Street out of character/poor design <p><i>Officer response: See section 6.</i></p> <p><i>Amenity and other concerns</i></p> <ol style="list-style-type: none"> 1) Concern from 5 Crestfield Street that terraces will cause a nuisance 2) Loss of light to 5 Crestfield Street, 59 Birkenhead Street (not all windows included in original daylight and sunlight, only 3 assessed and 9 missing) and other neighbouring properties 3) Sense of enclosure and loss of outlook to 59 Birkenhead Street 			

- 4) concerns at the extent of the demolition and excavation in close proximity to the adjoining Listed Buildings and 59 Birkenhead Street
- 5) development will increase anti-social behaviour on Crestfield Street by moving the building line forward
- 6) Impact on 5 Crestfield Street in terms of noise by church activities
- 7) concerns about their children's health in terms of construction dust, air pollution and noise
- 8) Resident at flat 1, 5 Crestfield Street unaware of proposal
- 9) applicant has not sought to actively engage with neighbouring residents

Officer response:

- 1) *See section 5.21*
- 2) *See sections 5.4-5.14*
- 3) *See section 5.23*
- 4) *See sections 7.5 and 9.15-9.21*
- 5) *See section 5.26*
- 6) *See section 5.25*
- 7) *A CMP would be secured via a section 106 to mitigate these issues.*
- 8) *Records indicate a letter was sent to this property during the first consultation and re-consultation took place through a site notice and press advert.*
- 9) *The applicant submitted a statement of community involvement with this application highlighting that they had engaged with neighbouring residents*

Kings Cross St Pancras CAAC and Bloomsbury CAAC were consulted and both objected. Friends of Argyle Square also objected. These objections were to the original plans.

Kings Cross St Pancras CAAC made the following objection only on original scheme:

'I would like to object to the above application on behalf of the King's Cross Conservation Advisory Committee on the grounds that in its bulk, scale and mass it would be an overdevelopment, and that it would cause harm to designated heritage assets that would not be outweighed by the benefits of the development.

The Committee supports both the objection submitted by The Friends of Argyle Square and also the objection submitted by Russell-Cooke Solicitors on behalf of their client, Edward Swales.'

Bloomsbury CAAC made the following objection only on original scheme:

'The Bloomsbury Conservation Advisory Committee very strongly objects to this application on the grounds that in its bulk, scale and mass and particularly the height of the towers would be an overdevelopment, and that it would cause great harm to designated heritage assets that would not be outweighed by the benefits of the development. The Committee supports both the objection submitted by The Friends of Argyle Square and also the objection submitted by Russell-Cooke Solicitors on behalf of their client, Edward Swales.'

CAAC/Local groups comments:

Officer response:

For both CAAC's objections, see section 6

Friends of Argyle Square made the following objection only on original scheme, summarised as follows:

- 1) Impact on listed buildings due to encroachment and impact on both conservation areas
- 2) Scale and height out of character
- 3) due to the inconsistent street line and skyline, does not preserve the character and appearance of the area on Crestfield Street
- 4) Concerns over the use of concrete and copper out of keeping
- 5) Kings Cross Station heritage not fully acknowledged including views of the station, cross towers will obscure view of station clock tower. Object to cross towers and concern they will be illuminated and attract birds and other waste material
- 6) Disagree with applicant's view on streetscene and heritage but do not object to the Birkenhead Street elevation.
- 7) Noise created by intensified use of church
- 8) Increased anti-social behaviour
- 9) Rubbish should be stored within the building
- 10) CMP should be sought

Officer response:

- 1) See section 6
- 2) See section 6
- 3) See section 6

- 4) See section 6
- 5) See section 6.2 and 6.52
- 6) See section 6
- 7) See section 5.25
- 8) See section 5.26
- 9) See section 9.10
- 10) See section 9.15-19

TFL:

London Underground Infrastructure Protection has no comment to make on this planning application.

Thames Water:

Their comments can be summarised as follows:

They have requested that two informatives should be attached if the development was acceptable reading surface water drainage and minimum water pressure.

Officer response:

See section 10.13

Designing out crime officer:

I have no objections to the proposal, but make the following comments.

'I notice from the plans that the two entrances which lead down the stair cases to the basement entrances from both Birkenhead Street and Crestfield Street have no gates on them to prevent unlawful access. The Kings Cross area still suffers from rough sleeping, Class A Drugs Misuse and street drinking. Any location which is out of the way and offers protection from inclement weather will be used for such purposes. I would recommend that gates matching the existing boundary treatment to be installed which can be opened by authorised users only. The need to have a clear demarcation line between public and private space is imperative or it will be misused. The potential issues would be a genuine user meeting a person unlawfully there in a confined area which has no natural surveillance overlooking it and coming into conflict. Certainly the staircases are encouraged to be used by the building strategy due to them giving access to the cycle storage and therefore making it a safer area will support this.'

Officer response:

See section 5.26

Site Description

The application site is located to the south of Euston Road, fronting both Birkenhead Street and Crestfield Street. Known as No. 58a Birkenhead Street, the application site currently serves as the King's Cross Methodist Mission in Use Class D1 and also contains student accommodation (Methodist Chaplaincy House –MCH).

The site building comprises three storeys with a lower ground floor, with a central block of 5 bays and flanking wings, slightly set back. The ground floor has a dominant entrance with four pairs of timber doors, approached by wide stone steps.

The subject building is highlighted as a positive contributor within Sub Area 3: Euston Road of the Kings Cross St Pancras Conservation Area

The adjacent nos. 59, and Nos.54-58 (Consecutive) Birkenhead Street are Grade 2 listed, as are (East side) Nos.1-5 (Consecutive) Crestfield Street.

King's Cross Station nearby is grade I listed.

Relevant History

No. 58a Birkenhead Street:

- 9501822R2 - The provision of new steps, an iron fence, lighting, gates and paving. Granted 10/05/1996

No. 57 & 58 Birkenhead Street:

- 2016/5857/P & 2016/5867/L - Installation of sliding iron gates at pavement level in front of existing access steps to nos. 57 and 58.

Reason for Refusal:

The proposed sliding front gates by reason of their detailed design, visual prominence and position would create incongruous additions harmful to the established pattern of boundary treatments of the surrounding terrace. They would have a detrimental impact on the character and appearance of the host building, the setting of the listed buildings, the wider streetscene, and the Bloomsbury Conservation Area.

59 Birkenhead Street:

- 2014/3833/P & 2014/3974/L - Mansard roof extension; excavation of floor level of existing basement vault below pavement; replacement roof and bi-folding doors to existing rear extension at ground floor level; excavation and alteration to provide a Jacuzzi in the rear garden; replacement stairs to front lightwell; and replacement front door and windows. Granted 24/11/2014

Northumberland Hotel, 1-11 Euston Road:

- Change of use of from office (Class B1) and financial and professional services (Class A2) to hotel (Class C1) and external alterations including new entrance on Euston Road and erection of mansard roof extensions to the Euston Road, Birkenhead Street and Crestfield Road elevations to create an additional 41 hotel rooms for existing hotel. Granted Subject to a S106 Legal Agreement 27/03/2015.

Relevant policies

National and Regional Policy

National Planning Policy Framework (NPPF) 2019

London Plan 2016

Draft London Plan 2017

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 H9 Student Housing

Policy H10 Housing with shared facilities

Policy C1 Health and wellbeing

Policy C2 Community facilities

Policy C5 Safety and security

Policy C6 Access for all

Policy A1 Managing the impact of development

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 DM1 Delivery and monitoring

Camden Planning Guidance

Adopted 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 March 2019:

- CPG Design
- CPG Transport
- CPG Developer contributions
- CPG Energy efficiency and adaptation
- CPG Air Quality
- CPG Student Housing
- CPG Access for all

- CPG Interim Housing
- CPG 2 Housing (May 2006 updated March 2019)

Kings Cross / St. Pancras Conservation Area Statement (2003)

Bloomsbury Conservation Area Appraisal and Management Strategy (2011)

Assessment

1. Proposal:

1.1 The application proposes:

- The wholesale demolition of the existing buildings on site, highlighted as a positive contributor within Sub Area 3: Euston Road of the Kings Cross St Pancras Conservation Area
- The erection of a part 5 storey (facing Crestfield Street), part 4 storey (facing Birkenhead Street) building.
- The Crestfield Street elevation would feature bookend replica townhouses, within which would be centred a glazed opening and metal cross serving as the main entrance to the church.
- The Birkenhead Street elevation would see 4 replica townhouses with a shopfront ground floor level serving the church and entrance to the residential at upper floor levels.
- The existing basement floor level (305sqm - GIA) serving the church would be enlarged to 642sqm – GIA (683sqm - GEA).
- The existing building comprises 1,588sqm (GIA) of church facilities within Use Class D1 and Sui Generis use, namely areas for worship and associated services provided to the congregation/community plus the first and second floor levels serving as housing with shared accommodation (25 rooms) (Sui Generis).
- The replacement building fronting Crestfield Street would comprise 1,326sqm apportioned for church operations, namely areas for worship and associated services provided to the congregation/community, 910sqm apportioned for the 'MCH' [Methodist Chaplaincy House] (Sui Generis and C3) including a 3bed flat (depicted on plan as a 'warden's flat') and 25 rooms of shared accommodation (all expressed as GEA).
- The replacement building fronting Birkenhead Street would comprise 959sqm (GEA) for private residential accommodation, 11 private flats in total: 4 x 2b/4p; 1 x 2b/3p; 6 x 1b/2p from first to third floor level.
- The basement floor level would include cycle parking and plant, whilst the ground floor level would include refuse areas.
- The roof to the Crestfield Street building would include a green roofs, solar panels and plant housing within an acoustic enclosure.
- The roof to the Birkenhead Street building would include a solar panels and plant housing within an acoustic enclosure.

Revisions

1.2 Following officer advice, the application was amended in December 2018 with regard to:

- Detailed design, height and mass of replacement building (including redesign of Crestfield Street and Birkenhead Street elevations and alteration to upper floor form)
- Daylight / Sunlight Report
- Energy Statement
- Revised Sustainability Assessment
- Revised Air Quality Assessment
- CHP Addendum Report
- BREEAM Pre-Assessment Report
- Drainage Strategy Report

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
- Heritage & design
- Basement works
- Transport
- Sustainable design and construction
- Biodiversity
- Employment and training opportunities
- S106 / other matters

2. Land use principles

2.1 The existing and proposed land uses are outlined in the table below

Land Use Table

Use Class/Description	Existing Floorspace (sqm)	Proposed Floorspace (sqm)
D1 – Church/community Facilities	808	1241
Sui Generis – Student Accommodation	780	829
C3 – Residential	0	825
Total	1588	2895

Class D1 – Church

2.2 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.

2.3 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'.

2.4 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.

2.5 In this instance, the community facility would be retained and enhanced with an additional 433sqm of floorspace proposed. This is welcomed and would comply with Policy C2.

Residential (C3)

2.6 The proposal will provide 11 new units (tenure is discussed below) as well as 25 replacement student hostel rooms - also discussed below. Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of underused land and buildings. It is considered that

residential would be appropriate on this site if the design and amenity concerns were addressed, as discussed below.

2.7 Policy H2 requires 50% of any addition to floorspace to be residential in Central London. The total amount of additional floorspace is 1,307 sqm GIA, of which at least 653 sqm is required to be housing. As 825 sqm new housing is proposed, the scheme complies with policy H2.

Student Housing (Sui Generis)

2.8 Policy H9 relates student housing and requires developments to serve accessible higher education institutions. Paras 3.251 and 3.253 state that development should generally serve institutions funded by HEFCE (Higher Education Funding Council for England) and be located in Camden or adjoining boroughs (the functions of this have now been taken over by OfS, the Office for Students).

2.9 This policy is supported by CPG Student Housing. It states that the Council will seek planning obligations under S106 of the Town and Country Planning Act 1990 to ensure that student housing complies with the requirements of Local Plan Policy H9, provides for the intended occupiers, meets the expected standards in relation to amenity and sustainability, and is supported by appropriate facilities and infrastructure

2.10 In the applicants' cover letter dated 23/3/16, they state that the current student accommodation is only open to full time students but it does not provide details of which higher education institution they attend, so it is unclear if the students attend an institution based in Camden or another London Borough. The applicant sets out that the existing accommodation seeks to provide a supporting Christian community ethos and affordable accommodation for students. However they state they do also accept full-time students of any and no faith who subscribe to the principles and practice of MCH. Students who apply attend an onsite interview to ensure that they have an understanding of what is required to be part of the community.

2.11 However, as the student housing in this case replaces existing provision, is small scale and the student housing also serves to strengthen the faith community and the community services it offers, and is subject to an admissions procedure, it is considered unreasonable to secure obligations relating to a student management plan or duration of letting during the year.

2.12 Although if the scheme was acceptable, a S106 agreement would be secured to ensure student housing is occupied only by students engaged in a full-time course of Higher Education at an institution based in the London Borough of Camden or another London borough. In absence of this agreement it forms 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.

Housing Mix

3.2 The proposed development would provide 11 market units. 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 (lower priority are described as studio and 1 bed units and higher priority is 2 and 3 bed units). A scheme of this size should meet the priorities outlined in the Dwelling Size Priorities Table in full.

Unit size	1b/2p units	2b/3p	2b/4p	Total
Market	6	1	4	11
Total	6	1	4	11

3.3 In terms of the mix of market housing, the proposal would provide 5 x 2-bed units which are considered high priority; however, whilst acceptable, no larger 3bed units have been provided and they could have been accommodated in place of the 1-bed units which are of lower priority. Notwithstanding this, the market housing would contribute to meeting the priorities set out in the Dwelling Size Priorities Table. In this instance the lack of larger 3 bed units is justified as small homes are likely to generate a better return and are better able to fund a viable scheme that enables re-provision of the church, which is a community facility which is supported in Policy C2. Policy C2 indicates that we will work with partners to ensure that community facilities are developed and modernised. Para 4.21 of this policy confirms that places of worship are included in the category of community facilities.

Design and layout

11 residential units

3.4 The schedule of C3 accommodation is as follows:

Unit Number	Floor	Unit Size (GIA)	London Plan Minimum GIA	Dual Aspect (Y/N)	Amenity space
R1.1	1 st	77sqm (2b/4p)	70sqm	Y	4.5sqm
R1.2	1 st	74sqm (2b/4p)	70sqm	Y	8sqm
R1.3	1 st	69sqm (2b/3p)	61sqm	Y	4.5sqm
R2.1	2 nd	76sqm (2b/4p)	70sqm	Y	3.5sqm
R2.2	2 nd	50sqm (1b/2p)	50sqm	Y	3.5sqm
R2.3	2 nd	50sqm (1b/2p)	50sqm	Y	3.5sqm
R2.4	2 nd	53sqm (1b/2p)	50sqm	Y	3.5sqm
R3.1	3 rd	72sqm (2b/4p)	70sqm	Y	5sqm
R3.2	3 rd	51sqm (1b/2p)	50sqm	Y	N/A
R3.3	3 rd	51sqm (1b/2p)	50sqm	Y	N/A
R3.4	3 rd	50sqm (1b/2p)	50sqm	Y	5sqm

3.5 The London Plan Housing Standards SPG sets out acceptable room sizes, based on the number of potential occupiers and bedrooms. All 11 flats would meet or exceed these standards.

3.6 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 CPG Interim Housing. All of the units have openable doors and windows (i.e. passive/natural ventilation).

3.7 Due to the constraints of the site and potential overlooking to neighbouring buildings, a number of flats are located in areas that would receive limited daylight, sunlight and outlook. The 1st floor flats would also have limited privacy as they are very close to the new warden's flat proposed, only 6m opposite their rear windows.

3.8 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 daylight appearance. The calculation of ADF provides a more sophisticated method of calculating the daylight level experienced within a room than Vertical Sky Component, also used by the BRE Guide on assessing daylight, as it takes into account of 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).

3.9 The minimum recommended ADF levels for different room types are as follows:

- Kitchens: 2%;
- Living rooms: 1.5%;
- Bedrooms: 1%.

3.10 The applicant's analysis using ADF shows the majority of proposed habitable spaces for the private flats would be acceptable, save for the living rooms within units R1.2 (1st floor), R2.4 (2nd floor) and R3.2 (3rd floor). The lounge/kitchen/dining rooms only reach 1.42%, 1.18% and 1.20% and therefore fail recommended ADF levels for living room levels (1.5%), albeit one room is only marginally below (at 1.42).

3.11 With regard to outlook, all units would enjoy dual aspect accommodation.

3.12 With regard to privacy, overlooking between the MCH (Methodist Chaplaincy House) and private accommodation would not occur due to all rear facing windows serving the MCH from 2nd floor to 4th floor being obscurely glazed, which could be secured by condition. However the plans submitted do not depict the windows serving the 'warden's flat' as obscurely glazed. Its living room and office would be only 6m away from flats' bedroom windows opposite. To ensure privacy, these windows at 1st floor level (of either the warden's flat or the private flats) should be obscurely glazed and secured by condition if the scheme was otherwise deemed acceptable. As currently proposed without any form mitigation measures to prevent reciprocal overlooking between these flats at 1st floor, this would result in substandard amenity for new residents and therefore it would form a reason for refusal.

3.13 Only flats R3.2 and R3.3 would not be afforded private amenity space, the remaining flats would be provided with a minimum of at least 3.5sqm in small recessed balconies facing the street. On balance, given the overall quality of accommodation provided for the other 9 units and the creation of new permanent accommodation within the borough, it is considered that in this instance it would be acceptable.

3.14 Within this context, whilst 3 rooms would marginally fall short of the ADF requirements for living rooms, it is considered these transgressions are acceptable and are lessened by virtue of the good quality accommodation on offer for its prospective occupiers.

Quality of shared accommodation

3.15 A total of 25 student rooms (each with bath/shower, WC and a washbasin) with shared cooking and communal facilities would be provided within the MCH portion of the building. Each room is depicted on plan for single occupancy; however they all exceed the 7.1sqm required for 'cohesive living' accommodation as set out in CPG student accommodation. The cooking facilities are provided on a single floor level at 4th floor level. In addition there is generous provision of other communal areas- TV room, library/study, quiet room and common/dining room. The Camden Minimum HMO Standards (2016) are the minimum standards that the London Borough of Camden will apply to houses in multiple occupation (HMOs). All HMOs in Camden must comply with these standards. It is considered that the arrangement and room sizes are considered appropriate but would be secured by separate legislation.

3.16 The rear 13 of the 25 student rooms would each be served by one projecting box window (0.5m deep). To deal with overlooking issues, these rear windows of the student accommodation facing the residential flats would have their windows obscurely glazed at 2nd-4th floor. The small side windows of this box would remain clear. The proposal would mean that 13 of the 25 student rooms would have their only window obscured and result in a poor outlook for residents. It is noted that the opening method of the windows has not been specified. A condition would also have to be attached requiring these windows to be fixed shut at the rear to prevent overlooking to the residential flats across from the student rooms. Although all rooms would meet the minimum recommended ADF levels for the different room types, it is considered that this would provide a poor quality of

accommodation for over half of the proposed student rooms resulting in substandard outlook and therefore it would form a reason for refusal.

3.17 Within this context, it is considered that the shared student accommodation proposed would fail to provide a satisfactory standard of living accommodation.

Access

3.18 Policy H6 requires 10% of units should be wheelchair adaptable (in this instance 1 unit) and comply with requirements of Building Regulations M4(3)(2)(a) and the remaining 10 units should be accessible and adaptable dwellings and comply with Building Regulations M4(2).

3.19 The private and shared accommodation would be required to be designed and constructed in accordance with Building Regulations Part M4 (2) and (3) and could be secured by way of condition.

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 to 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 11 new homes with 674sqm (GIA) of new residential floorspace, 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 Interim Housing CPG). 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%.

4.4 The table below shows the calculation for affordable housing based on Policy H4 and page 38 of the Interim Housing CPG (Fig IH6):

Additional residential floorspace (GIA)	Capacity (rounded floorspace addition/ 100 sq m)	Affordable housing % target (capacity x 2%)	Applicant provided GEA	Affordable housing floor-space target (% target x GEA)	Payment in lieu required (floorspace target x £2,650)
825 sq m GIA	8 additional homes	16%	959	16% x 959 = 153.44	153.4 x £2,650 = £406,510

4.5 Although the scheme is for 11 units, the capacity is only for 8 units based on each unit being

100sqm. Policy H4 acknowledges that smaller schemes (ie. those having a capacity for less than 10 units) cannot provide the target floorspace on site and therefore requires a payment-in-lieu, which in this instance would be £406,510. Such a contribution would be secured via a section 106 agreement. In the absence of an acceptable scheme (and hence no section 106 agreement), this becomes a reason for refusal in line with Policy H4.

4.6 The applicant has indicated that they are unwilling to provide affordable housing on site as they claim it is not financially viable or feasible to include it with the market units. Whilst the Council believe they can mix intermediate rent with market housing, there may be issues with the scheme only providing one unit and Registered Social Landlords may not be willing to take on a single unit. In this instance, given that only one unit should be affordable, it is considered that a payment in lieu would be more appropriate for this development.

4.7 Housing and Economic Development Consultancy Ltd have prepared a financial viability assessment for this application. The viability assessment provides the costs associated with the redevelopment and improvement of the site. It shows that net receipts from the sale of the residential units, and hence viability of the scheme, will be impacted by including a unit of affordable housing. In this regard, the applicant seeks to justify that the scheme should not provide affordable housing on-site or even a payment in lieu towards off-site affordable housing.

4.8 However, BPS have audited this report and concluded that the proposal would generate a surplus that indicates the scheme may viably contribute towards affordable housing. Therefore the Council are not satisfied that the applicant has provided sufficient evidence that supports their claim that they cannot provide the affordable housing contribution, which in this case would be a payment in lieu of £406,510.

5. Impact on neighbouring amenity

Policy review

- 5.1 Policies G1, A1, DM1 and CPG 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.
- 5.2 The development site is located north of Nos.54-58 (Consecutive) Birkenhead Street and Nos.1-5 (Consecutive) Crestfield Street, to the south of No.59 (Consecutive) Birkenhead Street and 1-11 Euston Road, to the east of Belgrove House (Belgrove Street) and to the west of Nos.1-7 (Consecutive) Birkenhead Street, a mix of residential and commercial.
- 5.3 Permanent residential accommodation (Class C3) is located at Nos. 6, 7 and 59 Birkenhead Street; and 1 and 5 Crestfield Street. Houses in Multiple Occupation (Class C4) or buildings that provide some temporary form of accommodation are located at Nos. 54-55 and 57-58 Birkenhead Street. Hotels (Class C1) are located at Nos.1-11 Euston Road and Nos.2-4 Crestfield Street.

Sunlight/Daylight

5.4 The revised daylight and sunlight report prepared by Delva Patman Redler provides an assessment of the potential impact of the development on sunlight, daylight and overshadowing to neighbouring residential properties based on the approach set out in the Building Research Establishment's (BRE) 'Site Layout Planning for Daylight and Sunlight: A good Practice Guide (2011)'. The assessment is based upon a measured survey and is supplemented by a site inspection (external only). The original report submitted did not provide analysis of all windows at No.59 Birkenhead Street, but the revised report has addressed this concern.

5.5 The daylight and sunlight report assessed the following surrounding residential properties:

- 1, 2-5, 6, 56, 57, 58, 59 Birkenhead Street
- Northumberland Hotel

5.6 The report however has not included 5 Crestfield Street which adjoins the site; this building contains 4 flats (C3 use) and each flat appears to occupy one floor. All flats within this building have objected on loss of light to their properties. No.1 Crestfield Street is also in residential use and has not been included in the report. It is therefore considered that the report is insufficient in scope and has not addressed all the residential properties in close proximity that may be affected by loss of light.

5.7 The report makes use of four standards recommended by the BRE guide in the assessment of existing versus proposed daylight and sunlight levels: Vertical Sky Component (VSC), No Sky Line (NSL), Average Daylight Factor (ADF), Annual Probable Sunlight Hour (APSH).

5.8 Using the VSC criteria, the BRE considers that daylight may be adversely affected if, after development, the VSC is both less than 27% and less than 0.8 times (ie. a reduction of more than 20%) its former value. In this case, 3 out of 4 of the windows which serve kitchens and a dining room at 58 Birkenhead Street fail (by a reduction of 23.28%, 23.07% and 22.28% respectively); 1 window at 59 Birkenhead Street which serves a third floor bedroom fails (by 25.97%) but this room is served by another window and the overall room reduction is 18.54%; and 1 window serving a bedroom at Northumberland Hotel fails by 27.9%. It is therefore considered that the daylight of these rooms may be adversely affected according to the VSC figures provided.

5.9 The report thus indicates that development will fail BRE Guidelines in terms of VSC at the following properties of 58 Birkenhead Street and the Northumberland Hotel.

5.10 Regarding the windows at No.58 Birkenhead Street, it is considered that the minor loss of light which is only just over the BRE guidelines is not considered sufficient to warrant a refusal on this basis. The hotel is a commercial use and it is considered that the development would overall not impact on its ability to continue to operate as a hotel.

5.11 The report has not taken into consideration all residential properties along Crestfield Street and therefore the revised sunlight/daylight report is considered to be still inadequate and that the development may result in loss of light to properties along this street. This therefore forms a reason for refusal.

Privacy / Outlook

5.12 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 CPG 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.

5.13 With regard to Nos. 54-55, 57-58 and 59 Birkenhead Street, the rear elevation facing this property would feature obscurely glazed windows to the student bedrooms on 2nd-4th floors; however they would also need to be fixed shut to ensure amenity levels are maintained and could be secured by way of condition. The windows at first floor level (serving the Warden's Flat) are not obscurely glazed but due to their location and orientation, they do not directly face any neighbouring windows in Birkenhead Street.

5.14 With regard to Nos.1-7 Birkenhead Street, the existing elevations are separated by 17m across the public highway and do not result in harmful overlooking at present. The proposal would bring the elevations closer to approximately 15m. Although this would result in a closer development, this is a relationship commonplace across central London; the distance and new residential use therein is considered to be such that it would be of no greater detriment than the existing privacy levels of the existing arrangement.

5.15 With regard to 5 Crestfield Street and its rear elevation, oblique views may result from the windows to the rear elevation of the new block of flats. Although these views would be less than 7m in distance, this would not be to habitable rooms and would be at an acute angle that would not result in harmful overlooking.

5.16 No.1 Crestfield Street is at a distance that no detrimental impact in terms of privacy would result as part of this proposal.

5.17 The remaining buildings are in use either as hotels or commercial operations where, by their very nature, no harmful overlooking would result.

5.18 The residential flats fronting Birkenhead Street at second floor levels would feature inset terraces fronting the highway, whilst internal terraces are located at third floor level. The terraces at second floor level, given their small size and distance from directly facing residential windows, would not result in detrimental noise nuisance. The terraces at third floor level would be enclosed on each elevation and given their size would not result in detrimental noise nuisance.

5.19 Concerns were raised about the loss of views to Kings Cross Station from their residential properties created by the height of the proposal. It is noted that properties do have some current views, but they are oblique and private. It is considered that loss of private views do not cause harm to their overall outlook to an extent that would warrant a reason for refusal.

5.20 Concerns were raised by No.59 Birkenhead Street about the development creating a sense of enclosure. The development would be built right up to the boundaries on the side of all 4 neighbouring properties in Birkenhead and Crestfield Streets, with a projecting depth ranging from approx. 3.5m to 7m. It is considered that this additional height, bulk and depth of the development is likely to create an increased sense of enclosure and loss of outlook to the neighbouring residential properties, specifically at 58 and 59 Birkenhead St and 5 Crestfield St.

Plant

5.21 The application introduces roof level plant for which a noise report has been submitted which predicts that the noise level from the plant would not exceed the minimum background level at the nearest noise sensitive receptor. The noise report has been assessed by the Council's environmental health officer against Camden's noise standards and is considered acceptable subject to suitable conditions. Noise compliance, use of anti-vibration isolators, sound proofing and restrictions on playing music would be secured by condition if the scheme was acceptable.

Noise nuisance of church use

5.22 Concerns were raised about the intensification of the church in terms of noise. The existing church use does not have any conditions by a planning consent, therefore no restrictions are in place in terms of site management or hours of use. Given the increase in church floorspace and associated intensification of operation, it is appropriate that measures are in place to mitigate issues of noise disturbance, particularly given the proximity of residential accommodation. To safeguard the amenities of the adjacent residential properties and the area generally, conditions should ensure:

- No sound emanating from the use shall be audible within any adjoining premises between 2300 hrs and 0700 hrs;
- No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway;
- A scheme of sound insulation, designed to prevent the transmission of excessive airborne and impact noise between the adjacent church use and the adjacent residential dwellings.

Anti-social behaviour

5.23 Concerns were raised that design of the new building could lead to increased anti-social behaviour particularly on Crestfield Street due to the building line moving forward. However, revised plans were sought amending this to match the existing building line on this street. It is

considered that the scheme could incorporate further mitigation measures to combat anti-social behaviour, but in this instance it would not warrant a reason for refusal.

6. Heritage & Design

- 6.1. Following the consultation responses to the original design, revised plans were received. The revised plans marginally reduced the height and bulk, removed the 'towers' and stepped back the building line to match the existing on Crestfield Street. On both elevations the fenestration and façade were redesigned.

Policy Context

NPPF (2019)

- 6.2. Paragraphs 196-197, 200 and 202 state that:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

'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 directly or indirectly affect 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.'

'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'

'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.'

- 6.3. Therefore any proposal where harm is caused needs to be weighed against the public benefits and assessing the optimum viable use of the site. This essentially expects an LPA to consider whether an alternative proposal could be brought forward which would provide the same level of benefit without the harm. The Council believe an 'Option B' approach mentioned in their façade retention document which may include the reinstatement of the pediment could offer the benefits without the harm. But the applicant has decided not to proceed with this option and the Council believe that it was not fully explored within the document.

Planning (listed building and conservation area) Act 1990 section 66 and 72

- 6.4. The Act requires that local authorities shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.5. In considering developments affecting a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that local authorities shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.6. In considering whether to grant planning permission for development which affects a listed building or its setting, section 66 requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or

historic interest which it possesses.

- 6.7. In line with the above statutory duties and recent case law, considerable importance and weight has to be attached to the impact of the heritage assets and their setting.

Camden Local Plan – Policies D1 and D2

- 6.8. Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.
- 6.9. Policy D2 (e) and (f) relate to works within conservation areas. D2e requires, "that development within conservation areas preserves or, where possible, enhances the character or appearance of the area". D2f resists "the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area."
- 6.10. Supporting text at paragraph 7.49 of the Local Plan expands on the policy by stating:
- "The Council will resist the total or substantial demolition of buildings which make a positive contribution to a conservation area unless circumstances are shown that outweigh the case for retention. Applicants will be required to justify the demolition of a building that makes a positive contribution to a conservation area, having regard to the National Planning Policy Framework, Camden's conservation area statements, appraisals and management strategies and any other relevant supplementary guidance produced by the Council."
- 6.11. Paragraph 7.52 goes on to say that "proposals for demolition and reconstruction should be justified in terms of the optimisation of resources and energy use in comparison with the existing building" and paragraph 7.45 confirms that, "Traditional features should be retained or reinstated where they have been lost, using examples on neighbouring houses and streets to inform the restoration."
- 6.12. Policy D2 also protects the setting of conservation areas with regard to the impact the proposal would have on the Bloomsbury Conservation Area policy D2g states the Council will "resist development outside of a conservation area that causes harm to the character or appearance of that conservation area."

Kings Cross & St Pancras Conservation Area Statement 2003

- 6.13. Paragraph 7.8.3 relates to demolition and, whilst it refers to outdated policies and guidance, its position on the loss of buildings which make a positive contribution to the character or appearance of a Conservation Area is consistent with the local plan. It states:
- "Regarding the demolition of unlisted buildings, UDP policy EN32 states: "The Council will seek the retention of buildings which make a positive contribution to the character or appearance of a Conservation Area." PPG15 (s.4.27) states that proposals for the demolition of unlisted buildings in Conservation Areas should be: "assessed against the broad criteria as proposals to demolish listed buildings (s. 3.16-3.19 [of PPG15])."

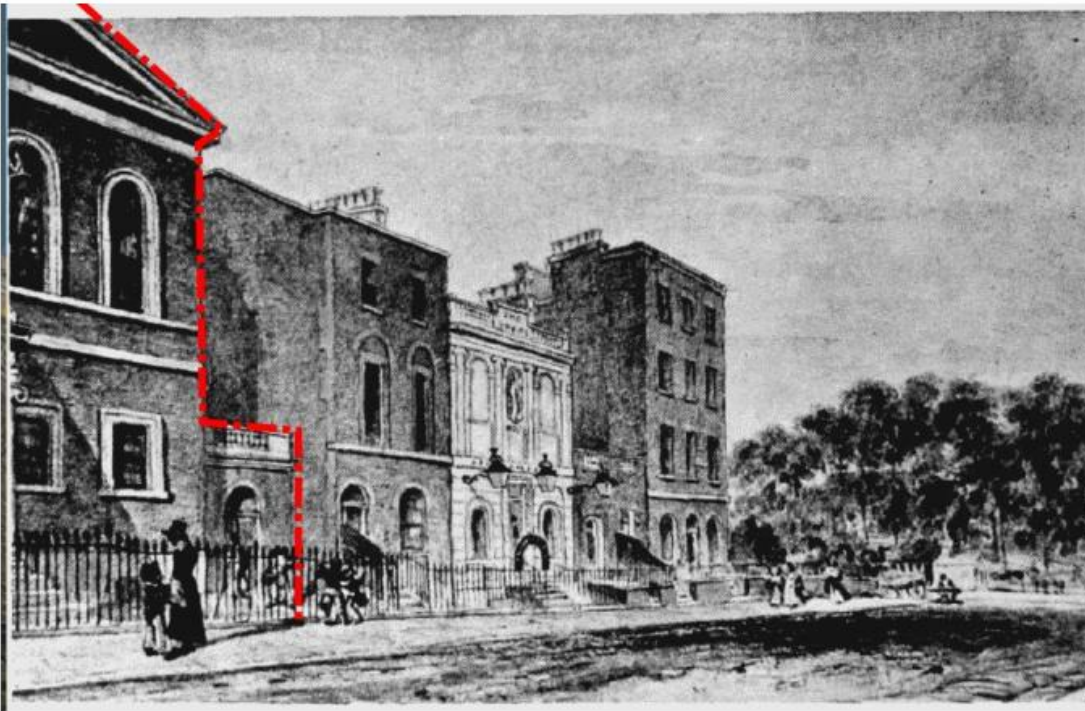
Assessment of Significance

Birkenhead Street

- 6.14. The chapel began its life with a relatively square plan and form articulated with a pediment

above its entire frontage. Chapter CXXXIII of The Survey of London: Volume 24, the Parish of St Pancras Part 4: King's Cross Neighbourhood (originally published by London County Council, London, 1952) refers to the chapel when describing Birkenhead Street.

- 6.15. Birkenhead Street leads from Euston Road to Argyle Street. In 1825, the rate books give its first two houses as newly built at the Euston Road end, adjoining Hamilton Place. In 1827 five more were added. In 1833 there were thirty-three; by 1849 the full complement of sixty houses was reached. Some of them were built by W. Forrester Bray, who appears to have had limited capital and to have acquired sites on mortgage from the landowners, Messrs. Dunston, Robinson and Flanders. It seems likely from the similarity of the designs that he built much of Crestfield, Belgrove and Argyle Streets.
- 6.16. On the western side of the street near its northern end was the Royal Theatre, and south of it, with one house intervening, is a Wesleyan Chapel. They are shown on Perry's plan of the street in 1832 and both appear in a water colour in the Council's Collection (Plate 78b).



- 6.17. Plate 78b (chapel outlined in red) above notes the existence of the arched portico entrance to the north which was later replaced with a porte-cochere to each side of the main elevation in the mid-19th century before being extended upwards probably mid 1970 when the part second floor was added.
- 6.18. The theatre had a front rendered in stucco with pilasters and niches above. It has been altered somewhat in its design and is now converted into a restaurant. The Royal Theatre, called the Royal Clarence Theatre during the reign of William IV, was built as part of the Panharmonium project and was first used by Signor Gesualdo Lanza for his pupils. It was opened as a public theatre by John Baldwin Buckstone and Mrs. Fitzwilliam in May, 1832. In 1838 it was known as the New Lyceum and subsequently as the Regent, the Argyll and the Cabinet. It was still in existence in 1867.
- 6.19. The view shows the chapel, with a brick façade, a central projecting porch, upper round-headed windows and a pediment over the whole front in stucco. At the end of the street a tree-planted area still existed on the site of the present taxi exit at the south end of King's Cross Station; beyond the Euston Road can be seen the gardens of the former Smallpox Hospital. Another drawing in the Council's Collection gives an interesting view of the interior of the theatre.

- 6.20. The houses in Birkenhead Street are similar to those in Argyle Street. Nos. 1 to 7 on the east side and Nos. 54-59 opposite are all that remains of the original layout.
- 6.21. The Survey of London confirm that Birkenhead Street (formerly Liverpool Street) was complete by the 1850s with sixty terrace houses covering both sides of the street. At either end (junction with Euston Road) was groupings of public buildings including the Chapel and Theatre, later to become a restaurant and hotel, to the north. At the southern end with the junction with Argyle Street (formerly Manchester Street) there appears to have been a public house.
- 6.22. Birkenhead Street was truncated following WW2 bomb damage retaining only the short section between Euston Road and Chad Street. The chapel formed the first phase of the grouping of development to the south of Euston Road and west of Gray's Inn Road (refer to Greenwood Map). In 1824 there was an Act of Parliament to develop the land, and in 1825 construction of standardised late Georgian 'Third Class' housing, comprising three storeys and a basement, began south of Euston Road.
- 6.23. This was a speculative development included Derby (now St Chad's) Street, Chesterfield (now Crestfield) Street and Liverpool (now Birkenhead) Street. The Chapel formed part of the first phase of development along Liverpool Street. The area was densely populated by Georgian housing and the chapel would have served the new residential community in the area. The Wesleyan movement purpose-built the chapel and it was presumably important for group to have a mission by locating the chapel in a lower grade community such as the third rate housing built by W Forrester Bray.
- 6.24. The mission presumably become more important after the construction of the railway. By 1850 King's Cross Station was under construction on the northern side of Euston Road. The area declined due to air pollution, traffic congestion, and a transient daily population.
- 6.25. The site remains a Methodist Chapel within sub area 3 of the Kings Cross St Pancras Conservation Area (KCSPCA). This Conservation Area contains some of the most important historic buildings and structures in the country and has areas of great interest and variety.
- 6.26. The King's Cross area has formed a major gateway into central London for over two centuries. The Regent's Canal introduced a major transport system for goods into and out of the area. The construction of Euston Road was an important change. Later, the railways enabled the rapid transportation of people and goods and materials to, from and through London to meet the demands of industry and the burgeoning urban population. By the mid 19th Century, King's Cross was the busiest goods handling area in Britain.
- 6.27. South of the Euston Road is sub area 3 of the KCSPCA. The 2004 statement CAS states that "to the south of Euston Road, St Chad's Street, Chesterfield (now Crestfield) Street and Liverpool (now Birkenhead) Street were laid out and standardised late Georgian, "third class" housing, consisting of three storeys plus a basement level, were developed from the 1820s onwards. This is the first phase of development in the area which went on to see rapid and significant change due to the onset of the industrial revolution and coming of the railways.
- 6.28. The area to the south of Euston Road captures what became the railway station hinterland which included the first phase of late 18th and early 19th century development up until WW2. The area was significantly damaged during the Second World War which resulted in the clearance of most of Birkenhead Street.
- 6.29. The Chapel, from its inception, was built to serve its community and formed the social & spiritual building for the residential community in which it was located. The chapel along with the existing grouping of buildings on Birkenhead Street show the unaltered historic street plan and layout and contributes to the character and understanding of the historic development of the area.

- 6.30. The Georgian townhouses which surround the Site are grade II listed and of national historic and architectural importance. The chapel forms a key part of the setting, phasing and relationship of the houses and is considered to add significantly to the setting of the listed buildings in their original context.
- 6.31. The chapel also served the wider Georgian terraced townhouses which form part of the grouping of development but which are located in the Bloomsbury Conservation Area to the south and west. The removal of the chapel which served the residential community of building which make up sub area 13 Cartwright Gardens and Argyle Square of the Bloomsbury CA and which are not predominantly listed would harm the setting and historic understanding of the sub area.
- 6.32. For these reasons, the chapel makes a positive contribution to the character and history of the conservation area and adds to the setting of the adjoining listed buildings and the contribution it makes to their significance.
- 6.33. The appearance of the original chapel has been altered with later alterations to the original façade and the removal of the pediment to Birkenhead Street. This has diminished its architectural significance to a degree. However, the language and purpose of the modest chapel remains legible and still relates to the typical modest and humble Wesleyan chapels which all appear to be relatively consistent in their architectural style and modesty (of the late 18th and earlier 19th century). Consisting largely of square planned brick-built chapels with full width roof pediments, they are typically 5 bays wide and two storeys high with central ground floor entrances and taller first floor windows. They are simply adorned classical buildings, a pattern which is followed by the Kings Cross Methodist Chapel.
- 6.34. This is not surprising given the Wesleyan movement began relatively close to the Site at no. 49 City Road in Islington. This Chapel was built in 1778 by John Wesley, the founder of Methodism. It was designed by the architect George Dance the Younger, the surveyor of the City of London. Wesley described his chapel as “perfectly neat but not fine” and it is clearly a good example of Georgian church architecture. It was the first Methodist preaching house to allow for the celebration of Holy Communion.
- 6.35. In this respect, despite the changes to the building, there is a modest intrinsic aesthetic significance of the classical styled frontage onto Birkenhead Street. The significance in the siting and massing, which make the building visually consistent with, and subservient to, the 1820s terraces located in the vicinity, help define and group the core special interest of the terrace and adjoining listed buildings.
- 6.36. The Council disagrees with the applicant that the existing building has lost its historic or architectural significance. The positive contribution from the existing building is afforded mainly by its façade to Birkenhead Street and its historic association with the Methodist Church’s presence on this site since the 1820’s which still continues to the present.

Crestfield Street

- 6.37. The Crestfield Street element of the site has an interesting historic association with the chapel as a Mission House but, due to its limited architectural and historic significance (due to its relatively recent construction), the same historic value cannot be placed upon the Crestfield Street element of the site. The mission house plays a neutral role in the streetscape along Crestfield Street.
- 6.38. In early pre-application discussions with the applicants, the Council has confirmed that the demolition of this façade would be acceptable as it is the principal elevation that fronts onto Birkenhead Street that makes the positive contribution to the character and appearance of the

KCSP Conservation Area. The Council would prefer its retention in line with Council policy and guidance (set out above) but may not object to the demolition of the Crestfield Street element subject to a suitable replacement.

Impact of the proposed scheme

6.39. The main issues to consider are the impact the proposal would have on the designated and undesignated heritage assets affected by the proposed works. The undesignated heritage asset is the host building. The designated heritage assets include the-

- Kings Cross St Pancras CA,
- Setting of the Bloomsbury CA,
- Grade II listed buildings: 59 Birkenhead Street (west side); 54-58 Birkenhead Street (west side); 1-5 Crestfield Street 1-7 Birkenhead Street (east side),
- Grade I listed building: Kings Cross Station.

6.40. The Council's main heritage concerns are:

- the loss of the positive contributor within the conservation area;
- the impact on designated heritage assets such as Kings Cross St Pancras Conservation Area and the setting of Bloomsbury Conservation area; and
- the impact on the Grade II listed buildings in close proximity to the site.

6.41. The proposal would lead to the total loss of the chapel which is highlighted as making a positive contribution to the character and appearance of the area. Moreover, the proposal would relocate the chapel entrance as part of a newly built chapel on the site. This would disconnect the chapel from its original and historically valuable existing location, harming the historic understanding of the street and the setting of the adjoining listed buildings.

6.42. The scale, depth of the development, its design and its forward projection at upper floors on Crestfield Street would impact upon the setting of the listed buildings. The applicant's heritage consultants acknowledge harm would be caused here on page 44 of their appraisal.

6.43. Public benefits outlined by the applicant which are offered by the proposal are:

- Modern facilities for the church congregation/ ongoing use of the site.
Future projects outlined in their planning statement in addition to existing church activities and other community groups uses include:
- Meeting and office facilities;
- Mandarin classes for second generation Chinese;
- social network building for non-English speaking mothers;
- partnering non-English speakers on hospital visits etc;
- developing the work with gambling addicts;
- Mother and toddler groups;
- pre-school and other children's/young people's work;
- after school homework clubs; and
- English classes (already provided).
- Modernised hostel accommodation for students.
- In addition, creation of 11 additional market units (currently no residential units exist apart from one warden's flat and accommodation for 26 students)

Assessment

6.44. The assessment of the building carried out as part of this application confirms that the building makes a positive contribution to the character of the conservation area and setting of the adjoining conservation area. In strict accordance with the policy D2f, the Council would resist the total loss of unlisted building that makes a positive contribution to the character or appearance of a conservation area.

- 6.45. Supporting text of the policy is more nuanced resisting demolition, “unless circumstances are shown that outweigh the case for retention.” The NPPF describes it in a similar manner in paragraphs 196-197, 200 and 202 by allowing ‘less than substantial’ harm to the heritage asset to be outweighed by public benefit, including securing its optimum viable use.

Optimum Viable Use

- 6.46. An ‘optimum viable use’ would be a scheme which provides the preferred use on the site (typically the use the building was originally intended for with reference to historic buildings) without causing the harm attached to the current scheme. In other words, the Council can legitimately consider alternative proposals for a similar scheme to be provided on site without the need to demolish the existing building thereby removing all significance of the chapel.
- 6.47. Any proposal to retain the chapel and enhance its former appearance would have a hugely beneficial impact on the conservation area as well as the setting of the listed buildings surrounding the site and as such the LPA has encouraged and requested alternative design options to be considered to investigate the possibility of preserving the most positive aspects of the site’s contribution to the area.
- 6.48. A study was submitted by the applicants (Facade Retention Feasibility Study 31st March 2016) which considered options for retaining the front façade of the chapel. However, the feasibility study was not considered sufficient to fully assess an alternative option, which would address the optimum viable use issue. In this respect it is considered possible to reverse the changes made to the façade (by for example installing full height windows above ground floor level and reinstating the pediment), restoring the elevation to its original form as part of the wider and beneficial re-development of the site.
- 6.49. This was explored as per option B of the Facade Retention Feasibility Study. However, this option was discounted with relative swiftness as part of the study and instead the study more closely considered Option A (retained the scheme in its current form). For this reason, it is not considered that suitable alternative options have been properly considered and the case for demolition has not been satisfactorily demonstrated to outweigh the loss of the building. In this regard policy D2f still stands. The balancing test between harm to heritage assets and public benefits listed in para 6.43, as required by NPPF guidance, is discussed further below.

Impact on neighbouring listed buildings

- 6.50. It is noted that there are a number of Grade II listed building in close proximity to the site including Nos 54-58 Birkenhead Street, No. 59 Birkenhead Street and Nos 1-5 Crestfield Street which adjoin the site. Also Nos 1-7 Birkenhead Street which are located opposite the site. Therefore the impact of the development on their setting will need to be taken into consideration. This is discussed further below.
- 6.51. Concerns were also raised about the development’s impact on Kings Cross Station which is Grade I listed. The station is set a significant distance away from the development site on the other side of Euston Road and therefore it is considered that the proposal would not cause harm to its setting.

Scale and Design of new buildings

a) Birkenhead Street façade

- 6.52. Notwithstanding the issue of demolition, the proposal shows a more sympathetic relationship to the adjoining Georgian terraces compared with previous iterations of the design. However, the proposed design is not considered to sufficiently replace the existing original character and layout of the street to which the chapel clearly contributes. The existing façade enhances the streetscene and gives the adjoining listed buildings substantial breathing space as it does not

compete or encroach on their setting.

- 6.53. The replacement residential development would remove the presence of the chapel from Birkenhead Street thereby removing the historic relationship and associations and its intrinsic character (and that of the street) which have been discussed above. The main entrance of the church would be relocated to Crestfield Street with only an emergency exit and an entrance to the residential units being proposed on Birkenhead Street. For the heritage reasons discussed above, it is considered that the church entrance should be retained on Birkenhead Street rather than being relocated to Crestfield Street.
- 6.54. On the Birkenhead Street elevation the façade will be predominately London Stock brick, the mansard roof will be clad in powder coated aluminium, the fenestration will be aluminium and metal railings are proposed at ground and first floor. It is considered that the use of modern materials would not be out of keeping with the area and not detract from the character and appearance of the street scene or Conservation Area
- 6.55. It is considered that this design is still visually conflicting with too many variations of design proposed on this façade. This modern interpretation of having a similar appearance of the neighbouring Georgian townhouses means that it has lost its presence within the streetscene.
- 6.56. The proposed façade would provide an artificial response to the Grade II listed Georgian townhouses and this is considered to harm their setting. The existing adjoining terraced houses are all two bays wide, with two floors above raised ground floor plus mansard and basement. The proposed development is the same height and it divides the façade into typical widths of the adjoining houses using the party wall upstand and downpipes to dissect the façade and indicate the vertical separation. Revised plans were received to show each block as two bays wide with equally sized openings, which is more in keeping with the fenestration pattern but not with the hierarchical scale found on neighbouring properties.
- 6.57. The fenestration does address the slope of the street allowing for the alignment between number 58 and 59. However, there is no fenestration hierarchy, as found on the adjoining terrace, as all the new windows are of a similar size and appearance. The design of the ground floor is also considered to have a poor relationship with its neighbours.
- 6.58. The use of both brick and metal railings for the proposed balconies does not complement the elevation. The revised plans also enclose the proposed recessed terraces on this elevation for the new residential units even more and these are considered to create a poor quality of outdoor amenity space. Although the area covered by the balustrades has marginally decreased, it is still considered that their varying design and projection at first and second floor is at odds with the surrounding streetscene and would not contribute to enhancing a cohesive and more uniform environment, typical of terraced house groupings.
- 6.59. The existing building does not compete with the neighbouring listed buildings in terms of its setback, scale and height. The proposal's depth at the rear is discussed in more detail below. On the Birkenhead St elevation, its height follows on at the same level from No.58 and transitions to No.59 but the depth proposed loses its existing setback at the front which results in a sense of enclosure to neighbouring listed buildings. This does not enhance but rather disrupts the rhythm of the terrace and competes with the listed groupings rather than preserving them.
- 6.60. Overall the design and scale does not preserve or enhance the setting of the listed terraces. The development is not considered to be a suitable replacement to the chapel and would harm the setting of the grade II listed buildings including Nos 54-58 Birkenhead Street, No. 59 Birkenhead Street and Nos 1-5 Crestfield Street. Whilst it is acknowledged that the revised design is an improvement, it is still considered that the proposal does not provide an equal or enhanced architectural contribution than that of the existing positive contributor. Therefore the

Council maintains the viewpoint that the Birkenhead Street façade should be retained.

b) Crestfield Street facade

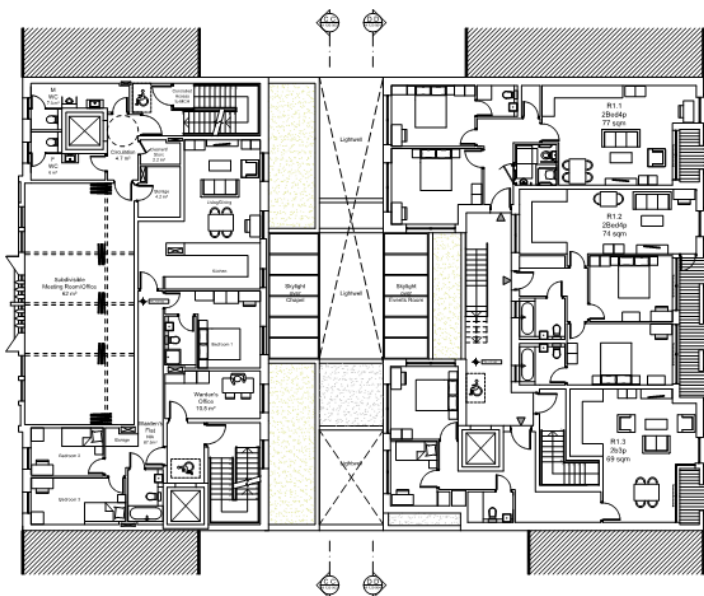
- 6.61. The new church entrance has been designed through its scale, position and prominence to be visible from King's Cross Station (D&A page 3). Revised plans were received removing the projecting towers, creating a partial setback at rooflevel and incorporating a large scale metal cross above the entrance which better links it to its use as a church.
- 6.62. The Crestfield Street the elevation appears to be split into three elements, two of which serve as the main entrance for the MCH and emergency exit and the central element is the main entrance to the church. The church element will be highly glazed with red Terracotta/reconstituted stone cladding to central volume pilasters at ground to 3rd floor. The fourth floor and surround of the main entrance will be clad in stone. A large scale metal cross is proposed over the glass double entrance doors which will be adorned with metal letters.
- 6.63. The remaining two elements either side of the church have been designed to imitate the adjoining Georgian terrace properties in a modern way. These elements will be London Stock Brick with metal clad mansard roofs and metal fenestration and railings proposed.
- 6.64. It is considered that on this elevation the ground floor does not integrate well with the street and the multiple entrances could be revised to improve this relationship with the rest of the street. It does not respect the existing rhythm in terms of fenestration and the façade appears crowded. The massing and height on this side, although revised, is still considered to be inappropriate in terms of its scale. The scale dominates the streetscene and is unsympathetic the setting of the listed buildings. The proposed roof in particular appears bulky and oversized in relation to the streetscene and, although it has been marginally reduced in size by stepping back part of the roof, the projecting element subsumes the overall appearance of the building. The overall scale if the building is discussed in more detail below.
- 6.65. Whilst the materials proposed are modern, they appear that they would be high quality. Given the variety within the streetscene and surrounding area, they are not considered to detract from the streetscene, neighbouring listed building or wider conservation area.
- 6.66. While it is acknowledged that the revisions are an improvement to the original design proposal, this redesign is not considered sufficient to justify the harm to the setting of the neighbouring listed buildings, which are harmed by its additional scale, bulk and height.

c) Rear of both blocks and impact on setting of listed buildings

- 6.67. In addition, the depth and full width of both the Crestfield Street and Birkenhead Street blocks would be excessive in relation to preserving the setting of the immediately adjoining listed buildings at their rear.
- 6.68. Below is a typical existing plan of the site. The historic plan is clearly visible in relation to the adjoining listed building (shaded blocks marked LB). The orange outline shows the first phase of development (square chapel) with the later wings in red and mission house outlined in purple. The 1st floor plan below shows the relative relief given to the adjoining listed buildings in the existing form at first floor level.



Existing first floor plan



Proposed first floor plan

- 6.69. The plan above shows the same equivalent first floor plan of the proposed development. It shows the building extending beyond the rear building line of both listed buildings adjoining the site. On Birkenhead Street it would extend by 7m to third floor level which is the height of the adjoining sites. The development extends 3.4m beyond the rear building line on Crestfield Street but does so to its full height on 5 floors, terminating a storey above the roof of the listed building.
- 6.70. The scale of new building and consequent increased sense of enclosure created immediately adjoining the listed buildings by the depth of the proposal is considered excessive in relation to the setting of the listed townhouses. The existing arrangement provides relief to the adjoining buildings through the lightwells and limited scale and depth of building fronting the street. The proposal provides very limited relief from inside the buildings and is considered unneighbourly. This would harm the setting of adjoining listed buildings and forms a reason for refusal.

Summary

- 6.71. Overall the Council is concerned about the loss of the positive contributor within the

conservation area and the scale and design of the new replacement block, the impact on designated heritage assets such as Kings Cross St Pancras Conservation Area (KCSPCA), and Bloomsbury Conservation area, and the impact on Grade II listed buildings in close proximity to the site.

- 6.72. The loss of the building itself and the impact caused by the inappropriate scale and design of the redevelopment on the setting of the listed buildings located within the KCSP CA would harm the character and appearance of the KCSP CA, contrary to policies D1 and D2 of the Local Plan. For the same reasons the scheme harms the character and appearance of the KCSP CA through loss of the building and the replacement blocks' design, bulk and scale. Harm would also be caused to the character and appearance of the Bloomsbury CA which immediately adjoins the site. In fact, the listed building on Crestfield Street is in the Bloomsbury CA. The chapel would have served the buildings which make up the Argyle Square sub area 13 and its proximity to the site would mean the issues outlined above are directly relevant to the setting of the Bloomsbury CA. The proposal is considered to cause 'less than substantial' harm to the setting of the immediately adjoining listed buildings 58 Birkenhead Street, 59 Birkenhead Street and 5 Crestfield Street as well as the setting of the other listed buildings identified as having a potential impact from the proposal. The bulk, mass and siting of the development is also considered to create an increased sense of enclosure to these listed properties, harming their setting. Finally the scheme also results in 'less than substantial' harm to the character and appearance of the conservation areas.
- 6.73. The Council disagrees that the existing building has lost its historic or architectural significance. The positive contribution from the existing building is afforded mainly by its façade to Birkenhead Street and its historic association with the Methodist Church's presence on this site since the 1820's which still continues to the present. Although the building has been altered from its original chapel appearance, officers have assessed the evidence put forward by the applicant and on balance there is merit in retaining the original chapel façade as part of a redevelopment scheme to continue the use. The Council is aware and accepts changes to the existing façade would be necessary to the current and proposed needs of the applicant, including replacement side and new roof extensions, but considers these are worthy of thorough investigation to provide the optimum viable scheme for the site which retains the positive aspects of the building.
- 6.74. It is considered that the relocation of a new entrance to Crestfield Street would disconnect the chapel from its original and historically valuable existing location, harming the historic understanding of the street and the setting of the adjoining listed buildings. In addition, the scale of development is still too bulky at roof level on Crestfield Street and provides a sense of enclosure to neighbouring properties at the rear on both Crestfield Street and Birkenhead Street, harming the setting of the listed buildings.
- 6.75. As mentioned above, great weight and importance needs to be attached to the harm caused to the character and appearance of the conservation areas and setting of the listed buildings identified through the loss of the 'positive contributor' building on the site and the scale and design of the proposed development.
- 6.76. Whilst it is acknowledged that the harm would be 'less than substantial' to the character and appearance of the Kings Cross St Pancras and Bloomsbury Conservation Areas, there is a presumption in favour of refusal for any harm caused to designated heritage assets. The loss of the historic façade removing all significance of the chapel's historic associations on Birkenhead Street is considered to cause such harm.
- 6.77. NPPF guidance in para 196 is that, if the harm caused to a heritage asset is identified as 'less than substantial', this can be deemed acceptable if it is outweighed by substantial public benefits or public benefits relative to the level of harm caused, as well as considering optimum viable use (where a building is to be retained). In this respect the Council needs to consider if

the scheme, as a whole, delivers public benefits which could outweigh the harm caused to the character and historic value of the conservation area, by virtue of the loss of a positive contributor and the scale and design of the replacement building, and the harm caused to the setting of listed buildings.

- 6.78. However, there is not considered to be any heritage benefits to the proposal. While the proposed development would include a church, the site currently fulfils the same function. It is acknowledged that the church and community facilities would be increased in size by 433sqm thus enhancing their function and community value, as evidenced by the list of community benefits given above in para 6.43. However the church's re-provision on the same site would continue this social, communal and religious use and their benefits. It is considered that the re-provision would not offer such significant additional public benefits that would outweigh the loss of the building in this regard. The creation of new market housing with 11 private residential units, to be sold off to finance the scheme, and creation of higher quality hostel accommodation for students also provide some public benefit, which can be taken into account in balancing the proposal. However, as set out above, in spite of this, the proposal has not sufficiently demonstrated that these could not be provided in an alternative scheme which affords less harm to the heritage assets. As such, the proposal is not considered to meet the NPPF policy test in balancing heritage harm against public benefits and it is considered that the benefits offered in this development do not outweigh the harm. The Council considers that refurbishment of the building while maintaining the Birkenhead Street façade should be further explored rather than complete demolition of the building.
- 6.79. Furthermore it has not been demonstrated that the majority of issues raised by the applicant could be addressed through refurbishment rather than redevelopment and it has not been demonstrated that a façade retention scheme is unfeasible or unviable. It is considered that alternative proposals for a similar scheme (maintaining 'optimum viable use') could be provided on site without the need to demolish the existing façade on Birkenhead Street.
- 6.80. Taking the above matters into consideration, it is concluded that the proposal would harm the character and appearance of the conservation areas and the setting of the listed buildings in close proximity and therefore would not meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.81. For the same reasons it would not comply with paragraphs 196-197, 200 and 202 of the NPPF, policies D1 and D2 of the Camden Local Plan and policies 3.5, 7.4, 7.6 and 7.8 of the London Plan.

7. Basement Works

- 7.1 The impact of basement development is principally considered by policy A5 (Basements) which is supported by supplementary planning guidance (CPG Basements).
- 7.2 The applicant submitted a Basement Impact Assessment (BIA) and Campbell Reith reviewed the BIA. The BIA has been carried out by a well-known firm of engineering consultants, Conisbee and by individuals with suitable qualifications that comply with Policy A5 and CPG basements.
- 7.3 Campbell Reith's audit concluded:
- The basement will be formed by lowering the existing single storey basement (by 0.5m to 1.0m) and excavate a new basement to approximately 3m below ground level over the remaining footprint of the site.
 - Basement walls will retain Birkenhead Street and Crestfield Street using propped, contiguous piled walls. Basement walls along boundaries with existing properties will be formed from underpinning the existing walls. The basement will support Crestfield Street and Birkenhead

Street and will increase the differential depth of foundations between the site and adjacent properties.

- London Clay was encountered directly beneath the Made Ground. It has a high shrinkability and high concentrations of total sulphate.
- The London Clay is a non aquifer and groundwater was encountered in boreholes during drilling (November 2014) or monitoring (dates not known). Perched groundwater was encountered locally in the Made Ground. Additional monitoring of groundwater is to be undertaken to verify the assumptions made in design and determine the need for de-watering. Water seepages from the Made Ground could occur but should be suitably controlled by sump pumping.
- It is accepted that the basement will not affect subterranean flows.
- The site and surrounds do not comprise slopes greater than 7° nor will development create any such slopes.
- There is no history of seasonal shrink/swell in the area and there are no trees at the site.
- The site has a low flooding risk from surface waters, sewers, reservoirs (other artificial sources) groundwater and fluvial/tidal water courses.
- Foul water discharge is likely to increase due to the proposed development. Discussions with Thames Water are required to ensure discharge is permitted and will not potentially contribute to flooding, eg. if it is a combined system.
- Geotechnical parameters for the design of the retaining walls are provided, but no retaining wall calculations.
- Details of the support required for basement walls was described as beyond the scope of the report and that the structural engineer would be best placed to agree a methodology with the underpinning contractors once appointed. However, an indicative scheme is required to support the assumptions made in the ground movement assessment.
- Both vertical and lateral ground movements were assessed. The estimated deflections were used to undertake a damage assessment for nearby properties based on CIRIA C580. In all cases damage not exceeding Burland category 2 was predicted. Retaining wall design needs to be confirmed to ensure the assumptions made in the ground movement and damage assessment are valid.
- Monitoring of adjacent properties and structures is proposed along with pre- and post-construction condition surveys. Contingency measures will be implemented if movements of structures exceed pre-defined trigger levels. These will be developed and need to be confirmed in a future monitoring Specification.

7.4. The BIA fails the following sections of Policy A5 which states that the Council will only permit basement development where it is demonstrated that the proposal would not cause harm to:

(a) neighbouring properties;

And the Council will require applicants to demonstrate that basements:

(n) do not harm neighbouring properties, including requiring the provision of a Basement Impact Assessment which shows that the scheme poses a risk of damage to neighbouring properties no higher than Burland Scale 1 'very slight'.

7.5 Concerns were raised by neighbours about their properties being impacted by basement works. However the BIA outlined in their anticipated building damage assessment that only the Northumberland Hotel in Crestfield St is likely to be subject to damage. Elevation B of this building which adjoins the site would be category 2 (slight) and the rear elevation C would be category 1 (very slight). Other properties including No.56, 57, 59, 61 (Centa House) Birkenhead Street and 5 Crestfield Street were identified as category 0 (Negligible). It is noted on their damage assessment on page 28 of their BIA that they have incorrectly identified Nos. 58 and 57 Birkenhead Street as Nos. 56 and 57 Birkenhead Street instead (missing out No.58). Therefore it is assumed from the information provided that No.58 would be category 0 as well.

7.6 The basement impact of the proposal is therefore considered to be in compliance with most sections of Local Plan policy A5 outlined above. However it fails part 'a' and part 'n' as the Basement Impact Assessment shows that the scheme poses a risk of damage to neighbouring

properties of Burland Scale 2 'slight' to the neighbouring Northumberland Hotel. A scheme should no higher than Burland Scale 1 'very slight' to be acceptable. Therefore this forms a reason for refusal.

8. Contamination

- 8.1 The applicant has submitted a Ground Investigation and Basement Impact Assessment Report, including a contaminated land assessment.
- 8.2 On the basis of the Preliminary Risk Appraisal, it is considered that there is a very low risk of there being a significant contaminant linkage at this site, which would result in a requirement for major remediation work. Furthermore as there is no evidence of filled ground within the vicinity, there is not considered to be a significant potential for hazardous soil gas to be present on or migrating towards the site; there should thus be no need to consider soil gas exclusion systems.
- 8.3 The desk study has indicated that the site has not had a contaminative history and therefore there is not considered a risk of significant contamination being present at the site. Furthermore, as the made ground will be removed by the basement excavation, which will occupy the entire site, and therefore with a combination of source removal and a permanent barrier, there is not going to be a continued risk to future end users of the site.
- 8.4 Given the age of the existing building there is the possibility for asbestos-containing materials to be present. Therefore, a pre-Demolition Asbestos Survey must be carried out prior to the commencement of any site demolition/construction work and could be secured by way of condition if the scheme was acceptable.

9. Transport

Policy review

9.1 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 should 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.

Cycle parking

9.6 Policy T1 of the Camden Local Plan requires development to provide cycle parking facilities in accordance with the minimum requirements of the London Plan and design requirements outlined in CPG Transport. The development is proposing to provide 20 long stay spaces for the 11 C3 residential units and 31 spaces for the D1 church use, in separate cycle stores in the basement. Table 6.3 of the London Plan provides minimum cycle parking standards for the various use classes.

9.7 The D1 land use of the of the development is required to provide 1 long stay space per 8 staff and 1 short stay space per 100sqm, and the Methodist Chaplaincy House (MCH) (Sui Generis –student accommodation) land use is required to provide one space per two bedspaces provided. This equates to 13 long stay spaces for the 25 beds. The 31 spaces proposed can accommodate the long stay and short stay provision required by the London Plan.

9.8 The cycle store for the D1/MCH use can be accessed via a lift from the ground floor; however the lift measure approximately 1.4m x 1.4m. CPG Transport and the London Cycling Design Standard give minimum dimensions for lifts that access cycle parking, and the proposed lift does not meet these minimum standards. The only other means of accessing the D1/MCH cycle store, and the only means of accessing the residential C3 cycle store is via a stairwell.

9.9 CPG Transport states- The route to cycle parking from street level must be step free. If level access is unachievable, the cycle parking must be accessible via a ramp or, for smaller developments, via a lift that is adequate in size to accommodate a cycle and its user. All cycle parking, including all parts of the parked cycles, should be clear of routes needed for pedestrian movement. Lifts should measure a minimum of 2m x 2m, although where many users are likely to arrive at a similar time, for example at a large office development, lifts will not be an acceptable option, as convenient access would be compromised.

9.10. Access to all cycle storage areas would be down a single flight via a stairway using a bike wheel ramp assist or the communal lift (1.3m x 1.7m), both of which are considered wholly unsuitable.

9.11 The proposed cycle stores (for all land uses) are thus contrary to CPG Transport guidance and Policy T1 of the Camden Local Plan, as they fail to provide accessible cycle parking facilities. This forms a reason for refusal.

Refuse and recycling storage

9.10 Refuse and recycling stores have been designed in easily accessible locations in close proximity to the public highway. This is welcomed and meets the requirements of Section 153 of the Highways Act and Policy A1 in this regard. A condition would be attached to secure these facilities should the proposals be recommended for approval.

Highway works

9.11 Paragraph 6.11 of Policy A1 of the new Camden Local Plan states that the Council will repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links, road and footway surfaces at the developer's expense. The public highway directly adjacent to the site on Crestfield and Birkenhead Street 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. In addition the two existing vehicle dropped kerb/crossovers adjacent to the site will be redundant if the proposal complies with Policy T2 of the Local Plan. These crossovers will be removed as part of the highway works, and reinstated as footway.

9.12 A highways contribution would need to be secured by way of a S106 planning obligation if

planning permission was granted This would allow the proposal to comply with Policy A1 of the Local Plan. A cost estimate for highway works has been provided by the Council's Engineering Team for £24,563.29. In the absence of an acceptable scheme (and hence no section 106 agreement), this becomes a reason for refusal.

Deliveries and other servicing activities

9.13 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.

9.14 Delivery and servicing arrangements will remain the same as existing with loading and unloading taking place from the kerbsides. 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

9.15 Policies A1 and T4 state that Construction Management Plans should be secured to demonstrate how a development will minimise impacts from the movement of goods and materials during the construction process (including any demolition works). The policies also relate to how development is connected to the highway network. For some developments, this may require control over how the development is implemented (including demolition and construction) through a Construction Management Plan (CMP). A draft CMP has been submitted in support of the planning application. This provides some useful information and follows the Council's approved format.

9.16 The site is located in close proximity to Kings Cross /Euston Road. This part of the borough suffers from severe traffic congestion during peak periods. The primary concern is public safety but also there is a 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.

9.17 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), this becomes a reason for refusal.

Basement excavations directly adjacent to the public highway

9.20 The proposal would involve basement excavations directly adjacent to the public highway along both 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. The submitted BIA does not appear to discuss how the stability of the public highway would be protected.

9.21 The applicant would be required to submit an 'Approval In Principle' (AIP) report to the Council's Engineering Services as a pre-commencement Section 106 planning obligation. 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.

9.22 The AIP and an associated assessment fee of £3,000 would need to be secured via a planning obligation if planning permission is granted. In the absence of an acceptable scheme (and hence no section 106 agreement), this becomes a reason for refusal.

9.22 Policy A1 of the Local Plan seeks to ensure that development is properly integrated with the transport network and supported by adequate walking, cycling and public transport links with appropriate mitigation measures in place. Due to the uplift in floorspace, and introduction of different uses compared to the existing scheme, an increase in the number of person trips to the site is predicted. As the location of the site is well connected by public transport and the fact there is no private parking available on site, this increase in the number of trips is acceptable; however a Strategic Level Travel Plan needs to be secured as a Section 106 planning obligation. This travel plan would set out measures to promote the use of sustainable modes of transport by staff and visitors associated with the development.

9.23 A Travel Plan Implementation Support Contribution is required to cover the costs of assessing, reviewing and monitoring the travel plan across a 5 year period from first occupation of the development. This would be secured as a Section 106 planning obligation. A financial contribution of £9,618 would be required for this development. In the absence of an acceptable scheme (and hence no section 106 agreement), this becomes a reason for refusal.

Pedestrian, cycling and environmental improvements

9.24 Developments that lead to an increase in trips in the borough have a cumulative impact on Camden's transport network, particularly the public transport network and pedestrian flows. To help mitigate this impact and given that this is a major developments, the Council requires contributions toward pedestrian, cyclist and environmental improvements in the local area in addition to any works which might be required to integrate the development with the surrounding public highway network in line with policies A1 and T1. Highways officers have assessed the site and determined a contribution of £50,000 and this would be secured by legal agreement if the development was acceptable. In the absence of an acceptable scheme (and hence no section 106 agreement), this becomes a reason for refusal.

Accessibility

9.25 The applicant has confirmed that the development would allow for step-free access and improved accessibility to the church facilities.

Conclusion:

9.26 The following S106 obligations form reasons for refusal in absence of an acceptable scheme:

- Car free development
- Highways contribution - £24,563.29
- Construction Management Plan and associated implementation support contribution of £7,564.50
- 'Approval In Principle' (AIP) report and assessment fee of £3,000
- Strategic Level Travel Plan and fee of £9,618
- Pedestrian, cycling and environmental improvements contribution of £50,000

9.27 The cycle parking proposed is not policy compliant as discussed above and therefore forms another reason for refusal.

10. Sustainable design and construction

10.1 Revised Energy, sustainability and air quality statements have been submitted as part of the application. A drainage report was also provided.

Energy

10.2 Policy CC1 states 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.

10.3 Policy CC1 of the Camden Local Plan requires a 35% reduction in CO₂ emissions. While the proposal complies with on-site energy targets for the non-domestic parts, it fails the domestic parts by 10.4 tonnes CO₂ per annum and therefore a zero carbon homes payment-in-lieu of £18,720 (carbon offset contribution) to meet policy CC1. This would be secured as S106 obligation if the development was acceptable; in absence of this, it forms a reason for refusal.

10.4 It also fails to meet the 20% renewable energy target for each of residential and non-domestic parts set out in paragraph 8.11 of Policy CC1. The results generally show that they have made sufficient efforts in the Be Lean and Be Clean stages, but failed to do so in Be Green element. The development only achieves an 8.8% reduction in the residential element and a 0% reduction in the non-domestic element in the Be Green stage.

10.5 Photo-voltaic (PV) panels on the roof are proposed, further details of these would be secured by a condition if the scheme were acceptable. However, it is noted on the roof plan that these would appear to be enclosed by an acoustic enclosure alongside the proposed plan; this would be unacceptable as sufficient light would be unable to reach the panels.

Sustainability/BREEAM

10.6 Policy CC2 requires all development to adopt appropriate climate change adaptation measures.

10.7 A BREEAM pre-assessment for non-domestic parts has been submitted; the Council's sustainability officer has assessed this and determined that it fails to meet policy. The overall score is 63.50% 'Very Good' which fails the target of achieving 'Excellent' which requires a score of 70% plus. Also the energy fails at 54.55%, whereas it would need to meet at least 60% of available credits to comply. Regarding water and materials, it complies with policy. Therefore it is considered that the proposal fails to comply with policy CC2 as it does not meet all the targets.

10.8 In absence of a sufficient energy and sustainability information which fails to demonstrate that the proposals would minimise the effects of climate change, the application is not in accordance with Policies CC1 and CC2.

10.9 If the development was acceptable a condition would be attached securing water compliance with 105 litres per person/per day for the residential units and 5 litres per day for external use.

10.10 If this scheme was acceptable a S106 obligation would be attached securing sustainability measures such as BREEAM, details of the green roof, compliance with carbon reduction proposals and further details of CHP plant to ensure compliance with policies CC1 and CC2. In the absence of an acceptable scheme (and hence no section 106 agreement), this becomes a reason for refusal.

Flood risk and drainage

10.11 Camden Local Plan policy CC3 is relevant with regards to flood risk and drainage.

10.12 A drainage strategy and SuDS maintenance plan was requested by officers and provided by the applicant. This was considered sufficient by the Council's sustainability officer subject to a compliance condition to comply with policies CC2 and CC3. If the development was acceptable, a condition would be attached securing that construction complied with the SuDs recommendations outlined in Drainage Strategy Report, dated 07 February 2017, prepared by Alan Conisbee and Associates Limited on behalf of West London Mission.

10.13 Thames Water were consulted and raised no objections subject to two informatives being attached if the development was to be approved.

Air Quality

10.14 Camden Local Plan policy CC4 is relevant with regards to air quality.

10.15 The applicant has submitted a revised air quality assessment, it is considered that Air Quality neutral has been met for transport and buildings through the mitigation measures proposed. However, no construction impacts risk assessment carried out and no construction dust mitigation or monitoring was proposed in this document.

10.16 In absence of a sufficient air quality report which contains a construction impacts risk assessment and construction dust mitigation or monitoring, the proposals are contrary to Policy CC4.

10.17 If the scheme was acceptable the air quality officer has requested that two conditions relating to mechanical ventilation and NO₂ Filtration should be attached. These would secure details of the mechanical ventilation system including air inlet locations to be submitted for approval by the Council. Air inlet locations should be located away from busy roads and the boiler and CHP stack and as close to roof level as possible, to protect internal air quality. The other condition would secure evidence that an appropriate NO₂ filtration system on the mechanical ventilation intake has been installed and a detailed mechanism to secure maintenance of this system should be submitted for approval.

11. Biodiversity

Open Space

11.1. Policy A2 (Open space) of the Local Plan outlines the need to ensure that growth in the numbers of residents and workers in Camden will be supported by increases in public open space provision private amenity space. Policy A3 (Biodiversity) states that the Council will protect and enhance sites of nature conservation and Biodiversity.

11.2. CPG Public Open Space states that 'applicants will need to make a contribution to the provision of these facilities in the borough when the development falls within the following categories:

- 11 or more additional dwellings or exceeds 1,000 sqm (gross internal area)
- Student housing schemes creating an additional 11 or more units/rooms or occupiers
- Developments of 1,000sqm of floorspace that are likely to increase the working population of the borough. This will be applied to commercial floorspace within the 'B' Use Class.
- Developments of 1,000sqm of floorspace for Higher Education institutions will be treated on a case-by-case basis having regard to the range of employment densities for 'B' Use Class space. There will be a presumption that these developments make a contribution towards the needs they generate.

11.3. The proposal results in the creation of 11 new units and student housing and therefore open space provision would need to be secured to comply with policies A2 and A3. It is acknowledged due to space constraints that public open space is unable to be provided onsite.

11.4. CPG Public Open Space calculates the financial contribution as follows:

Residential

(9 sq m per resident x number of additional dwellings x average residential occupancy for the ward where the development is located) MULTIPLIED by the total cost of providing public open space per sq m.

The financial contribution for the 11 new residential units is calculated as follows:

Capital

No. of units	Ward	Open space requirement (standard x	Capital cost
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		average household size x no of dwellings) multiplied by capital cost	
11	Kings cross	9sqm x 2.12 x 11 x £200	£41,976

+
Maintenance

No. of units	Ward	Maintenance requirement (standard x average household size x no of dwellings) x maintenance cost per sqm x no of years maintenance	Maintenance cost
11	Kings cross	9sqm x 2.12 x 11 x 7 x 10	£14,691.60

Total Residential Contribution = Capital Cost + Maintenance Cost = £56,667.60

Student accommodation

The financial contribution for the 25 new student hostel rooms is calculated as follows:

Capital

25(No. of bedrooms) x £200 (capital cost per single bedroom) = £5,000 (total payment for capital costs)

+

Maintenance

25 (No. of bedrooms) x 7 (maintenance cost per sqm) x 10 (no of years maintenance) = £1750 (total payment for Maintenance costs)

Total student accommodation Contribution = Capital Cost + Maintenance Cost = £6,750

Total Public Open Space Contribution

£56,667.60 (residential) + £6,750 (student) = £63,417.60

11.5. In absence of a public open space contribution being secured by a S106 legal agreement, this forms a reason for refusal.

12. Employment and training opportunities

12.1. The proposed development is large enough to generate significant local economic benefits. The Economic Development team would seek to secure the following to ensure that local residents benefit from the proposed scheme by securing the following obligations through the Section 106 if the scheme was acceptable:

Construction phase:

- The applicant should work to CITB benchmarks for local employment when recruiting for construction-related jobs as per section 68 of the Employment sites and business premises CPG
- The applicant should advertise all construction vacancies and work placement opportunities exclusively with the King's Cross Construction Skills Centre for a period of 1 week before marketing more widely.
- The applicant should provide a specified number (to be agreed) of construction work placement opportunities of not less than 2 weeks each, to be undertaken over the course of the development, to be recruited through the Council's King's Cross Construction Skills Centre, as per section 70 of the Employment sites and business premises CPG
- If the build costs of the scheme exceed £3 million the applicant must recruit 1 construction apprentice per £3million of build costs and pay the council a support fee of £1,700 per apprentice as per section 65 of the Employment sites and business premises

CPG. Recruitment of construction apprentices should be conducted through the Council's King's Cross Construction Skills Centre. Recruitment of non-construction apprentices should be conducted through the Council's Economic Development team.

- If the value of the scheme exceeds £1 million, the applicant must also sign up to the Camden Local Procurement Code, as per section 71 of the Employment sites and business premises CPG; and
- The applicant provide a local employment, skills and local supply plan setting out their plan for delivering the above requirements in advance of commencing on site, as per section 63 of the Employment sites and business premises CPG.

End use phase:

- As the end user of the development is known, we would request provision of end use apprenticeships; and
- Where the end user of the development is known, the applicant should provide a specified number (to be agreed) of end use work placement opportunities of not less than 2 weeks each, to be undertaken over the course of the development, to be recruited through the Council's Economic Development team, as per section 70 of the Employment sites and business premises CPG.

13. S106 / Other Matters

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

- Affordable housing contribution (£406,510)
- Car-free development
- Highways contribution (£24,563.29)
- Construction Management Plan (CMP) and associated implementation support contribution – (£7,564.50)
- 'Approval In Principle' (AIP) report and assessment fee (£3,000)
- Strategic Level Travel Plan and monitoring fee (£9,618)
- Pedestrian, cycling and environmental improvements (£50,000)
- Energy and Sustainability compliance
- Carbon Offset contribution (£18,720)
- Public open space contribution (£63,417.60)
- Employment and training opportunities
- Student housing occupation in full time higher education within Camden or a neighbouring borough

14. Conclusion

14.1 Although the proposal would provide a replacement and enhanced community facility and provide new permanent residential accommodation on the site, it is not considered that the scheme has addressed the outstanding character, heritage, amenity, transport, and sustainability concerns raised by officers.

14.2 The complete demolition and loss of a positive contributor building would not be supported in principle as it is considered to cause harm to the character and appearance of the conservation area. The design, scale and bulk of the development is also considered to cause harm to the character of the conservation area and to the setting of listed buildings on Birkenhead Street and Crestfield Street. The provision of public benefits by the new expanded community facilities and new housing does not outweigh this harm caused to heritage assets.

14.3 The amenity concerns to neighbouring properties relate to the impact of basement excavation that is predicted to cause damage, the inadequate daylight and sunlight report which fails to demonstrate that the development would not result in a harmful loss of light to the flats on Crestfield Street, the loss of outlook to neighbouring properties by the increased depth of the new blocks, and the poor quality of accommodation for future residents in respect of the student flats with no outlook and the 1st floor flats with no privacy.

14.4. The submitted energy, sustainability and air quality information shows that standards and targets will not be met. The cycle storage proposed is inappropriate in terms of its siting and detailed design.

Recommendation: Refuse planning permission

Application ref: 2015/7013/P
Contact: Sofie Fieldsend
Tel: 020 7974 4607
Date: 4 June 2019

Development Management
Regeneration and Planning
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Judd Street
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WC1H 9JE

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Pegasus Group
23 Hanover Square
London
W1S 1JB

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused

Address:

King's Cross Methodist Church
58a Birkenhead Street
London
WC1H 8BW

DECISION

Proposal:

Demolition and redevelopment to provide a replacement church with community facilities (Class D1), a replacement Methodist Chaplaincy House with 25 non-selfcontained student rooms (Sui Generis), and 11 residential selfcontained flats (Class C3) plus associated plant, cycle storage and refuse storage.

Drawing Nos: A 000 001 Rev P0; A 025 001 Rev P1; A 025 002 Rev P0; A 025 003 Rev P0; A 025 004 Rev P0; A 025 121 Rev P0; A 025 122 Rev P0; A 025 123 Rev P0; A 025 124 Rev P0; A 025 111 Rev P0; A 025 112 Rev P0; A-100-001 Rev P0; A-100-002 Rev P1; A-100-003 Rev P1; A-100-004 Rev P1; A-100-005 Rev P2; A-100-006 Rev P1; A-100-007 Rev P1; A-110-001 Rev P1; A-110-002 Rev P1; A-120-001 Rev P1; A-120-002 Rev P1; A-120-003 Rev P1; A-120-004 Rev P1; Addendum Planning Statement -Pegasus Group dated (Nov2018); Revised Design Addendum -Dexter Moran Associates (Nov2018); Heritage Statement -Bidwells (Nov 2018); Daylight and Sunlight Report -Delva Patman Redler (31/10/18); Energy Statement -Ramboll Rev.02 (Nov2018); Sustainability Statement -Ramboll Rev.04 (Nov2018); Air Quality Assessment: Issue 3 -Ramboll (Nov2018); CHP Addendum Report -Ramboll (9/11/18); BREEAM Pre-Assessment Report -Ramboll version 2 (Oct 2018); Drainage Strategy Report -Conisbee (7/2/17); Elemental Cost Plan rev.7 -Calford Seaden (24/9/18); Elemental Cost Plan -Calford Seaden rev.4 (21/9/18); Development Appraisal A -

HEDCL Ltd (29/10/18); Development Appraisal B -HEDCL Ltd (29/10/18); Birkenhead Street Façade Retention Feasibility Study -Dexter Moren Associates, Pegasus Group Planning Consultancy & Bidwells Heritage Consultants (Nov 2016); Letter from Pegasus Group Planning Consultancy (4/11/16); Letter from Pegasus Group Planning Consultancy (23/03/16); post planning submission clarifications -Dexter Moran Associates (9/2/19); Environmental Noise Assessment -Sharps Redmore (28/09/15); Design & access statement -Dexter Moran Associates (Dec2015); Statement of community involvement -Pegasus Group Planning Consultancy (Dec2015); Travel Plan Statement -TPHS (Aug2015); Transport Statement Report -TPHS(Aug2015); Ground investigation & basement impact assessment report -Conisbee (Nov2015); Independent Viability Review -BPS (Feb2019); Independent Viability Review -BPS (24/2/17) and BIA Audit Rev.D1 by Campbell Reith (Mar2016)

The Council has considered your application and decided to **refuse** planning permission for the following reason(s):

Reason(s) for Refusal

- 1 The proposed demolition of the existing building in Birkenhead Street, by reason of the loss of a building which makes a positive contribution to the King's Cross St Pancras Conservation Area, would cause harm to the character and appearance of the conservation area, contrary to policies D1 and D2 of the Camden Local Plan 2017.
- 2 The proposed basement excavation, by reason of the likely scale of damage to Northumberland Hotel in Crestfield Street predicted by the Basement Impact Assessment (BIA), would cause harm to neighbouring properties contrary to policies A1 (Managing the impact of development) and A5 (Basements) of the London Borough of Camden Local Plan 2017.
- 3 In absence of a comprehensive and adequate daylight and sunlight impact report, it is considered that the development may result in a harmful loss of daylight to residential properties at nos 1 and 5 Crestfield Street, contrary to policy A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 4 The proposed development, by reason of the increased height, scale and depth of the new blocks beyond rear building lines, would result in a loss of outlook to the adjoining buildings at 58 and 59 Birkenhead Street and 5 Crestfield Street, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.
- 5 The proposed development, by reason of its height, bulk and depth, would result in an increased sense of enclosure to the adjoining listed buildings on Birkenhead Street and Crestfield Street and thus harm their setting, contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017.
6. The proposed development, by reason of its design, height, scale, bulk and form on both frontages of Birkenhead Street and Crestfield Street, would harm the character and appearance of the conservation areas and streetscenes and the setting of nearby listed buildings, contrary to policies D1 (design) and D2 (heritage) of the Camden Local Plan 2017.

- 7 The proposed student rooms, by reason of the obscure glazing on their rear windows, would fail to have adequate outlook and are considered to provide poor quality accommodation, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.
8. The proposed 1st floor flats in both blocks, by reason of the proximity of their rear windows to each other, would fail to have adequate privacy and are considered to provide poor quality accommodation, contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017.
- 9 The proposed development, by reason of the energy and sustainability reports showing that targets on CO2 emission reduction, renewable energy and BREEAM have not been met, would fail to ensure proper standards of sustainability in the development and minimise the effects of climate change, contrary to policies CC1 (Climate change mitigation) and CC2 (Adapting to climate change) of the Camden Local Plan 2017.
- 10 The proposed development, in the absence of an adequate air quality report which contains a construction impacts risk assessment and construction dust mitigation or monitoring, would be likely to be detrimental to the amenities of the area generally, contrary to policy CC4 (Air quality) of the Camden Local Plan 2017.
- 11 The proposed cycle storage, by reason of its design, location and layout, would fail to provide accessible cycle parking facilities, contrary to policy T1 (Prioritising walking, cycling and public transport) of the Camden Local Plan 2017.
- 12 The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area and fail to promote more sustainable and efficient forms of transport, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and Car Parking) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 13 The proposed development, in the absence of a legal agreement securing contributions to pedestrian, cycling and environmental improvements in the area, would fail to make sufficient provision in a sustainable manner for the increased trips generated by the development thus causing a cumulative detrimental impact on the borough's transport network, contrary to policies A1 (Managing the impact of development) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.
- 14 The proposed development, in the absence of a legal agreement securing financial contributions towards highways works, would fail to secure adequate provision for and safety of pedestrians, cyclists and vehicles, contrary to policies T3 (Transport infrastructure) and A1 (Managing the impact of development) of London Borough of Camden Local Plan 2017.
- 15 The proposed development, in the absence of a legal agreement securing a Construction Management Plan and associated monitoring fee, would be likely to contribute unacceptably to traffic disruption and be detrimental to general

highway and pedestrian safety, contrary to policies A1 (Managing the impact of development) and T4 (Sustainable movement of goods and materials) of the London Borough of Camden Local Plan 2017.

- 16 The proposed development, in the absence of a legal agreement securing an Approval in Principle Plan and associated monitoring fee, would be likely to be detrimental to general highway and pedestrian safety, contrary to policies T3 (Transport infrastructure) and A1 (Managing the impact of development) of the London Borough of Camden Local Plan 2017.
- 17 The proposed development, in the absence of a legal agreement securing a Travel Plan and its associated monitoring fee, would be likely to contribute unacceptably to traffic disruption, contrary to policies A1 (Managing the impact of development) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.
- 18 The proposed development, in the absence of a legal agreement securing a contribution to affordable housing, would fail to ensure the provision of the required amount of affordable housing for the scheme, contrary to policy H4 (Maximising the supply of affordable Housing) of the London Borough of Camden Local Plan 2017.
- 19 The proposed development, in the absence of a legal agreement securing contributions to public open space provision, would be likely to contribute unacceptably to pressure and demand on the Borough's existing open space facilities, contrary to policies A2 (Open Space) and A3 (Biodiversity) of London Borough of Camden Local Plan 2017.
- 20 The proposed development, in the absence of a legal agreement requiring a post-construction sustainability review, would fail to ensure proper standards of sustainability in the development and minimise the effects of climate change, contrary to policies CC1 (Climate change mitigation) and CC2 (Adapting to climate change) of the London Borough of Camden Local Plan 2017.
21. The proposed development, in the absence of a legal agreement securing a carbon offset payment contribution, would fail to ensure proper standards of sustainability in the development and minimise the effects of climate change, contrary to policies CC1 (Climate change mitigation) and CC2 (Adapting to climate change) of the London Borough of Camden Local Plan 2017.
- 22 The proposed development, in the absence of a legal agreement ensuring that student housing is only occupied by students engaged in a full-time course of Higher Education at an institution based in the London Borough of Camden or another London borough, would be contrary to policy H9 (Student Housing) of the London Borough of Camden Local Plan 2017.
23. The proposed development, in the absence of a legal agreement securing a local labour agreement, will be likely to lead to the exacerbation of local skill shortages and lack of training opportunities and would fail to contribute to the regeneration of the area, contrary to policy E1 (Economic development) of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Without prejudice to any future application or appeal, the applicant is advised that reasons for refusal nos. 12-23 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.
- 2 Without prejudice to any future application or appeal, the applicant is advised that the reason for refusal no 2 could be overcome by revising the existing Basement Impact Assessment document in line with Policy A5 and CPG 'Basements' for a scheme that was in all other respects acceptable.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning

DECISION