

Delegated Report (Refusal)		Analysis sheet	Expiry Date:	05/12/2018
		N/A / attached	Consultation Expiry Date:	12/11/2018
Officer			Application Number(s)	
Jonathan McClue			2018/4871/P	
Application Address			Drawing Numbers	
65-69 Holmes Road London NW5 3AN			Refer to Decision Notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of 7th floor extension to facilitate the creation of 42 student accommodation rooms (Sui Generis) to existing student accommodation				
Recommendation(s):	Refuse Permission			
Application Type:	Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice		
Informatives:			
Consultations			
Adjoining Occupiers:		No. of objections	14
<p>Summary of consultation responses from adjoining occupiers:</p>	<p>The application was advertised in the local press on 18/10/2018 and site notices were posted around the site on 19/10/2018. Overall, 14 objections were received for local occupiers. This includes residents on Willes Road and Holmes Road as well as Collège Français Bilingue de Londres (French School on Holmes Road). The main objections are summarised below:</p> <ul style="list-style-type: none"> • Attention was drawn (by objectors) to the refusal under 2012/6548/P for a 7 storey building. As there has been no material change in circumstances since this refusal, this application should also be refused • The building is ugly, out of keeping with area, overly big and is a massive imposition to residents. A further extension would allow this out-of-proportion building to even more greatly dominate the local skyline and the area • This is a developer that has been shown to prioritise commercial profit over the welfare of the residents, the local community and the local environment on which the development has a huge impact • The consented was a disaster for many residents with the impact of construction on noise, light and peaceful living. This extra development would extend these harmful impacts • The requested additional storey would result in 10% more students. There are already enough students in the area even before the new building is occupied, the addition of another 42 would exacerbate the over concentration of students. This would change the local demography and balance of the area • There is already a significant amount of late night disruption from large groups of students arriving/departing together and drinking/smoking in the streets. Numbers have reached their peak by now. It is a largely itinerant community who do little to add to the culture and community • It overlooks the local area and has had a very negative impact on its neighbours including loss of light and privacy • The proposal would change the nature of the surrounding neighbourhoods and the amount of traffic in the area • The proposal would increase the load on services, transport and pedestrian congestion <p>■ The additional storey would loom even larger over the adjacent conservation area and Azania Mews</p>		

<p>Kentish Town Neighbourhood Forum objection 26/11/2018:</p>	<p>The Kentish Town Neighbourhood Forum objected to the extension, as they consider that it fails under Policy D3 of the Kentish Town Neighbourhood Plan as follows:</p> <ul style="list-style-type: none"> a) Proposals must be based on a comprehensive understanding of the site and its context b) Proposals must be well integrated into their surroundings and reinforce and enhance local character.... <p>They stated that the proposed additional floor would result in an increase in the way the building would dominate the local area. It would increase its visual dominance from large parts of the Inkerman Conservation Area. For example, at the junction of Raglan Street and Anglers Lane, where the building already dominates the sight line. They consider that under the existing consented scheme, the uppermost floor is subservient to the rest of the building. The extra floor proposed would increase the prominence of the uppermost floor and the proposed new floor would increase the height and prominence of the building overall. The resulting massing at the upper two levels would create an overall imbalance to the building and to the context of the surrounding area contrary to Policy D3 in the Neighbourhood Plan.</p>
<p>Thames Water comments 07/11/2018:</p>	<p><u>Waste Comments</u> Following initial investigations, Thames Water has identified an inability of the existing combined water infrastructure to accommodate the needs of this development proposal. Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all combined water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.</p> <p><u>Water Comments</u> On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes.</p>

	<p><u>Supplementary Comments</u> No drainage related data has been supplied as part of this application. We require a site drainage assessment indicating the point(s) of connection into the sewer system as well as park discharge rates (per connection). We also require an understanding of the surface water attenuation proposed as part of the development.</p>
<p>Designing Out Crime Officer comments 25/10/2018:</p>	<p>No objections were raised to the actual design of the proposal in terms of physical security as it is an addition to the existing building.</p> <p>The main concern raised was regarding the local area and whether the extra 42 units of student accommodation would put a burden on the local services and amenities. Currently there are a number of student residential units in the surrounding area and more of this type of accommodation may generate extra crime and anti-social behaviour. New students arriving are normally vulnerable and unaware of criminal activity if first time visitors to London. Also, as it is known they normally start studying between September and October, their place of residences are vulnerable as it known they will have new high value goods in their possession.</p>
<p>Inkerman Area Residents Association objection 27/10/2018:</p>	<p><i>'We are the Residents Association for the area that includes Holmes Road, and represents the Conservation Area just to the South of this development.</i></p> <p><i>You will be aware that on the basis of considerable local consultation this association and many of our members individually objected strongly to the original planning applications to build student accommodation on this site. This was on the grounds that it would create a large imbalance of population (there is already a large student block in Holmes Road) and that the proposed building was on far too large a scale and was out of keeping with the area.</i></p> <p><i>The application was strongly opposed by Camden but the Planning Inspector gave permission.</i></p> <p><i>Despite our objections, we have worked closely with the developer through regular meetings of a Working Group set up to liaise with the community and to mitigate the impact of the development during the construction phase. We were therefore astonished to see this further application, which had not been discussed or mentioned in the Working Group. This makes a mockery of local liaison, which is one of the stated aims of the developer.</i></p> <p><i>On behalf of our members we wish to oppose this application in the strongest terms. It represents a nearly 10% increase in student numbers, a significant increase in height of a building already opposed by local people on the grounds of height and mass (on the edge of a Conservation Area), and will inevitably result in a further extension of the construction phase (which has already caused disruption and noise to traffic, pedestrians and residents of the area.)'</i></p>

Site Description

The application site comprises an 'L' shaped plot of land. It was formerly occupied by Magnet Kitchen Showroom and Warehouse with customer car parking and two vehicular access points. The previous use has left and the buildings have been demolished in line with the planning consent approved under 2013/7130/P, which approved a seven storey building (plus two basement levels) with student accommodation, warehouse and café uses. A number of minor-material amendment applications have been approved (these are summarised in the relevant history section below) and the development is now substantially completed.

The Kentish Town Industrial Area is to the north of the site and the Kentish Town - Town Centre is within walking distance. The site lies within the boundaries of the Kentish Town Neighbourhood Forum and is subject to the recently adopted Neighbourhood Plan.

The Inkerman Conservation Area lies adjacent to the site's western boundary, on the opposite side of Cathcart Street. The substantially completed building is visible from various parts of Conservation Area.

Relevant History

The application site has a significant history including 3 refusals, 2 of which were appealed by way of Public Inquiry (one was allowed and one was dismissed). A brief summary of the history is listed in chronological order (by application type) below.

Full Planning Applications

2008/4795/P (withdrawn): Erection of a part six, part three storey building with two basement levels to provide student accommodation comprising 411 self-contained study rooms and ancillary facilities (Sui Generis), restaurant/cafe use (Class A3) at ground floor level, and part change of use of upper basement level of 55-57 Holmes Road for use as ancillary facilities (refuse store, common room) for the student accommodation. (Following the demolition of the existing warehouse building). The application was withdrawn 27 January 2009.

2009/3187/P (Refused, appeal withdrawn): Erection of a part six, part three storey building with three and two basement levels respectively to provide student accommodation comprising 358 self-contained study rooms with ancillary facilities (Sui Generis), storage and distribution use (Class B8) at lower basement and ground floor level and restaurant (Class A3) at ground floor level. (Following the demolition of the existing warehouse building). The application was refused on 13 October 2009 for 26 reasons, including an excessive proportion of student accommodation and a loss of employment space. A Public Inquiry appeal was withdrawn by the Appellant on 9 February 2010.

2010/6039/P (Refused, appeal allowed): Erection of a part six, part three storey building with two basement levels to provide student accommodation comprising 268 student rooms housed within 245 units with ancillary facilities (Sui Generis), storage and distribution use (Class B8) at lower basement and ground floor level and coffee shop (Class A1) at ground floor level. The application was refused on 4th February 2011 for 19 reasons including failure to deliver an appropriate mix of housing types, over-concentration of student housing (that would be harmful to the established mixed and inclusive community, and result in a loss of amenities to existing residents) and loss of employment floorspace.

An appeal was submitted (ref: APP/X5210/A/09/2116161) and subsequently allowed on 1st December 2011. A unilateral undertaking (UU) was submitted during the appeal to satisfactorily address the majority of the reasons for refusal (9 to 19).

2012/6548/P (Refused, appeal dismissed): Erection of part seven, part three storey building with two basement levels to provide student accommodation comprising 313 student rooms housed within 278 units with ancillary facilities (sui generis), office use (Class B1) at lower basement and ground floor level. The application was refused on 25 March 2015. The main reasons for refusal were based

on the unacceptable loss of employment floorspace; the over-concentration of student accommodation; lack of external amenity space for students and due to the height, bulk, massing and design of the proposal there was considered to be an adverse impact on the character and appearance of the area and potential impacts on sunlight/daylight of neighbouring properties.

An appeal was submitted (ref: APP/X5210/A/13/2197192) and subsequently dismissed on 4 October 2013. The appeal was dismissed due to the loss of employment space, the over-concentration of student accommodation and the lack of external amenity space for students.

2013/7130/P (Granted Subject to a Section 106 Legal Agreement): Erection of part seven, part three storey building above two basement levels to provide student accommodation comprising 273 units (337 rooms and 439 bed spaces) with ancillary facilities (sui generis), warehouse (Class B8) at basement and ground floor levels and a coffee shop (Class A1) at ground floor level following demolition of existing B8 buildings. Planning permission was granted subject to a Section 106 Legal Agreement on 06/03/2014. The scheme was essentially an amalgamation of the acceptable elements (as deemed by the Planning Inspectorate) from the two appeal proposals ref: 2010/6039/P and 2012/6548/P.

A number of planning obligations and conditions were included such as financial contributions, the restriction of occupation of student accommodation until the commercial element has been let and occupied, restricting occupation to student accommodation only and not permanent residential accommodation, the development must be linked to a Higher Education Funding Council for England (HEFCE) funded institution, a student management plan, travel plan, Construction Management Plan, Service Management Plan, car-free development, restrictions on use of external amenity space, external noise level compliance and no increase in student bedspaces (i.e. capped at 439).

Minor-Material Amendments (Section 73 applications)

2015/5435/P (Granted Subject to a Section 106 Legal Agreement): Variation of Condition 20 (approved plans) of planning permission 2013/7130/P was approved on 27/05/2016 with a Deed of Variation to the original legal agreement. The main changes included extension of the lower basement level to relocate part of the warehouse (B8) use from the mezzanine floor, internal reconfigurations, introduction of social space and study rooms on the mezzanine level, changes between double and twin rooms, lift overrun, new rooflights and lightwells.

2016/4664/P (Granted Subject to a Section 106 Legal Agreement): Variation of Condition 20 (approved plans) of planning permission 2013/7130/P was approved on 03/05/2017 with a Deed of Variation to the original legal agreement. The main changes included reconfiguration of the warehouse levels and ground floor to provide an enlarged social area for the student accommodation use; an additional row of windows on the Holmes Road elevation; additional rooflights into basement and changes to positioning of windows.

2017/6786/P (Granted Subject to a Section 106 Legal Agreement): Variation of Condition 20 (approved plans) of planning permission 2013/7130/P was approved on 27/07/2018 with a Deed of Variation to the original legal agreement. The main proposed changes include lowering the basement level by 950mm, internal changes, an increase to the volume and area of warehouse space and reduction of ancillary student space.

Approval of Details

2016/5269/P (Granted): Submission of details to discharge conditions 4 (contamination), 5 (landscaping), 6 (waste), 10 (CHP), 15 (access) and partial discharge of 16 (SuDs) of planning permission 2013/7130/P. The application was approved on 03/03/2017.

2016/5496/P (Granted): Submission of details to partially discharge condition 2 (materials and details) of planning permission 2013/7130/P. The application was approved on 30/12/2016.

2016/6245/P (Granted): Submission of details to discharge conditions 14 (details, calculations, method and design of groundworks) and 22 (appointment of engineer) of planning permission 2013/7130/P. The application was approved on 03/03/2017.

2017/6568/P (Refused): Submission of details to discharge condition 2 (details of the layout, sections, elevations of windows, door framing and roof plant equipment of planning permission 2013/7130/P. The application was refused on 12/01/2018 as the proposed materials and details would not safeguard the character and appearance of the premises and the wider area as per the requirement of the planning condition.

Relevant policies

National Planning Policy Framework 2018

London Plan 2016

Camden Local Plan 2017

Policy G1 Delivery and location of growth
Policy C1 Health and wellbeing
Policy C5 Safety and security
Policy C6 Access for all
Policy E1 Economic development
Policy E2 Employment premises and sites
Policy A1 Managing the impact of development 1
Policy A2 Open space
Policy A3 Biodiversity
Policy A4 Noise and vibration
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 (CPG)

- [CPG Housing \(interim\)](#)
- [CPG 2 Housing \(May 2016 updated March 2018\)](#)
- [CPG Amenity](#)
- [CPG Biodiversity](#)
- [CPG Employment sites and business premises](#)
- [CPG Planning for health and wellbeing](#)
- [CPG Public Open Space](#)
- [CPG 1 Design \(July 2015 updated March 2018\)](#)
- [CPG 3 Sustainability \(July 2015 updated March 2018\)](#)
- [CPG 6 Amenity \(September 2011 updated March 2018\)](#)
- [CPG 7 Transport \(September 2011\)](#)
- [CPG 8 Planning obligations \(July 2015 updated March 2018\)](#)

Inkerman Conservation Area Statement March 2003

Assessment

1.0 Background

1.1 The main development that is substantially completed was originally approved under 2013/7130/P. This approval was an amended scheme following a number of refusals and appeals at the site: 2012/6548/P (refused then dismissed at appeal in 2013); 2010/6039/P (refused then appeal allowed in 2011) and 2009/3187/P (refused then appeal withdrawn). The approved scheme under 2013/7130/P is effectively an amalgamation of the two decided appeal proposals (2012/6548/P and 2010/6039/P), combining the elements that were considered acceptable by the respective Inspectors. The scheme was considered the maximum quantum of development at the time by the Council, in terms of height and student numbers. In summary, the approval under 2013/7130/P included the provision of student accommodation and warehouse (B8) floorspace in the same building and site layout as approved by 2010/6039/P, with an additional storey as considered acceptable in the appeal decision for 2012/6548/P.

1.2 The table below (Table 1) sets out a brief comparison of the previous three full planning schemes (all GIA), including 2010/6039/P (refused and allowed on appeal), 2012/6548/P (refused and dismissed on appeal) and 2013/7130/P (approved):

Table 1 (below): Comparison of Previous Planning Applications

	2010/6039	2012/6548	2013/7130
Student accommodation	245 units 268 rooms 417 beds 27 wheelchair 92 single 288 twin (144 rooms) 10 double (5 rooms) 30 cluster beds in 4 units (3 double rooms = 6 beds, 24 single rooms) (appears that 3 cluster flat double rooms were missed from calculation as approved plans show 420 beds)	278 units 313 rooms 550 beds 30 wheelchair 11 single 402 twin (201 rooms) 62 double (31 rooms) 45 cluster beds in 5 units (5 double rooms=10 beds, 40 single rooms) (133 bed/32% increase on 2010/6039/P)	273 units 337 rooms 439 beds 28 wheelchair 107 single 196 twin (98 rooms) 72 double (36 rooms) 36 cluster beds in 4 units (4 double rooms = 8 beds, 28 single rooms) (22 bed/5% increase from 2010/6039/P)
Useable landscaped area	584m ² total two areas of 544m ² on podium and 40m ² at lower basement	163m ² total two areas of 123m ² and 40m ² at lower basement	582m ² total two areas of 542m ² on podium and 40m ² at lower basement
Study/social area	789m ² Including 611m ² study/social/reading/meeting/screening; 47m ² laundry; 131m ² gym,	722m ² Including 672m ² communal study area; 50m ² laundry room	780m ² Including 520m ² study/social/reading/meeting; 92m ² screen room; 55m ² laundry room; 131m ² gym
Commercial	2,073m ² (B8 warehousing) Comprising 510m ² at LB, 920m ² at UB, 460m ² at mezz and 183m ² at G showroom	1,660m ² (B2 industrial)	2,103m ² (B8 warehousing) Comprising 510m ² at LB, 937m ² at UB, 465m ² at mezz and 191m ² at G showroom.
Goods yard	189m ²	0m ²	189m ²
Coffee shop	54m ²	0m ²	43m ²

1.3 The approved development under 2013/7130/P involved the demolition of the existing buildings and the erection of a building varying in height from 7 storeys to the Holmes Road and Cathcart Street frontages, with a single storey (above ground) link adjoining a 3 storey section at the rear part of the site. The approval was underlain by a 2 storey basement level (storey depth at the western end of the site). The approval provided 2,103sqm of warehouse (B8) floorspace at ground, lower basement and upper basement floor levels, along with a mix of student single, double and twin bedrooms, including cluster flats. The 'purpose built' student accommodation comprised 273 units, with 337 rooms and 439 bedspaces.

2.0 Proposal

2.1 Planning permission is sought for the erection of a 7th floor extension to facilitate the creation of 42 single student accommodation rooms (Sui Generis) to the existing student accommodation. The new 8th storey would be constructed on top of the substantially completed 7 storey building.

2.2 The extension would be above the substantially completed development under 2017/6786/P (a minor-material amendment of 2013/7130/P). It would increase the student accommodation from 273 units and 439 bedspaces to 315 units and 481 bedspaces. Access to the proposed new floor would be via an extended lift and stair cores.

2.3 The additional 7th floor would be enclosed by extending the aluminium louvre screens by

approximately 1.7m. A shallow duo pitched roof would complete the extended storey. The material treatment of the building would be as per the substantially completed building, with white render external walls and aluminium mesh cladding to the upper floors.

2.4 The additional 42 rooms would be single occupancy rooms ranging in size from 15.31sqm (which would apply to 37 of the rooms) to 26.8sqm. The internal room height in the 7th floor rooms extends from a minimum of 1.7m (near the external facing walls) to 2.4m.

2.5 The proposed extension would have a GIA of 891sqm and a GEA of 932sqm.

3.0 Land Use

3.1 The principle of a student accommodation on the site is acceptable as it has been consented and implemented. The proposal seeks to add further student accommodation. None of the other consented land uses on the site are considered to be materially affected by the proposal.

Increase in student accommodation

3.2 The matter of student concentration and subsequent impacts has been a contentious issue on this site historically and has received objections from neighbouring residents and businesses. A brief summary of the history of student numbers is included below:

- 2010/6039/P refused and the appeal allowed. One of the reasons for refusal was over-concentration of student housing. The Inspector considered 417 beds acceptable: *'I do not find the proposal would result in an undesirable over-intensification of purpose built student accommodation (PBSA) or harm the overall social balance of the wider community, but rather serve to redress it by bringing the proportion of students in Kentish Town up to the Borough average.'*
- 2012/6548/P refused and the appeal dismissed. Over-concentration of student accommodation (550 bed spaces) was a reason for refusal and it was upheld by the Inspector. The Inspector's main considerations are copied below:

'37. Having considered the previous inspector's findings on this matter, and having also heard the evidence to this inquiry - some of it new, some repeated from the previous inquiry - I find it impossible to say categorically whether the proposed increase (133, or about 30% compared with the approved scheme) in student numbers would bring about a harmful over-concentration. However, I am cautiously inclined to believe that it might cross an ill-defined threshold. I am in little doubt that there would be more occasions or events of noise and disturbance locally, arising from the effects of the aforementioned student exuberance, and this would be likely to provoke more complaints from the general public living in the area. And I note that there are many more new flats in the immediate vicinity than there were a few years ago. To my mind, this consideration, while not by itself decisive in the appeal, does little to commend the current scheme.'

'40. In sum, it is not clear whether the proposal would conflict with relevant policies for student accommodation, as they tend to pull in opposite directions. In other words, the policies are broadly supportive, but with important caveats intended to safeguard locally resident communities. But in the final analysis I agree with the Council that there are some reasonable grounds for concern about a likely increase in noise and disturbance from the significant proposed increase locally in student numbers. This might, just, bring about or reflect an undesirable over-concentration.'

- 2013/7130/P granted by the Council. 439 bed spaces were approved. The Committee Report relating to that permission states:

'In conclusion, the provision of a large student accommodation block on this site was not

previously seen to be contrary to policy by the previous inspectors. The thrust of the NPPF, London Plan, LDF policies and CPG remains the same in this regard. There has also not been any material change in the site context. It is therefore considered that an increase of 22 students on site would not have any significant or noticeable impact on the area in terms of noise or result in an overconcentration of students. S106 clauses are recommended to secure a Student Management Plan and linking occupation to a HEFCE-funded institution.'

3.3 The proposal would result in a further 42 bed spaces over those approved under 2013/7130/P. This falls between the approved figure and the one dismissed at Public Inquiry under 2012/6548/P. To prevent a refusal based on the increase in student bed spaces, the applicant would need to demonstrate that this increase would not lead to unacceptable noise and disturbance locally. It is likely there would be some impact from a larger student population.

3.4 The proposal would take the scheme to 481 bed spaces, which is well under the 550 that was dismissed at appeal under 2012/6548/P. It would result in an increase of 64 beds/15% over the scheme approved as part of the appeal under 2010/6039/P (417 spaces). Officers do not consider that this would result in a harmful over-concentration that would lead to unacceptable noise and disturbance locally. Any planning permission would be subject to a student management plan being secured via legal obligation. In the absence of a legal agreement, this would form a reason for refusal.

Affordable student accommodation

3.5 Policy H9 of the Local Plan requires: *'an undertaking in place to provide housing for students at one or more specific education institutions, or otherwise provide a range of accommodation that is affordable to the student body as a whole;'*

3.6 Any planning approval would therefore need to either provide for one or more specific education institutions or 30% of the new spaces as affordable. The affordable requirement (in lieu of securing a specific institution) is based on the Mayor's Housing SPG. The cost of affordable student housing would have to be no more than 55% of average student income for a UK full time student living in London away from home. As the maximum maintenance grant is £10,702p.a this would equate to the maximum affordable rent being £155 per week. As such, the Council would reasonably expect 30% of new student housing to be affordable at a rate of no more than £155 per week (if not linked to one or more specific education institutions).

3.7 The applicant has stated that the new student accommodation would be linked to one or more of the higher education organisations accredited by the British Council and that this would be secured through a section 106 legal agreement. Due to the application being refused, and thus a legal agreement not entered into, the failure to secure housing for students at one or more specific institutions or affordable accommodation would form a further reason for refusal.

4.0 Design, Character and Appearance, Conservation

4.1 The implemented development was originally approved under 2013/7130/P. This consented the erection of a part seven, part three storey building above two basement levels. The rationale for the approval was that the proposal was not significantly different from the scheme under 2012/6548/P, where the Inspector at the Public Inquiry did not dismiss the appeal on the grounds of design/impact on the surrounding area. As part of the appeal decision, the Inspector concluded that there was a good case in townscape terms for a 7 storey building of the overall height proposed and that it would complement its neighbours without appearing excessive in height in either street elevation or otherwise over-dominant. He also indicated that the scheme represented an acceptable maximum for the site (i.e. that anything above 7 storeys would not be acceptable). The relevant paragraph from the appeal decision is quoted below, with emphasis added to illustrate the point regarding the scheme being the maximum development acceptable:

*'51. In my view, there is a good case in townscape terms for a 7 storey building on the appeal site, of the overall height proposed. It would complement its neighbours without appearing excessive in height in either street elevation, or otherwise over-dominant. And I see no necessity in design or policy terms for the upper storey(s) to be set back from the main elevation. That said, and accepting the inevitable degree of subjectivity in such a judgement, **the current scheme probably represents an acceptable maximum for the site**, in terms of the site coverage, and the height, bulk and massing of the building.'*

4.2 The proposed extension would add a further storey to the approved scheme which is currently under construction. Officers consider that the substantially completed development maximises what is suitable for this particular site. The implemented scheme has been designed as a render main façade with a wide crenulated parapet above. It has mesh covered upper storeys which have been designed to signify the terminating or roof storey of the development. In this respect the design is considered to be a complete composition. The Council's guidance on roof extensions is clear, stating that roof extensions are unlikely to be acceptable where the building is a complete composition (para 5.8 of CPG1 – Design).

4.3 Furthermore, the proposal would result in a form and design which is at odds with the character and appearance of the host building. The extension would be seen in short and long range views of the building and be viewed in private views inside and outside of the Inkerman Conservation Area. It is considered that the extension would appear incongruous to an already large building that has resulted in a significant change to the character of the area. The proposal would result in additional scale and massing to the building which would cause harm to its appearance and the visual amenity of the surrounding area.

4.4 An analysis of the surrounding area has indicated that the proposal would have a significant visibility and be incongruous from surrounding views. The extension would result in a top heavy development, and this element would result in dominant upper levels that would be prominent from long views within a significant coverage of the surrounding area. There would also be visibility from within the Inkerman Conservation Area. This would be most apparent on Calthcart Street, from the junction with Holmes Road to around the Azania Mews entrance.

4.5 In addition to the above, officers are concerned with the impact of any paraphernalia on the roof (such as overruns, plant, any other projections etc.). Officers consider that limited details have been provided of this date.

4.6 Overall, the increased height and massing of the additional storey would be over dominant, visually inharmonious, and significantly harmful to the character and appearance of the host building, streetscene, surrounding townscape and the adjacent Inkerman Conservation Area. The proposal would fail to accord with policy D1 (Design) of the Local Plan, which seeks (among other things) to secure high quality design in development that respects local context and character. It also states that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Furthermore, due to the impact of the additional storey on the adjacent Inkerman Conservation Area, particularly from Cathcart Street, it is considered that the proposed development would not maintain the character and appearance of the conservation area as required by policy D2 (Heritage). The proposal similarly fails to comply with policy D3 of the Kentish Town Neighbourhood Forum Neighbourhood Plan, which requires proposals to be well integrated into their surroundings, be of an appropriate scale, height, massing and architectural detailing and be of the highest quality.

5.0 Standard of Student Accommodation

5.1 The proposed new student accommodation would contain single units, with a floor area starting from only 15.31sqm. This is less than the majority of the approved single units within the extant

permission. While it is acknowledged that student accommodation is typically used in a transient way, the overall size of the single units is concerning.

5.2 Further to the above, the quality of the proposed living accommodation is significantly impacted on by the internal ceiling heights, which would be severely compromised for all of the proposed units due to the sloping nature of the roof extension. 37 of the new units would measure 15.31sqm, with 5.34sqm (approximately 35% of the room) of the space having an internal height of between 1.8m-2.3m. This is shown in below in Figure 1:

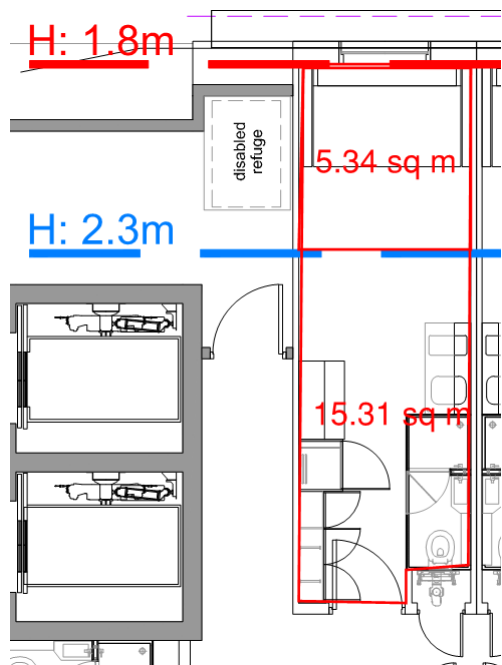


Figure 1 (above): Image of one of the single units, showing the overall floor area and the space within the lower ceiling height

5.3 Some of the other units would have a more significant proportion within a lower ceiling height. This includes the two larger single units on the southern gable. The southwestern corner unit (shown in Figure 2 below) measures 27.12sqm with 21.63sqm (approximately 80%) of the floor area with an internal ceiling height of between 1.8m-2.3m.

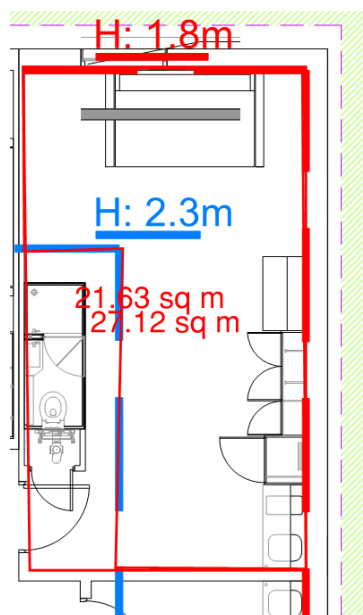


Figure 2 (above): Image of one of the single units, showing the overall floor area and the space within the lower ceiling height

5.4 Further to the above, the proposed units would all be single aspect (with one window opening in

one direction) with the outlook from each room significantly compromised/obscured by the presence of aluminium louvre screens. The proposed screens would be higher than the windows and located immediately adjacent to them. These outlook issues, in combination with the room sizes and internal heights, contribute further to the substandard quality of living accommodation that would result for prospective occupiers. The relationship between the windows and panels is demonstrated in Figure 3 below:

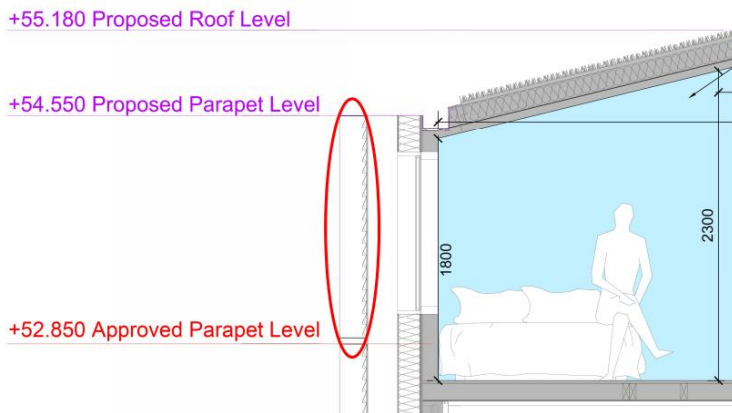


Figure 3 (above): Section showing relationship between the aluminium louvre screens (highlighted) and windows

5.5 Policy D1n. of the Local Plan requires a high standard of accommodation from development. Paragraph 7.32 of the supporting text requires all residential development to create high quality homes, which have good ceiling heights and room sizes, good natural light and ventilation and to be dual aspect except in exceptional circumstances.

5.6 The Council's Interim Housing Camden Planning Guidance (CPG) March 2018, provides residential development standards in section 4. Page 62 states:

'Ceiling heights - A minimum 2.3m headroom for at least 75% of the floor area is required as set out in the Nationally Described Space Standard technical requirements 10(i). Nonetheless, the applicant is strongly encouraged to provide a new home with a ceiling height of 2.5m for at least 75% of its gross internal area (GIA) as set out in the London Housing SPG standard 31.'

5.7 The proposed development would provide units that would all be under the 2.5m as suggested within the London Housing SPG. Furthermore, the majority of the rooms would fail to provide a minimum 2.3m headroom for at least 75% of the floor area. Some of the units would provide as little as 20% of the floor area at 2.3m, which is 55% below the Nationally Described Space Standard technical requirements.

5.8 Based on the above, the proposed student accommodation would result in substandard living accommodation for its perspective occupiers and a substandard quality of life due to the room sizes, internal ceiling height, poor outlook and access to light. This would be contrary to policy which requires new developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space and external amenity space.

6.0 Neighbouring Amenity

6.1 The application site is surrounded by residential development to the north on the otherside of Holmes Road (predominantly 74), to the east by 61-63 and 55-57 Holmes Road and to the south by 45 Holmes Road and housing at Azania Mews.

6.2 The proposed development would add a further storey to the main block (Block 1) fronting Holmes Road. It would make the building 8 storeys high overall. The main properties impacted by the

development are considered to be the south facing residential units at 74 Holmes Road, which lie within a 5 storey building (including attic storey), and the southwest flats within 55-57 Holmes Road. In particular, significant concern exists as to the impact of the additional height on the south facing flats within 74. The approved plans for this development show that 14 of the dwellings are single aspect and south facing towards the proposal. A number of the units have projecting or Juliet balconies. As such these units rely on this outlook and the level of existing light achieved from the extant permission at the host property. Furthermore, these properties are located on the opposite side of a narrow street. 55-57 lies immediately to the southeast of the proposed extension. A number of the units on the adjacent elevation are single aspect and have their external amenity spaces on this frontage. Due to the height, scale, siting and massing of the proposed development and the resulting height of the building, it is considered that it would result in a material level of harm to the adjoining occupiers at no.s 74 and 55-57 by way of loss of outlook, overbearing impact and a significant increase in terms of sense of enclosure. These issues demonstrate the inappropriateness of the additional height, with the building considered to have reached its maximum potential, causing harm to residential amenity as well as to the character and appearance of the host building and surrounding area.

6.3 The application is supported by a Daylight and Sunlight Availability Study dated 28th August 2018. The report is authored by BMT, who are an international design, engineering, science and risk management consultancy. The study provides an assessment of Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH); however, no details of No Sky Line (NSL) are provided meaning the assessment is incomplete. Furthermore, the results of the VSC and APSH were not included within report meaning that a proper detailed assessment of daylight and sunlight impacts is not possible.

6.4 The report summarises that 13 of the tested windows failed the VSC and APSH tests (approximately 29%). It is therefore considered that a large proportion of the adjoining occupiers would experience negative impacts from the proposal.

6.5 At 74 Holmes Road, 6 windows (serving habitable rooms – living rooms and kitchens) are stated to be impacted. The impacts are claimed to vary between 'Moderate Adverse' (reduction of 30%-40%) to 'Strong Adverse' (reduction of 40%). These are considered to be significant transgressions to windows that serve single aspect habitable rooms.

6.6 55 Holmes Road, according to the report, has transgressions in 2 locations relating to residential uses (bedrooms). The impacts would be 'Strong Adverse' (reduction of 40%) and 'Marginal Adverse' (reduction of 20%-30%). These windows are on the southwest facing façade immediate situated behind the development. The transgressions add to the loss of outlook, overbearing and sense of enclosure concerns.

6.7 The Azania Mews buildings would have transgressions on 4 windows. 3 of these would serve bathrooms and the other a bedroom. Officers do not consider these transgressions add to the weight of the objection on amenity grounds.

6.8 The Daylight and Sunlight Availability Study summarises that the scheme would comply in terms of APSH.

6.9 As detailed in the paragraphs above, the proposed development would result in a significant level of harm to the living conditions of the adjoining occupiers, particularly those at 74 Holmes Road. The resulting harm would primarily be to loss of daylight, loss of outlook, overbearing impact, and an increased sense of enclosure. While the site has recently been developed, leading to residential amenity being compromised over the pre-existing situation, the cumulative impact of the above would be unacceptable.

7.0 Transport

7.1 Table 6.3 of the London Plan stipulates the following minimum requirements for cycle parking provision:

- *Long stay for residents and staff - 1 space per 2 beds*
- *Short stay for visitors – 1 space per 40 beds*

7.2 The proposal would therefore need to include the provision of 21 long stay cycle parking spaces and 2 short stay cycle parking spaces. Cycle parking details relating to the previously approved scheme indicate that 258 covered, secure and fully enclosed cycle parking spaces would be provided in 2 separate bicycle stores at lower basement floor level for students. The previously approved details also include for the provision of 10 cycle parking spaces for visitors to the student accommodation. This level of provision would be in accordance with the minimum requirements of the London Plan, if the proposed extension were to be approved.

7.3 Construction of the previously approved development is nearing completion. The proposed development has been refused, meaning there would be insufficient time for the works to be implemented as part of the ongoing works. Therefore, a new Construction Management Plan (CMP) and an additional highways contribution would need to be secured as section 106 planning obligations. This would be accompanied by a CMP implementation support contribution of £7,565. The new development (i.e. the additional student units) would need to be secured as car-free as per the previously approved development. Other planning obligations secured against the previously approved development would also need to be applicable to the new development. This would include the servicing management plan and the travel plan. The failure to secure all of these legal obligations, as the application is being refused, would be included in the reasons for refusal.

8.0 Sustainability

8.1 The proposal comprises a 7th floor extension with 42 rooms and approximately 891sqm of additional floor space. The policy requirements include:

- An energy statement showing how the development would meet the following –
 - Follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies set out in the London Plan (2016) Chapter 5 (particularly Policy 5.2) to secure the **maximum feasible CO2 reduction** beyond Part L 2013. GLA guidance on preparing energy assessments and CPG3 should be followed. In particular, improvements should be sought on the minimum building fabric targets set in Part L of the building regulations
 - Camden's Local Plan (section referring to CC1) requires all developments to achieve a 20% reduction in CO2 emissions through renewable technologies (the 3rd stage of the energy hierarchy) wherever feasible, and this should be demonstrated through the energy statement.
- A sustainability statement showing how the development would –
 - Implement the sustainable design principles as noted in policy CC2
 - Achieve a BREEAM 'Excellent' rating and minimum credit requirements under Energy (60%), Materials (40%) and Water (60%) as set out in CPG3.

8.2 Based on the information submitted as part of the planning application, the proposed development would be unacceptable for the following reasons:

- The Be Clean stage reductions stated by the applicant are not new reductions and therefore should be discounted. Current CHP capacity is fully utilised and there is no additional capacity being provided, as such the additional demand will actually be met by the gas boilers and therefore this is not additional saving of regulated CO2 emissions. An alternative strategy is required.

- No information is provided on the requirement to target BREEAM Excellent and minimum credit scores of 60% in Energy, 60% in Water, and 40% in Materials categories as set out in CPG3.
- There are no proposals for Green infrastructure.
- There is excessive water use of 110 litres per person per day and no proposals for grey or rainwater harvesting
- Insufficient information is provided on cooling, materials and waste and the proposals for Solar PV

8.3 Further to the above the Lead Local Flood Authority has recommended refusal on basis of insufficient information. They stated that to overcome this objection the applicant would need to provide evidence to demonstrate how they are striving to achieve as close to greenfield runoff rates as feasible with a minimum of 50% reduction against existing rates. The applicant would also need to undertake and submit equivalent calculations for the entire site (existing and proposed), to provide context. The following information would be required:

- Completed Camden SuDS Proforma
- Surface water drainage statement
- Drawings showing full details of SuDS extent and position (including invert levels and site exceedance flows)
- Supporting Microdrainage calculations
- Scheme-specific lifetime maintenance requirements and arrangements.

8.4 Based on the above, the development would fail to minimise the effects of climate change and to meet the highest feasible environmental standards during construction and occupation, as well as not ensuring that development does not increase flood risk and reduce the risk of flooding where possible.

9.0 Planning Obligations

9.1 If the proposal was considered to be acceptable it would be the subject of a Section 106 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:

- Securing housing for specific education institutions
- Student Management Plan
- Construction/Demolition Management Plan including implementation support contribution of £7,565
- Car-free development
- Local employment plan including apprentices and a support fee
- Highways contribution
- BREEAM 'Excellent' (with minimum sub-targets for Energy, Water and Materials)
- Energy efficiency and renewable energy plan (including a Combined Heat and Power (CHP) Air Quality Assessment)

- Travel Plan
- Public open space contribution of £12,600

10.0 Community Infrastructure Levy

10.1 If the proposal was deemed acceptable it would be liable for both Mayoral and Camden CIL. The CIL form submitted with the application indicates that the development would have an uplift of 891sqm GIA. Based on the Mayor's CIL and Camden's CIL charging schedules and the information submitted the charges would be approximately £400,950. This is calculated as £44,550 for Mayoral CIL (891sqm x £50) and £356,400 for Camden CIL (891sqm x £400 (Student Housing Zone B)). The above is an estimate only and would be subject to the verification of the proposed floor area and calculations by the Council's CIL team.

11. Conclusion

11.1 For the reasons set out in the report above, the application is considered to be contrary to the Development Plan in regard to the design of the proposal and its impact on the host building, surrounding area and conservation area; would lead to a substandard quality of living accommodation; cause harm to neighbouring amenity and fail to secure relevant energy, flooding and sustainability requirements.

12.0 Recommendation: Refuse Planning Permission

