

Delegated Report	Analysis sheet		Expiry Date:	a) 09/03/2012 b) 13/02/2012
	N/A / attached		Consultation Expiry Date:	a & b) 26/01/2012
Officer		Application Number(s)		
Jonathan Markwell		a) 2011/6083/P b) 2011/6086/C		
Application Address		Drawing Numbers		
128A Camden Road London NW1 9EE		Please see decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
	<i>NM</i>		<i>SJM 09/03/2012/</i>	
Proposal(s)				
a) Renewal of planning permission granted on 16/12/2008 (ref 2006/3271/P) for demolition of existing garage (Class B2) and redevelopment with a part 2 and part 3-storey building comprising light industrial (Class B1) at basement and ground floor levels and 9 residential units comprising 2x1, 2x2 and 3x3 bed market units and 2x2 bed social rented affordable housing dwellings (Class C3). b) Renewal of conservation area consent granted on 16/12/2008 (ref 2006/3274/C) for demolition of existing garage (Class B2)				
Recommendation(s):		a) Refuse Planning Permission b) Refuse Conservation Area Consent		
Application Type:		a) Renewal of Full Planning Permission b) Renewal of Conservation Area Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	43	No. of responses	03	No. of objections	03
			No. electronic	01		
Summary of consultation responses:	<p>In addition to the letters sent to nearby occupiers a site notice was erected on 21/12/2011 (expiring on 11/01/2012) and a press notice was published on 05/01/2012 (expiring on 26/01/2012). A total of three objections have been received, summarised as follows:</p> <p>The owner of 141a and 141b St Pancras Way objects for the following reason:</p> <ul style="list-style-type: none"> • Possibility that the proposals will limit and diminish the natural light that these properties currently receive. <p>The owner-occupier of 147b St Pancras Way objects (restating objection outlined in letters dated 26/09/2006 and 01/12/2006 - as part of applications 2006/3271/P & 2006/3724/C - and 05/10/2011 and 07/10/2011 - as part of applications 2011/4566/P & 2011/4568/C) for the following reasons:</p> <ul style="list-style-type: none"> • Blockage of access to light to existing properties in St Pancras Way; • Effect on access between application site and St Pancras Way terrace of properties; • Traffic and parking issues in the highway between the application site and St Pancras Way terrace of properties as a result of the proposed commercial/residential uses; • Amenity/refuse/antisocial behaviour/security issues; • Overlooking of existing properties and sense of enclosure owing to the close proximity of the works; • Implications of deep excavation works in close proximity to 147 St Pancras Way, which has been underpinned as a result of subsidence following bomb damage during the war; • Major effect on quality of life of existing residents of the St Pancras Way terrace during demolition and construction works, especially those working from home – “I am not alone in thinking that my ability to earn my livelihood would be substantially affected.” <p>An occupier at 149a St Pancras Way objects for the following reason:</p> <ul style="list-style-type: none"> • Noise, dirt and disruption during demolition/construction and subsequent loss of amenity to nearby occupiers who work shifts. Based on prior experiences this was ‘intolerable’ and ‘a nightmare’ for nearby residents 					

English Heritage was formally consulted on both the planning and conservation applications and has confirmed that they do not wish to offer any comments on either application. Instead English Heritage recommends that the applications should be determined in accordance with national / local advice and the specialist advice of the Council.

Transport for London was formally consulted on the application but no response has been received to date.

South Kentish Town CAAC was formally consulted on the application after responding to the recently withdrawn applications at the site (applications 2011/4566/P & 2011/4568/C – see relevant history above). South Kentish Town CAAC objects to both the conservation area consent and planning permission proposals for the following reasons:

General land use matters

- “In the past 20 years there have been several major developments of housing in the neighbourhood, including conversion of a complete school and of large industrial blocks, while in nearby lower St Pancras Way there have been major conversions from light industrial premises to tall housing blocks. Kings Cross, equally, is currently having major housing builds. We propose that the neighbourhood has fully contributed to the national guidance on building housing, and instead now needs to focus on retaining employment and industrial space”.

Land use – retention of existing use / building

- The Camden Core Strategy and Development Policies have been adopted since the last application for planning permission and conservation area consent.
- Policy DP13 says: “The Council will retain land and buildings that are suitable for continued business use”. The garage is one of several in the neighbourhood (including Rochester Place and Camden Mews, and upper Camley Street) which are evidently operating successfully. There is no evidence that alternative uses are needed.
- DP13 states “Where it is proposed to redevelop employment land for another business use, including offices, the Council will seek to retain features that will enable the flexible use of the premises for a range of business purposes...”. The garage is a single storey building with considerable flexibility because of its open nature, good top lighting, wide doors, good loading access, lack of obstructing pillars and space for servicing/parking vehicles – and can be considered as Category 1 premises under CPG5.
- “Both Camden Council and South Kentish Town CAAC have successfully contested proposals to develop several small industrial sites along Rochester Place... Rochester Place meets Camden Road and 128a is about 50 metres south and therefore adjacent to this light industrial area and our

CAAC/Local groups*

comments:

*Please Specify

Conservation Area.”

Conservation value of the existing building

- The garage, on its 'triangle' of land, reads well as a contribution in twentieth century townscape. Coming down the road from the north, one approaches the start of Camden Town at St Pancras Way. It was therefore both practical and symbolic for a twentieth century transport facility – a garage – to be built at that perimeter point. Commentary provided of informal correspondence with an employee at English Heritage (who leads a Car Project which has examined how established urban centres and neighbourhoods were adapted to accommodate the car, and how this affected their appearance and character), who replied in a personal capacity denoting that the garage is “a typical example of a small garage of the period, which like most other survivors has had its frontage extensively modified over the years. In terms of rarity, we have found other examples but I am sure that there must be many more, like this one, out there currently unrecognised.”
- Considered that the garage should be better recognised for its contribution to the urban landscape, and that these are grounds both for protecting its continued use and – importantly – to protect it from demolition, or creation of a basement workspace. Improvements to the presentation of the garage, returning its original features, would help public recognition of its positive contribution, while the height and bulk (and obstruction of views from the housing terrace) is much less than the proposed new four storey mixed building.

Site Description

The application site comprises a 1-2 storey vehicle repair garage (Class B2) with associated car washing facilities (Buchanan Motors). It is located on an island site formed on the busy junction of Camden Road and St Pancras Way and the quieter residential terrace of St Pancras Way. Historical maps indicate that a garage use has occupied the site for close to a century. On the Camden Road frontage there is a large advertising billboard above the ground floor operations, which are set back slightly from the footway with a forecourt providing private parking spaces associated with the garage.

The application site is within Camden Broadway Conservation Area. Within the Conservation Area Appraisal and Management Strategy the existing building is identified as one which is considered to detract from the appearance of the conservation area and could, through sensitive enhancement or redevelopment, contribute more positively. The statement comments in relation to the application site that *"In the southern quadrant of the intersection of Camden Road and St. Pancras Way stands an early 20th century garage building (now 'Camden Car Wash'). It, and the billboard advertising it supports, are completely out of character with the early 19th century character and appearance of the Conservation Area. This building occupies the former front gardens to nos. 137-159 St Pancras Way and has harmfully altered the historic setting of the terrace"*. The Management Strategy states with regard to new development that *"The Council will particularly encourage proposals which seek to enhance or, where appropriate, redevelop those buildings and spaces, which are considered to have a negative impact on the special character or the appearance of the conservation area"*. The application site is one of the existing buildings which has a negative impact and would benefit from appropriate re-development.

Camden Road at this point is a busy, noisy highway flanked with properties with commercial uses on the ground floor and generally residential uses above. At ground floor level on both sides of Camden Road (to the south-west of the application site) these largely retail premises are located within a designated neighbourhood shopping centre. 128b Camden Road, the neighbouring building beyond the St Pancras Way terrace marks the boundary of the centre at this point. Thus the application site is located outside of a designated centre.

St Pancras Way at this point is predominantly residential, with the notable exception of the current use of the application site. The Conservation Area Appraisal notes in relation to these properties *"The curving residential terrace, nos. 137-159 (odd), consists of twelve properties, each two windows wide. It has a cohesive architectural composition arising from uniform three-storey building height, basements, aligned window openings and a strong horizontal line of first floor iron balconies and iron railings following the back-of-pavement line"*. Nos. 157 and 159 are statutorily listed grade II, while the others are all identified as positively contributing to the character and appearance of the conservation area.

The application site has a public transport accessibility level of 6a (excellent - one of the highest possible ratings), given Camden Road is a TfL Red Route and Camden Road Mainline Station is 100 metres to the south-west of the application site. The site is also within the Parliament Hill summit to St Paul's Cathedral viewing corridor. It was previously located within the designated, as part of the now superseded Unitary Development Plan, Kentish Town Light Industrial Area (at the time of the 2006/3271/P this was in force). However under the Local Development Framework the site is not located within a protected Industry Area.

Relevant History

PEX0300129 - Outline application for the demolition of existing garage/workshops and the erection of a 5-storey building comprising A1 retail, D1 nursery and C3 residential units above. Withdrawn prior to a formal decision being made by the Council 18/08/2003.

2004/3138/P - Demolition of existing buildings and erection of 4-storey building comprising 9 residential units with A1 use on ground floor and car parking to forecourt. Withdrawn prior to a formal decision being made by the Council 02/09/2004.

2005/2963/P - Demolition of existing building and erection of a new mixed use 3 storey building comprising a ground floor light industrial/business unit (Class B1) and 11 residential units above (7 x 1-bedroom, 3 x 2-bedroom and 1 x 3-bedroom). Refused Planning Permission 17/10/2005. Reasons for refusal:

1. *The proposed development, by reason of its height, bulk and location, would be likely to have a detrimental impact on light into and outlook from adjacent residential properties on St. Pancras Way terrace and would also have a detrimental overbearing impact to these properties creating an undue sense of enclosure*
2. *The proposed development, by reason of its height, bulk, mass, external appearance and detailing, and materials would be detrimental to the street scene, the wider conservation area and the setting of the listed buildings within St Pancras Way terrace*
3. *The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute to parking stress and congestion in the surrounding area to the detriment of highway and pedestrian safety*
4. *The proposed development, in the absence of a legal agreement securing highway improvements, would fail to secure the adequate provision for and safety of pedestrians*
5. *The proposed development, in the absence of a legal agreement for securing educational contributions, would be likely to make an unacceptable increase in pressure and demand on the Borough's education provision.*

2006/3271/P - Demolition of existing garage (Class B2) and redevelopment with a part 2 and part 3-storey building comprising light industrial (Class B1) at basement and ground floor levels and 9 residential units (Class C3). Granted following completion of S106 Legal Agreement on 16/12/2008 following consideration at the Development Control Committee on 08/02/2007.

2006/3724/C - Demolition of existing garage. Granted 16/12/2008.

2011/4566/P - Renewal of planning permission granted on 16/12/2008 (ref 2006/3271/P) for demolition of existing garage (Class B2) and redevelopment with a part 2 and part 3-storey building comprising light industrial (Class B1) at basement and ground floor levels and 9 residential units (Class C3). Withdrawn prior to a formal decision being made by the Council on 21/10/2011.

2011/4568/C - Renewal of conservation area consent granted on 16/12/2008 (ref 2006/3274/C) for demolition of existing garage (Class B2). Withdrawn prior to a formal decision being made by the Council on 21/10/2011.

Relevant policies

LDF Core Strategy and Development Policies

CS1	Distribution of growth
CS5	Managing the impact of growth and development
CS6	Providing quality homes
CS8	Promoting a successful and inclusive Camden economy
CS11	Promoting sustainable and efficient travel
CS13	Tackling climate change through promoting higher environmental standards
CS14	Promoting high quality places and conserving our heritage
CS15	Protecting and improving our parks and open spaces & encouraging biodiversity
CS17	Making Camden a safer place
CS18	Dealing with our waste and encouraging recycling
CS19	Delivering and monitoring the Core Strategy
DP1	Mixed use development
DP2	Making full use of Camden's capacity for housing

DP3	Contributions to the supply of affordable housing
DP5	Homes of different sizes
DP6	Lifetime homes and wheelchair homes
DP13	Employment sites and premises
DP16	The transport implications of development
DP17	Walking, cycling and public transport
DP18	Parking standards and the availability of car parking
DP19	Managing the impact of parking
DP20	Movement of goods and materials
DP21	Development connecting to the highway network
DP22	Promoting sustainable design and construction
DP23	Water
DP24	Securing high quality design
DP25	Conserving Camden's heritage
DP26	Managing the impact of development on occupiers and neighbours
DP27	Basements and lightwells
DP28	Noise and vibration
DP29	Improving access
DP31	Provision of, and improvements to public open space and outdoor sport and recreation facilities

Other Relevant Planning Policies

PPS 5 Planning for the Historic Environment (Published: 23rd March 2010)
London Plan 2011

Supplementary Planning Policies

Camden Planning Guidance 2011
Camden Broadway Conservation Area Appraisal and Management Strategy (Adopted 12 February 2009)

Other guidance

Understanding Place: Conservation Area Designation, Appraisal and Management (by English Heritage, published 25/03/2011)
London Borough of Camden Business Premises Study Final Report March 2011 by Roger Tym and Partners and Great Mills Wood

Introduction

This application is seeking an extension to the time limit for commencement of development. The application is valid owing to the previous planning permission (2006/3271/P) not being implemented on site and the permission was still extant (up to 16/12/2011) when it was submitted on 23/11/2011. As such the proposals are near identical to those already considered and subsequently granted planning permission by the Council. Site visits on 23/11/2011 and 02/02/2012 confirmed that the 2006/3271/P permission is yet to be implemented.

Owing to the proposals seeking to demolish the existing unlisted building within a conservation area, conservation area consent is required for these works. Therefore an associated application for the renewal of conservation area consent 2006/3724/C is also sought. The replacement building is a part-one, part-two, part-three and basement building comprising a mix of light industrial (Class B1) and 9 residential (2x1, 4x2 and 3x3 bed) uses. The Class B1 space is proposed at basement and ground floor level on the Camden Road frontage, with three self-contained flats on the upper floors (2x1 and 1x2 bed – units 7-9). On the St Pancras Way (north-east) frontage 6 townhouses are proposed (1x1, 2x2 and 3x3 bed – units 1-6), with those three closest to the junction with Camden Road being basement (incorporating a front lightwell) and three storey in height (units 4-6). The three units furthest away from Camden Road (the eastern side of the site) do not encompass a basement and are two storeys in height (units 1-3). Shared amenity space would be provided on the south (facing the St Pancras Way terrace of Nos. 137-159) side of the site at ground floor level for occupiers of units 4-6 and at first floor level (for occupiers of units 7-9) between the two main buildings fronting Camden Road and St Pancras Way.

The proposed building incorporates projecting and recessed bays with both butterfly and flat roof forms. It would be constructed in brickwork and render with aluminium framed windows including triangular bay windows to what would become the rear south-west (facing towards the St Pancras Way terrace of properties Nos. 137-159) elevation. An off-street service bay is proposed for the Class B1 unit to be accessed from adjacent to the terraced properties on St Pancras Way. In addition a goods lift is also proposed to be provided to allow movement deliveries to the basement area of the commercial space. No off street car-parking is proposed, although cycle parking facilities to serve the residential and commercial components along with a communal refuse storage area is sought to be created.

Given the nature of these renewal proposals the applicant has not submitted all the information approved previously. However, given that the Council's policies have been altered in the intervening period between the two applications (with the adoption of the Local Development Framework - LDF in November 2010 replacing the 2006 Unitary Development Plan - UDP) the following documents and additional information have been submitted with this application:

- Basement Impact Assessment Screening Report
- Updated Lifetime Homes Statement
- Sustainability Assessment incorporating an Energy Statement, BREEAM pre-assessment and Code For Sustainable Homes pre-assessment
- Affordable Housing statement

During the course of the application, in order to accord with some specific lifetime homes standards, updated floorplans have been submitted. In addition, more commentary regarding the type of affordable housing to be provided on site has also been submitted by the applicant.

Considerations arising during the course of the application / S106 Legal Agreement matters

The applications were considered at the Development Control Committee on 23rd February 2012, with a recommendation by officers for approval (with the planning permission being subject to the successful completion of the S106 Legal Agreement). Members resolved for the applications to be

approved in line with the officer recommendation.

In relation to the S106 Legal Agreement, a first draft of the document was sent via email to the agent of the applicant on 07/02/2012. After receiving no feedback in advance of the application being considered at Development Control Committee officers sought to make contact with the agent of the applicant after the committee to advance the S106 to completion in advance of 9th March, the 13 week date for this major application. On 2nd March the agent of the applicant confirmed that the applicant was abroad and would not be back until 13th March. The wife of the applicant then contacted the Council on 9th March via telephone to confirm that the applicant would not be willing to enter into the S106 Legal Agreement owing to it being too onerous. The Council sought clarification of this via the agent of the applicant via telephone on 09/03/2012, where it was confirmed that it was likely that the applicant would "take a refusal". As a result the Council are proceeding to determine the application on the basis of the applicant not wishing to enter into the S106 Legal Agreement required for the development. Such matters are not able to be secured via condition and thus form reasons for the refusal of the application given the unwillingness of the applicant to enter into the agreement.

Moreover, the officer recommendation to Development Control Committee was made on an on balance basis in respect of the replacement employment space. It was at the time considered appropriate on balance owing to the proposals as a whole securing two on-site social rent units. Now the applicant is not willing to enter into the S106, which includes the affordable housing provision, this element of the proposal is considered on the basis that affordable housing may not be provided.

In relation to the conservation area consent application, in the absence of an approved scheme for replacement, the demolition of the existing building would be likely to result in harm to the character and appearance of the surrounding Camden Broadway Conservation Area. This application is therefore also no longer able to be supported and instead is recommended to be refused.

Assessment

The principal considerations material to the determination of these applications are summarised as follows:

- Land use
 - principle of demolition of existing building;
 - principle of loss of existing Class B2 / provision of Class B1 floorspace and quality of replacement business floorspace;
 - principle of residential use;
- Affordable housing;
- Quality of residential accommodation;
- Design / Conservation Area & Listed Buildings;
- Amenity;
- Transport;
- Sustainability / Energy;
- Other matters;
- Other S106 contributions.

To reiterate, this proposal is seeking the renewal of permission/consent granted in 2008.

Land use - principle of demolition of existing building

As outlined above the application site building is identified within the February 2009 published Camden Broadway Conservation Area Appraisal as detracting from the appearance of the area. The accompanying Management Strategy denotes that appropriate redevelopment of such buildings would be particularly encouraged by the Council. This designation remains consistent with the original Conservation Area Statement after the area was designated as a conservation area in 2005 and when the original permission was granted at the site.

Since the Conservation Area Appraisal and Management Strategy was adopted and the original permission granted by the Council, English Heritage has revised its guidance note "*Understanding Place: Conservation Area Designation, Appraisal and Management*" to accommodate changes introduced by PPS5 (Adopted in 2010 in place of PPG15). When the building is assessed against the criteria for a positive contributor to a conservation area it is considered that the current assessment, as being a negative contributor, is accurate. In respect of specifically PPS5, the general thrust of preserving or enhancing conservation areas and the setting of listed buildings is unchanged from PPG15. However greater emphasis is made that the significance of a heritage asset may not be recognised immediately and once more information is known its significance may need to be reassessed.

With this in mind it is noted that South Kentish Town CAAC objects to the proposals partly on the basis of the loss of the existing building. Information has been provided by the CAAC that the building dates from the early twentieth century (historic maps indicate it was between 1914-1935) and they have informally consulted English Heritage (see consultations section above for details). In addition English Heritage has also produced a Listing Selection Guide for Transport Buildings in April 2011.

It is considered that the existing building is unremarkable architecturally, consisting of a 'shed' topped with a corrugated roof and with a gable wall on the western elevation. The simple design reflects its historic functional use as a repair and maintenance garage. The English Heritage Guidance notes on page 5 that "*...many transport buildings show signs of having been considerably altered, to meet changing requirements and the evolution of transport modes. Such alterations can sometimes be of clear interest in its own right; in other instances, such alteration may have detracted from the architectural coherence of the structure in a negative way*". It is noted though that the façade has been much altered from the original and does not appear to have any feature of note (although the iron columns are unusual and may be original). There is however considered to be nothing particularly remarkable about it except as limited evidential value and any architectural interest has mostly been lost through alterations to the façade.

Such facilities dating the late 19th century are exceptionally rare, however those from the early 20th century are less so and given its much altered state (others survive nationally in a much better state of preservation) it is considered to be of limited heritage value. The informal advice of English Heritage states that the building is extensively modified and does not indicate that it is particularly rare.

It is also noted that the LDF has replaced the UDP since the original permission. Whilst it is acknowledged that the policies have altered, the general thrust is still largely the same in respect of the demolition of the building.

Even with the new information provided by the CAAC the assessment of the building in relation to the character and appearance of the conservation area is unchanged and would therefore not lead to a different decision from the last application in respect of the demolition of the existing building.

However owing to the planning permission not being able to be supported, it therefore means that the conservation area consent application cannot be supported owing to the absence of an acceptable replacement building being in place. The demolition of the existing building without a replacement building being implemented would cause harm to the character and appearance of this part of the Camden Broadway Conservation Area.

Principle of loss of existing Class B2 / provision of Class B1 floorspace and quality of replacement business floorspace

In addition to the demolition of the existing building, it is also sought to change the use of the existing Class B2 (General Industrial) space to a Class B1 (Business) use at the site. Thus the proposals do not involve the actual loss of a business use at the site and consequently elements a) and b) of policy DP13 (which seeks to consider the retention of land and buildings suitable for continued business use where proposals involve a change of use to a non-business use), do not apply to these proposals.

Instead the proposals involve the redevelopment of employment land for another business use, which is considered by elements c) to g) of policy DP13.

Up until the 9th March it was understood that the applicant was willing to provide affordable housing on-site and during the course of the application this had been confirmed by the applicant to being social rent affordable housing. Partly owing to this, when the scheme was considered at Development Control Committee the replacement employment floorspace was considered, on balance, to be appropriate. Now the applicant is not willing to enter into the S106, part of which would have secured on-site affordable housing, the proposals are re-assessed with this changing context in mind.

The first relevant consideration is whether the level of employment floorspace is maintained or increased at the site (part c of policy DP13). In this instance there is a reduction in employment floorspace by 2m², from 580m² to 578m². Given the limited nature of the reduction it is considered that the level of floorspace for all intents and purposes is being maintained.

The next consideration is whether the replacement scheme includes other priority uses, such as housing and affordable housing. The proposed scheme does include nine residential units, although it is now unclear as to whether it would involve affordable housing or not. On balance this element of the policy is considered to be met.

Part e of DP13 considers whether premises for new, small or medium enterprises are provided. The supporting text clarifies this further by stating at paragraph 13.4 that *"where it is proposed to develop employment land for another business use, including offices, the Council will seek to retain physical features that will enable the flexible use of the premises for a range of business purposes"*. Typical design features are then listed, noted as: clear/flexible space, adequate floor to ceiling heights, wide doors / corridors, loading facilities, large amounts of natural light, availability of a range of units sizes, and servicing space. Paragraph 13.6 then notes that *"The provision of inappropriate business space will not be acceptable as this often fails to attract an occupier, which can lead to vacancy. Clear separation of the residential element and effective management of the business space will also be important"*. CPG5 Chapter 6 goes into more detail in this respect, with the categorisation of sites and buildings, with single storey premises being one benefit and lower ground or basement accommodation being one weakness identified. Paragraph 6.15 states in relation to new premises that *"the most important features are good delivery/servicing access, separation from other uses, freedom to operate at all times and a 50-70% site coverage. Where mixed use development is planned employment and residential should normally be provided in separate blocks"*. Furthermore the Business Premises Study (BPS) 2011 helped inform the CPG guidance and this is also of relevance.

In overall terms it is considered that there are significant drawbacks to the proposed employment floorspace when compared with the existing and, without the guarantee of affordable housing being provided, it is now considered that the replacement space, again on balance, would be of inferior quality to that existing at the site and would be unsuitable and inappropriate for future occupation by a range of Class B1 uses, diminishing the quality of the supply of employment premises in the Borough.

In relation to the quality of space, there are two significant drawbacks to the proposed scheme in comparison with existing. First, 308m² of space is proposed at basement floor level. At present there is no basement at the site and the space is provided over a single level at ground floor. The proposed space equates to over 50% of the total proposed. Basement space is a category 3 feature in CPG, with the BPS also stating at paragraph 3.16 that The BPS also notes at paragraph 3.16 that basement space is unattractive for future occupiers *"For the occupier, this [basement employment space] is nearly always inferior to above ground provision"*. Thus basement accommodation, and moreover the amount / proportion of basement accommodation proposed, is a key drawback of the proposed replacement space both in itself (negatively impacting on let-ability) and in comparison with the existing space.

Secondly access to natural light to the basement floorspace will unquestionably be limited, despite the

acknowledged attempts the applicant has shown on the proposed plans. Despite this, access to natural light will inevitably be constrained at the majority of the basement floor level owing to the nature of the space and the only source of natural light being on the north-east side of the building. In itself it is doubtful whether future occupiers would find this attractive, impacting on the let-ability of the space. In comparison with the existing ground floor space the proposed access to natural light will be worse than existing.

Furthermore the employment space would not provide 'horizontal separation' and instead the residential/commercial is 'vertically separated' (where industrial space is provided on the ground floor of residential blocks – see paragraph 2.56 of BPS for confirmation). This stems from information within the BPS and also stated at paragraph 6.15 of CPG5. A continuing theme throughout the BPS is that 'vertical separation', as proposed, should be avoided. This is outlined in the mixed use redevelopment sections in chapter 2 (paragraphs 2.54-2.60), chapter 3 (paragraph 3.13 and 7 subsequent paragraphs) and the conclusions in chapter 4. Paragraph 2.56 states 'vertical separation' *"is unattractive to occupiers, because of the nuisance issues"*. Paragraph 2.60 continues *"We cannot find any successful examples of mixed use redevelopment where industrial space is below residential"*. Paragraph 3.14 denotes that offices as part of mixed use schemes are difficult to let owing to limited demand and limited quality, as stipulated in paragraph 3.15. Furthermore of the four recommendations of the BPS (Chapter 4), two are directly relevant and are not favourable to the proposed scheme. First *"any mixed-use redevelopment of existing industrial sites should provide horizontal separation"* and second *"the Council should not encourage mixed-use redevelopment where industrial space is provided on the ground floor of residential blocks"*. The proposed 'vertical separation' proposed, as opposed to 'horizontal separation', is therefore a significant drawback of the proposed scheme and is likely to negatively impact on the let-ability of the proposed space.

There are examples of cases nearby which have been dismissed on appeal owing to the substandard replacement employment floorspace (such as 55 Rochester Place and 3a Wilmot Place - APP/X5210/A/11/2154322). In addition it could be the case that the commercial space is not attractive to future occupiers and thus in time the premises would be sought to be converted to residential space, as commented on in the BPS at paragraph 1.7 and in more detail at paragraphs 2.54-2.60. The BPS states in this respect at paragraph 2.60 that *"we cannot find any successful examples of mixed-use development where industrial space is below residential"*. On the other hand the BPS states at paragraph 2.58 that *"examples where industrial space has been built below residential and is proving difficult to let are to be found all over the borough"*.

One example of such an instance is at 55 Holmes Road, NW5 3AN (in the neighbouring Kentish Town ward). Planning permission was granted in 2002 for the re-development of the site to provide office (Class B1) and warehouse (Class B8) space below 14 residential units (App Ref: PEX0000934). In the recent past planning permission has been granted for the change of use of front part of upper basement level from warehouse (Class B8) to 4 (4 x 1 bed) self contained residential units (Class C3) (App Ref: 2010/6016/P) and Change of use and conversion of part ground floor from part office Class B1(a) and part storage and distribution (Class B8) to three (2 x 2 bed & 1x 3 bed) self contained residential units (Class C3) (App Ref: 2011/2627/P). The justification provided for these recent permissions is owing to the unsuccessful marketing of these parts of the building for Class B1 and B8 uses since the completion of the development in 2004. This example demonstrates the difficulties in letting basement and ground floor commercial space above residential and the subsequent change of use to residential at these floors in the future.

Thus serious concerns are raised over the quality of the replacement space and the attractiveness of this to future occupiers. This consequently forms a reason for refusal of the application.

Part f of DP13 considers whether *"floorspace suitable for either light industrial, industry or warehousing uses is re-provided where the site has been used for these uses or for offices in premises that are suitable for other business uses"*. In respect of this consideration the officer report for the original application denoted that a replacement Class B2 use would not be sought in such proximity to existing residential properties and the Class B1 use is therefore welcomed in principle.

Given this context it continues to be considered that it would not be appropriate for the replacement floorspace to be used for Class B2 purposes. As such this element of the policy is not applicable in this instance.

The final part of the policy (part g) seeks to consider whether the proposed non-employment uses would or would not prejudice continued industrial uses in the surrounding area. In this respect it is reiterated that the immediately surrounding area is predominantly non-industrial, with residential and commercial uses instead predominant and the existing garage being the exception in the local area. Furthermore the nearest designated industry area is c. 750m to the north-west in Kentish Town and thus the proposals are not considered to prejudice continued industrial uses in the surrounding area.

Principle of residential use

Housing is regarded as the priority land-use of the LDF (policies CS6 and DP2) and the Council seeks to maximise the supply of additional homes in the borough. The nine proposed residential units would therefore assist in providing additional homes, with the proposed overall mix of 2x1 bed, 4x2 bed and 3x3 bed units being considered to be satisfactory with DP5 in mind by providing a mix of small and large units suitable for a range of future occupiers.

The provision of a mix of commercial / residential uses is also considered to align with the objections of DP1, with the policy stating *"The Council will require a mix of uses in development where appropriate in all parts of the borough, including a contribution towards the supply of housing"*. The mix of both commercial and residential uses is therefore appropriate, within an area where there is already such a mix; the proposed development would seek to extend this mix.

Affordable housing

The 2006/3271/P permission at the site did not attract a requirement to provide any affordable housing given the point in time in which it was considered at Development Control Committee in February 2007 the threshold was 15 units or 1500m² of floorspace. However the 2008 and 2011 London Plans and the 2010 LDF have reduced the threshold to 10 units or 1000m² of floorspace. The applicant has re-checked the floorspace involved and confirmed that the Gross External Area of the proposed residential element is 1371m² (55m² less than the 1426m² stated on the 2006/3271/P application form) for the 9 residential units proposed. Thus although the number of units in itself would not be susceptible to an affordable housing requirement (9 units), the overall floorspace involved in these nine units means that there is a 14% requirement towards the provision of affordable housing. In floorspace terms this equates to 192m² being required for the proposals to be policy compliant.

Following negotiations during the course of the application the applicant agreed to provide two of the nine proposed units as social rented affordable houses. The applicant had originally been seeking for these units to be provided on an affordable rent basis, but after confirmation of interest from registered providers on a social rented basis this form of affordable housing was offered by the applicant in respect of unit 1 and unit 2, both two-storey self-contained single dwellinghouses located at the eastern end of the site and fronting onto St Pancras Way. Two registered providers (Origin Housing and One Housing Group) have been seen to have made offers to the applicant on a social rented basis. Both social rented units proposed are completely independent from the rest of the units and thus will not be susceptible to the servicing and management costs of the other units. It is considered that the provision of two social rented units on site is welcomed in principle, in line with policies CS6 and DP3. Both units would have been secured via the S106 Legal Agreement had the applicant been willing to enter into it. Given that the applicant is now not willing to enter into the S106 Legal Agreement and this matter not being able to be secured via a suitably worded condition, this forms a reason for the refusal of the application.

In addition, the overall floor area of unit 1 and unit 2 is 186m², which meant that the provision of the two units still did not meet in full the on-site floorspace requirement for affordable housing. It is not considered feasible for this 6m² shortfall to be provided on or off-site and thus the most appropriate

mechanism for overcoming this shortfall is via a payment-in-lieu secured via S106 Legal Agreement. Using the CPG2 and CPG8 guidance the shortfall in on-site provision equated to a payment-in-lieu of £15,900, which would have gone directly to the Council's affordable housing fund. Given that the applicant is now not willing to enter into the S106 Legal Agreement and this matter not being able to be secured via a suitably worded condition, this forms a reason for the refusal of the application in combination with the lack of on-site provision.

In addition a further head of term was considered to be necessary in relation to affordable housing and would have been secured via S106 if the applicant had have been willing to enter into the legal agreement. This involved securing an additional affordable housing requirement if the scheme was extended or converted in the future above and beyond the 9 residential units proposed in this submission. This would have covered possible scenarios such as: 1) the commercial element being sought to be converted into residential accommodation in the future; 2) the site being extended (either at roof level or basement excavation for example) to provide additional units or 3) the internal layout of the 9 units proposed to be created being reconfigured to provide a larger number of overall residential units. In practice this would have secured an appropriate percentage of the residential units permitted by the subsequent planning permission being allocated as affordable housing, with this percentage being applied to the aggregate total of the residential units permitted by both the current submission and the subsequent planning permission. Given that the applicant is now not willing to enter into the S106 Legal Agreement and this matter not being able to be secured via a suitably worded condition, this forms a reason for the refusal of the application.

Quality of residential accommodation

The proposed residential units, in line with policy DP26h-k, are considered to provide a high quality of accommodation for future occupiers. Each unit is fully self-contained and provides large overall flat and bedroom spaces, aligning with CPG4 and the London Plan. In particular units 4, 5 and 6 are very spacious three bedroom houses located over four floors. Each room provides adequate outlook, circulation and ventilation opportunities. The floor to ceiling heights, provision of storage spaces and access to shared outdoor amenity space for 6 of the 9 units are other benefits of the scheme for future occupiers. More specifically in respect of amenity space, units 4-6 will have access to a shared amenity space at ground floor level on the south side of the building, while units 7-9 will have access to a landscaped roof garden at first floor level. Finally, a dedicated internal waste storage area is proposed, details of which would have been secured if the application had have been able to be approved.

The applicant has also provided more detailed information in respect of lifetime homes, given that the Council's requirements have advanced since the time of the original permission. This includes a series of updated statements and indication on the plans of adequate turning circles and future locations of lifts within each unit. As such, the vast majority of the standards will be met and if the scheme had have been able to be supported a condition ensuring this takes place would have been added. In relation to standard 4, concerning weather protected entrances to each unit, details of the design of these features would have been secured via a separate condition to ensure they comply with the relevant design based policies.

With regard to the residential amenity of future occupiers in terms of overlooking / privacy, the scheme has been carefully designed to minimise as far as possible these implications from nearby buildings such as Nos. 137-159 St Pancras Way as well as other residential units at the application site. For example the internal layout of rooms and orientation of windows has been carefully considered to prevent direct overlooking into the windows at the application site.

Design / Conservation Area & Listed Buildings

As already noted, since the original permission at the site the UDP has been replaced by the LDF and PPG15 has been replaced with PPS5. However whilst Camden's policies have changed in name their

general thrust in relation to design/conservation/listed building considerations is still largely the same. LDF policies CS14 and DP25 cover the protection of Camden's heritage, with the onus on preserving and enhancing the conservation area and the setting of listed buildings. This is not a significant change from UDP policy B7. Meanwhile LDF policies CS14 and DP24 cover high quality design and again are not significantly different from UDP policy B1. The general thrust in PPG15 of preserving or enhancing conservation areas and the setting of listed buildings is unchanged in PPS5. Given the renewal nature of the application no external changes to the originally approved scheme have been made. It is within this context that the design of the scheme is considered.

There are considered to be four distinct elements in the design of the proposed replacement building, from west to east as follows:

- 3 storey and basement bookend on the junction with Camden Road (10.2m high) with flat roof (commercial unit and residential units 7-9);
- 1 storey section (with associated landscaped roof garden) allowing views through to the listed buildings at Nos. 157 to 159 St Pancras Way Terrace (4m high);
- 3 storey and basement section with flat roofs, 8.7m in height (residential units 4-6);
- 2 storey section with butterfly roofs, 5.9m - 7.1m in height (residential units 1-3).

The proposals are similar in height to the adjacent terrace of properties along St Pancras Way (Nos. 157-159). As in the original assessment of the scheme it is acknowledged that views of the terrace would be reduced slightly in comparison with the existing situation, but the butterfly roofs of this nearby terrace would be retained. In addition the mix of butterfly and flat roofs at the application site are considered to respond to the nearby context in St Pancras Way. Moreover, the one storey element of the proposals not only breaks up the overall bulk of the proposed building but also ensures that views through to the listed buildings at No's 157 and 159 are possible. Furthermore the introduction of projecting and recessed bays is considered to provide sufficient depth to the design.

Thus it remains the view that, although the proposed building is larger than the existing building at the site, the proposed height, bulk and massing has been considered with the neighbouring context in mind to form a design which is considered to align comfortably with St Pancras Way and in particular the setting of the listed buildings within this terrace.

Turning to detailed design matters, the provision of an active frontage along the north (St Pancras Way) elevation is welcomed in design terms. The rear (south – facing towards the terrace of St Pancras Way properties) elevation is less prominent, owing to the need to retain residential amenity and this too is considered satisfactory, as is the Camden Road elevation. There are a variety of facing materials proposed, creating a mix of form which allows for a degree of visual interest. Brickwork is mixed with smooth white render, lightweight glazed balustrades and more significant glazing on part of the ground floor Camden Road frontage to differentiate the commercial use from the residential. The proposed windows are located at regular intervals and include a mix of regular sizes and shapes to provide both a degree of uniformity and interest to a contemporary building. The proposed railings along the St Pancras Way frontage, enclosing front lightwells at this point, are welcomed in principle, aligning with the predominant character in this part of the conservation area.

Thus in relation to overall design matters it is considered that the proposed replacement building would represent an improvement to the existing building, which is considered to make a negative contribution to the conservation area. Moreover, in itself, the proposed building would preserve and enhance the character and appearance of the conservation area at this point, thereby in compliance with LDF policies CS14, DP24 and DP25.

Similar to the approach taken in the original permission at the site, if this submission had have been able to be supported conditions in relation to detailed design matters would have been recommended in order to ensure the quality of the finished building is appropriate to the site location. This included details of all facing materials, the proposed doors, windows, entrances, balustrade and railings, which would have all been secured via condition. In addition precise details of the location and orientation of

the solar thermal hot water excavated tube collectors and photovoltaic cells proposed at roof level would also have been secured via condition. Although the locations are indicated on the floor plan and some visuals, they are not shown on elevation/section plans and thus fuller details would have been secured via condition to ensure they are not visually obtrusive or detract from the architectural integrity of the proposals. Another condition which would have been recommended with design matters in mind would have been the removal of permitted development rights associated with the single dwellinghouses proposed (Units 1-6) fronting St Pancras Way. This would have ensured the Council had appropriate means of controlling any alterations to these properties in the future and ensure they could not be inappropriately altered through permitted development.

Amenity

As with other elements of the proposals, all matters in relation to the amenity of neighbouring occupiers were considered to be satisfactory as part of the original permission at the site. Moreover, the general thrust of policies (barring basement excavation) have not changed in the intervening period in this respect, despite the UDP (policy SD6) being replaced with the LDF (policies CS5 and DP26), and the external extent of the proposals has not changed from the original scheme.

With the above in mind, it is considered that the proposed scheme would not result in any overlooking to nearby occupiers that would cause a loss of privacy significant enough to warrant the refusal of the application on this basis. On the south elevation facing No's 137-159 St Pancras Way only an access door and high level small window serving a bathroom are proposed at ground floor level of units 4-6, with the first and second floor windows being at an angle to reduce any direct overlooking. It is acknowledged that overlooking may be possible from the first floor roof garden. However the plans indicate a glazed balustrade is proposed to prevent use and access to the southern end of the roof garden. If the application had have been able to be approved a condition would have been added seeking further details in this respect to ensure this balustrade is retained and this part of the flat roof is not used as a terrace.

The officer report to the original permission acknowledged that despite this condition there would be a distance of approximately 12.5m between habitable room windows at 159 St Pancras Way and the closest point of the roof garden available for general use. This is below the 18m good practice distance outlined in CPG6 Chapter 7. At the time of the original permission it was considered, on balance, that the provision of outdoor amenity space and the limited instances in which such a space would be likely to be used meant the loss of privacy would not be so significant to warrant the refusal of the application on this basis. This is also considered to be the case in this instance, given the policy context has not significantly changed in the intervening period. Similarly no significant matters of loss of outlook are envisaged as a result of the proposed development.

In respect of daylight and sunlight matters, the applicant submitted a full daylight and sunlight assessment at the time of the original application, which demonstrated that the scheme would comply with the Building Research Establishment's guidance, as also stipulated in CPG6 Chapter 6. The report considered the impact of the proposed development on daylight to windows at Nos. 145-159 St Pancras Way. Although in a number of instances it was acknowledged that the amount of daylight would reduce as a result of the proposed development, the amount of reduction in the Vertical Sky Component would not be 20% less than existing and thus complies with the relevant test. Such a conclusion remains the case at this point in time, thereby meaning it is considered that the applicant has adequately addressed this matter. A Sunlight assessment was not required to be submitted owing to the north orientation of the terrace of St Pancras Way properties, meaning the proposed development would be unlikely to result in any material loss of access to sunlight to these properties.

Turning to noise and disturbance matters, the nature of a Class B1 use is not considered to result in a significant additional loss of amenity to neighbouring occupiers in comparison with the present possible loss of amenity from a Class B2 use. However, given the relatively wide range of operators possible to function at the site as a result of a Class B1 use, it was considered at the time of the original application to add conditions in respect of both operating and delivery times of the use. If this

application had have been able to be supported such conditions would also have been considered to be reasonable and necessary in this instance in order to protect residential amenity. The Class B1 floorspace would only have been able to operate from 0700 to 2200 on Mondays to Saturdays and 0900 and 1800 on Sundays and Bank Holidays. Deliveries associated with the Class B1 use would only be permitted between 0830 and 1900 on Mondays to Saturdays (none on Sundays or Bank Holidays).

In respect of the proposed first floor roof garden or the ground floor shared amenity space, such areas are not of a significant size individually or collectively to lead to a level of noise or disturbance which would result in a substantial loss of amenity to neighbouring occupiers. The existing context of noise and disturbance from Camden Road and St Pancras Way and the existing use at the site is also considered in reaching this conclusion.

In relation to noise and disturbance from plant and associated machinery, none is shown on the proposed plans, although in the energy report submitted reference is made to the likelihood of introducing an air source heat pump associated with the commercial use at the site. No details of this have however been shown on the plans. If the application had have been able to be supported a condition would have been added seeking further details of this and its impact on noise levels in the local area, prior to any development taking place. In addition the Council's standard noise condition would also have been added so that once the necessary details have been provided, the Council has sufficient means to take any necessary enforcement action should the plant not operate as anticipated.

The application proposes a single level of basement accommodation across a significant proportion of the existing site to facilitate 308m² of Class B1 floorspace and the kitchen/dining rooms associated with residential units 4, 5 and 6. In total the basement is a maximum 40m in length, a minimum 12.8m in width (in relation to the residential component) increasing to a maximum of 22m (for the commercial element) in width and a minimum 3.6m in depth (in respect of the residential element, incorporating a floor to ceiling height of 2.55m), increasing to a maximum of 4.8m (in respect of the commercial element, incorporating a floor to ceiling height of 3.5m).

In line with DP27 the applicant has submitted a Basement Impact Assessment (BIA) Screening Report. It is noted however that the application site is not located within an area identified within the Arup study (reproduced in CPG4) as being susceptible to slope (in) stability, subterranean (groundwater) flow or surface flow and flooding. Nevertheless, owing to DP27 and the size of the proposed basement, justification in respect of this part of the proposals is required, partly to protect the amenity of nearby and future occupiers. In line with stage 1 of the BIA process outlined in CPG4 applicant has submitted a Screening Report to assess whether a full BIA is required to be carried out. Each of the necessary questions in relation to ground stability, groundwater and surface flow and flooding have been addressed in the information submitted, with the only matters potentially identified as requiring further assessment are owing to the site being near a public highway, a storm relief sewer and other buildings. It is considered that these matters can be adequately addressed during the detailed design stage of works, with the appointed structural engineer liaising where necessary with the relevant statutory authorities. It is not considered that such matters would have been required to be secured via condition in this instance and the applicant has provided sufficient information to demonstrate that the scheme unlikely to neither cause harm to the built and natural environment and local amenity nor result in flooding or ground instability.

Transport

The proposed scheme involves the entire redevelopment of the site and is likely to result in a greater use of both the site and immediate surrounding area as a result of the proposed commercial and residential uses. Consequently a number of highways works are required in order to regularise and improve the pedestrian and vehicular environment, comprising:

- Removal of the crossovers associated with the existing use of the site on Camden Road

- and St Pancras Way and reinstatement with granite kerb and concrete paving;
- Upgrading the raised entry/exit treatment at the intersection of the St Pancras Way terrace of properties and Camden Road to Camden Streetscape Design Manual standards;
 - Installation of a raised entry treatment at the intersection of St Pancras Way terrace of properties and St Pancras Way;
 - Re-paving of the footway immediately adjacent to the site along St Pancras Way and Camden Road.

All of these works were sought to be secured with the original permission. The cost of these works has been estimated by the Council's Highways team, during the course of this application, to be £33,000. This would have been secured via S106 Legal Agreement. Now the applicant has confirmed that they are in-fact not willing to enter into the S106 on this basis, this forms a reason for the refusal of the application.

Similar to the original permission a construction management plan (CMP) would have been secured via S106 Legal Agreement. This is in order to minimise disruption to both neighbouring occupiers and the highway network during both the demolition and construction phases of development. Given that the applicant is now not willing to enter into the S106 Legal Agreement and this matter not being able to be secured via a suitably worded condition, it forms a reason for the refusal of the application.

Given the location of the application site within a Controlled Parking Zone, the excellent PTAL rating and the limited amount of existing parking in the area it is considered that the development should be made car-free. In practice this means future residential and commercial occupiers will not be able to apply for on-street parking permits. Furthermore no on-site parking spaces are proposed for either the residential or commercial components of the scheme. The development being car-free would have been secured via S106 Legal Agreement. Given that the applicant is now not willing to enter into the S106 Legal Agreement and this matter not being able to be secured via a suitably worded condition, it forms a reason for the refusal of the application.

Since the original permission was granted both the London Plan and the LDF have introduced new cycle parking standards. The proposals show an area at ground floor level on the St Pancras Way frontage for cycle storage associated with the residential and two cycle stands on Camden Road for the commercial part. In the original permission details in respect of cycle parking were secured via condition. This would have also considered to be appropriate in this instance if the application had have been able to be supported, with the condition seeking details of the required 12 cycle spaces for the residential part of the scheme and 5 spaces for the commercial element (3 for staff and two for visitors). The condition would have also stipulated that the cycle parking provision was subsequently retained in the future.

In respect of the servicing of the Class B1 space, the proposal seeks to alter the existing site arrangements on the west side of the site (from Camden Road adjacent to the junction with St Pancras Way) to the south part of the site (accessed from the St Pancras Way highway adjacent to the terrace of properties of Nos. 137-159 St Pancras Way). The proposed on-site servicing comprises a turning/loading bay, which is considered to be the most appropriate location in terms of highway safety matters and the servicing requirements of the commercial unit.

It is acknowledged that the servicing area is adjacent to the existing residential terrace of properties at No's 137-159 St Pancras Way and would also be in close proximity to future occupiers of the proposed residential units. Therefore if this application had have been considered appropriate, a condition, in line with that added to the original permission, would have denoted that no deliveries associated with the Class B1 use at the site would have taken place outside of the hours of 0830 – 1900 on Mondays to Saturdays (with none on Sundays or Bank Holidays). Furthermore another condition would also have sought for translucent paint to be added to the servicing bay stating 'No Parking' within this area to avoid illegal parking or highway disturbance at this area. This condition was also included in the original permission.

Furthermore, it is also considered necessary for a full servicing management plan (SMP) to be secured via S106 Legal Agreement. Given that the applicant is now not willing to enter into the S106 Legal Agreement and this matter not being able to be secured via a suitably worded condition, it forms a reason for the refusal of the application. This would have secured details such as the likely frequency and duration of servicing movements, sizes of servicing vehicles, swept paths to ascertain manoeuvrability, the route of vehicles and how pedestrian and highway safety will be maintained. This is considered to be an appropriate mechanism in this case and is necessary owing to the variety of types of future occupiers within Class B1 possible at the site and the need to maintain residential amenity. A SMP was also secured with the original permission and this, together with the conditions, would have provide the Council with the necessary means of minimising highway disruption and protecting amenity in and around the site if the application had have been able to be supported.

Sustainability / Energy

Since the original permission was granted at the site the sustainability requirements of redevelopment schemes of this scale and nature have advanced significantly. Consequently the applicant has submitted more substantial information in order to seek to meet the Council's LDF and the London Plan policy requirements.

With regard to the residential element of the scheme the applicant has submitted a Code for Sustainable Homes (CfSH) pre-assessment which demonstrates that the proposed units are likely to achieve an overall Level 3 good rating, as required in CPG3. The applicant has also denoted that given the variety of types of residential accommodation proposed (3x2-storey houses; 3x4-storey houses; 3xflats) a worse case scenario rating has been used in the pre-assessment and it is anticipated that a number of the units will at the design or post-construction review stages meet Code Level 4. In respect of the pre-assessment the targeted (50%) credits in the energy, water and materials categories are all anticipated to be met with 58% in energy, 67% in water and 63% in materials. This is considered to meet the required policies and the CfSH design stage and post-construction review would have been secured via the S106 Legal Agreement to ensure the required standards are met when the scheme is more fully designed and implemented. Given that the applicant is now not willing to enter into the S106 Legal Agreement and this matter not being able to be secured via a suitably worded condition, it forms a reason for the refusal of the application.

Turning to the commercial element of the scheme the applicant has submitted a BREEAM pre-assessment which demonstrates the basement and ground floor space is likely to achieve an overall score of 63.33%, which equates to a 'Very Good' rating, as required by CPG3. In respect of the targeted credits in the energy (60%), water (60%) and materials (40%) categories, there are at present some shortfalls identified with 46% in energy and 17% in water, although 73% of the credits in materials are anticipated to be met. Given the renewal nature of the application and there being scope for the energy and water categories to be improved at the design stage, it is considered on balance that the information provided is adequate and should not in itself form a reason for the refusal of the application. Moreover, the BREEAM design stage and post-construction review would have been secured via the S106 Legal Agreement would have denoted the expectation for an overall 'very good' rating to be achieved (as anticipated), together with the specific energy (60%), water (60%) and materials (40%) credits being met, which means current deficiencies in the energy and water categories would be sought to be overcome at the design stage. Given that the applicant is now not willing to enter into the S106 Legal Agreement and this matter not being able to be secured via a suitably worded condition, it forms a reason for the refusal of the application.

The applicant has also submitted an energy statement in respect of the proposed development as a whole. This follows the 'be lean', 'be clean' and 'be green' principles required by the LDF and London Plan, with a variety of measures to be introduced. These include, in line with CPG3 Chapter 3, maximising natural daylight and increasing insulation throughout, 100% low energy lighting, inclusion of rainwater butts, energy monitoring, ample ventilation, dual flush toilets and the detailed design seeking to exceed Part L of the Building Regulations. The applicant has also explored the various

renewable energy and low carbon technology options at the site, with view to meeting the target 20% reduction in carbon dioxide emissions stipulated in CPG3 Chapter 6, which builds on LDF policy CS13. The applicant has considered all options, with ground source heat pumps, biomass heating and power and wind turbines being discounted. Instead the applicant is proposing a mix of solar thermal hot water excavated tube collectors and photovoltaic cells for all residential units, with an air source heat pump associated with solely the commercial part of the scheme. Such measures are anticipated to result in a 29% reduction in carbon dioxide emissions through renewables. The proposed features are welcomed in principle in line with the LDF and CPG, with the S106 Legal Agreement securing in full the measures outlined in the statement submitted. However, given that the applicant is now not willing to enter into the S106 Legal Agreement and this matter not being able to be secured via a suitably worded condition, it forms a reason for the refusal of the application.

Linked to this, the proposals also incorporate a range of biodiversity measures. These include green roofs on units 4, 5, 6 and 9, which the applicant denotes to cover 70% of the built site. Furthermore, parts of the landscaped communal garden at first floor level for units 7, 8 and 9 will include a sedum lawn. In addition on the south side of the site a shared amenity space with direct access from units 4, 5 and 6, with shrubs, pot plants and trees all denoted on the proposed plans in this area. Such measures are welcomed with CS13 and DP22 in mind. Limited details have however been provided to date, so details of the green/sedum roofs and all hard/soft landscaping measures would have been secured via condition if the application had have been able to be supported.

Other matters

Given the existing / former garage and petrol station related uses at the application site there could be land contamination present at the site. Similar to the original permission a condition would have been recommended to be added to seek a ground investigation (and subsequent remediation and verification if applicable) prior to any works being carried out.

With regard to Community Safety matters the applicant has liaised with the Council's Crime Prevention Design Advisor in respect of the proposals, in addition to the measures introduced at the site of the original permission. It is considered that although such matters were secured via the S106 Legal Agreement in the original scheme they would now have been adequately secured via a condition if the application had have been able to be supported.

Other S106 contributions

In addition to the S106 components already outlined above, financial contributions to public open space provision and educational infrastructure in the area are required owing to the number of residential units proposed. In line with CPG 2011 this amounts to £23,392 in respect of education and £13,801 for public open space (£7,400 for capital costs, £5,512 for maintenance and £889 for design and administration). It is not considered appropriate to seek an open space contribution in respect of the Class B1 element as the 578m² floorspace is not considered to increase the worker or visitor populations of the borough in comparison with the existing 580m² of Class B2 floorspace at the site. Given that the applicant is now not willing to enter into the S106 Legal Agreement and these matters are not able to be secured via suitably worded conditions, they form further reasons for the refusal of the application.

Recommendation

Refuse Planning Permission / Refuse Conservation Area Consent

Address:	128A Camden Road London NW1 9EE	
Application Number:	2011/6083/P	Officer: Jonathan Markwell
Ward:	Cantelowes	
Date Received:	23/11/2011	
Proposal: Renewal of planning permission granted on 16/12/2008 (ref 2006/3271/P) for demolition of existing garage (Class B2) and redevelopment with a part 2 and part 3-storey building comprising light industrial (Class B1) at basement and ground floor levels and 9 residential units comprising 2x1, 2x2 and 3x3 bed market units and 2x2 bed social rented affordable housing dwellings (Class C3).		
Drawing Numbers: Site Location Plan 2403/ S100; SO1; S02; S03; P200; P201 Rev C, as received 06/02/2012; P202 Rev D; P203 Rev D; P204 Rev D; P205 Rev A; P206; P207; P208; P209; DET/01; DET/02; DET/03; DET/04; DET/05; DET/06; 2403 Proposed solar panels by Osel Architects and Development Consultants; 2403 Elevation detail sheet by Osel Architects and Development Consultants; Daylight and Sunlight Study by Delva Patman Associates dated June 2006 Ref AR/bk/05279; Basement Impact Assessment Screening Report by Michael Alexander Consulting Engineers dated October 2011 Ref P2080/ IH/ Issue 1; Lifetime Homes Statement dated 04/11/2011 Ref E11-052; Lifetime Homes Statement, as received 27/01/2012; 128A Camden Road NW1 9EE Site Specific Sustainability Assessment by Osel Architects and Development Consultants; Email from Osel Architecture to Council dated 02/02/2012; Email from Osel Architecture to Council dated 06/02/2012.		
RECOMMENDATION SUMMARY: Grant Planning Permission subject to conditions and a S106 Legal Agreement		
Related Application Date of Application:	23/11/2011	
Application Number:	2011/6086/C	
Proposal: Renewal of conservation area consent granted on 16/12/2008 (ref 2006/3274/C) for demolition of existing garage (Class B2)		
Drawing Numbers: Site Location Plan 2403/ S100; SO1; S02; S03; P200; P201 Rev C, as received 06/02/2012; P202 Rev D; P203 Rev D; P204 Rev D; P205 Rev A; P206; P207; P208; P209; DET/01; DET/02; DET/03; DET/04; DET/05; DET/06; 2403 Proposed solar panels by Osel Architects and Development Consultants; 2403 Elevation detail sheet by Osel Architects and Development Consultants.		
RECOMMENDATION SUMMARY: Grant Conservation Area Consent subject to conditions		
Applicant:	Agent:	
Lloy J Buchanan Buchanan Motors 128A Camden Road London NW1 9EE	OSEL Architecture Ltd 26 Oldbury Place London W1V 5PR	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>B2 General Industrial</i>		<i>580m²</i>
Proposed	<i>B1 Business C3 Dwelling House</i>		<i>578m² 1371m² (GEA) Total 1948m²</i>

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

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	<i>8 (informal spaces on Camden Road forecourt)</i>	<i>0</i>
Proposed	<i>0</i>	<i>0</i>

OFFICERS' REPORT

Reason for Referral to Committee: The proposal constitutes a Major Development and also involves the creation of more than four single dwellinghouses [Clause 3(ii)] and the demolition of a building in a conservation area [Clause 3(v)]. Furthermore, it also involves the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 [Clause 3(vi)] in relation to matters outside the scheme of delegation.

1. SITE

1.1 The application site comprises a 1-2 storey vehicle repair garage (Class B2) with associated car washing facilities (Buchanan Motors). It is located on an island site formed on the busy junction of Camden Road and St Pancras Way and the quieter residential terrace of St Pancras Way. Historical maps indicate that a garage use has occupied the site for close to a century. On the Camden Road frontage there is a large advertising billboard above the ground floor operations, which are set back slightly from the footway with a forecourt providing private parking spaces associated with the garage.

- 1.2 The application site is within Camden Broadway Conservation Area. Within the Conservation Area Appraisal and Management Strategy the existing building is identified as one which is considered to detract from the appearance of the conservation area and could, through sensitive enhancement or redevelopment, contribute more positively. The statement comments in relation to the application site that *"In the southern quadrant of the intersection of Camden Road and St. Pancras Way stands an early 20th century garage building (now 'Camden Car Wash'). It, and the billboard advertising it supports, are completely out of character with the early 19th century character and appearance of the Conservation Area. This building occupies the former front gardens to nos. 137-159 St Pancras Way and has harmfully altered the historic setting of the terrace"*. The Management Strategy states with regard to new development that *"The Council will particularly encourage proposals which seek to enhance or, where appropriate, redevelop those buildings and spaces, which are considered to have a negative impact on the special character or the appearance of the conservation area"*. The application site is one of the existing buildings which has a negative impact and would benefit from appropriate re-development.
- 1.3 Camden Road at this point is a busy, noisy highway flanked with properties with commercial uses on the ground floor and generally residential uses above. At ground floor level on both sides of Camden Road (to the south-west of the application site) these largely retail premises are located within a designated neighbourhood shopping centre. 128b Camden Road, the neighbouring building beyond the St Pancras Way terrace marks the boundary of the centre at this point. Thus the application site is located outside of a designated centre.
- 1.4 St Pancras Way at this point is predominantly residential, with the notable exception of the current use of the application site. The Conservation Area Appraisal notes in relation to these properties *"The curving residential terrace, nos. 137-159 (odd), consists of twelve properties, each two windows wide. It has a cohesive architectural composition arising from uniform three-storey building height, basements, aligned window openings and a strong horizontal line of first floor iron balconies and iron railings following the back-of-pavement line"*. Nos. 157 and 159 are statutorily listed grade II, while the others are all identified as positively contributing to the character and appearance of the conservation area.
- 1.5 The application site has a public transport accessibility level of 6a (excellent - one of the highest possible ratings), given Camden Road is a TfL Red Route and Camden Road Mainline Station is 100 metres to the south-west of the application site. The site is also within the Parliament Hill summit to St Paul's Cathedral viewing corridor. It was previously located within the designated, as part of the now superseded Unitary Development Plan, Kentish Town Light Industrial Area (at the time of the 2006/3271/P this was in force). However under the Local Development Framework the site is not located within a protected Industry Area.

2. THE PROPOSAL

- 2.1 This application is seeking an extension to the time limit for commencement of development. The application is valid owing to the previous planning permission (2006/3271/P) not being implemented on site and the permission was still extant

(up to 16/12/2011) when it was submitted on 23/11/2011. As such the proposals are near identical to those already considered and subsequently granted planning permission by the Council. Site visits on 23/11/2011 and 02/02/2012 confirmed that the 2006/3271/P permission is yet to be implemented.

- 2.2 Owing to the proposals seeking to demolish the existing unlisted building within a conservation area, conservation area consent is required for these works. Therefore an associated application for the renewal of conservation area consent 2006/3724/C is also sought. The replacement building is a part-one, part-two, part-three and basement building comprising a mix of light industrial (Class B1) and 9 residential (2x1, 4x2 and 3x3 bed) uses. The Class B1 space is proposed at basement and ground floor level on the Camden Road frontage, with three self-contained flats on the upper floors (2x1 and 1x2 bed – units 7-9). On the St Pancras Way (north-east) frontage 6 townhouses are proposed (1x1, 2x2 and 3x3 bed – units 1-6), with those three closest to the junction with Camden Road being basement (incorporating a front lightwell) and three storey in height (units 4-6). The three units furthest away from Camden Road (the eastern side of the site) do not encompass a basement and are two storeys in height (units 1-3). Shared amenity space would be provided on the south (facing the St Pancras Way terrace of Nos. 137-159) side of the site at ground floor level for occupiers of units 4-6 and at first floor level (for occupiers of units 7-9) between the two main buildings fronting Camden Road and St Pancras Way.
- 2.3 The proposed building incorporates projecting and recessed bays with both butterfly and flat roof forms. It would be constructed in brickwork and render with aluminium framed windows including triangular bay windows to what would become the rear south-west (facing towards the St Pancras Way terrace of properties Nos. 137-159) elevation. An off-street service bay is proposed for the Class B1 unit to be accessed from adjacent to the terraced properties on St Pancras Way. In addition a goods lift is also proposed to be provided to allow movement deliveries to the basement area of the commercial space. No off street car-parking is proposed, although cycle parking facilities to serve the residential and commercial components along with a communal refuse storage area is sought to be created.
- 2.4 Given the nature of these renewal proposals the applicant has not submitted all the information approved previously. However, given that the Council's policies have been altered in the intervening period between the two applications (with the adoption of the Local Development Framework - LDF - in November 2010 replacing the 2006 Unitary Development Plan - UDP) the following documents and additional information have been submitted with this application:
- Basement Impact Assessment Screening Report
 - Updated Lifetime Homes Statement
 - Sustainability Assessment incorporating an Energy Statement, BREEAM pre-assessment and Code For Sustainable Homes pre-assessment
 - Affordable Housing statement
- 2.5 During the course of the application, in order to accord with some specific lifetime homes standards, updated floorplans have been submitted. In addition, more

commentary regarding the type of affordable housing to be provided on site has also been submitted by the applicant.

3. RELEVANT HISTORY

- 3.1 PEX0300129 - Outline application for the demolition of existing garage/workshops and the erection of a 5-storey building comprising A1 retail, D1 nursery and C3 residential units above. Withdrawn prior to a formal decision being made by the Council 18/08/2003.
- 3.2 2004/3138/P - Demolition of existing buildings and erection of 4-storey building comprising 9 residential units with A1 use on ground floor and car parking to forecourt. Withdrawn prior to a formal decision being made by the Council 02/09/2004.
- 3.3 2005/2963/P - Demolition of existing building and erection of a new mixed use 3 storey building comprising a ground floor light industrial/business unit (Class B1) and 11 residential units above (7 x 1-bedroom, 3 x 2-bedroom and 1 x 3-bedroom). Refused Planning Permission 17/10/2005. Reasons for refusal:
1. *The proposed development, by reason of its height, bulk and location, would be likely to have a detrimental impact on light into and outlook from adjacent residential properties on St. Pancras Way terrace and would also have a detrimental overbearing impact to these properties creating an undue sense of enclosure*
 2. *The proposed development, by reason of its height, bulk, mass, external appearance and detailing, and materials would be detrimental to the street scene, the wider conservation area and the setting of the listed buildings within St Pancras Way terrace*
 3. *The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute to parking stress and congestion in the surrounding area to the detriment of highway and pedestrian safety*
 4. *The proposed development, in the absence of a legal agreement securing highway improvements, would fail to secure the adequate provision for and safety of pedestrians.*
 5. *The proposed development, in the absence of a legal agreement for securing educational contributions, would be likely to make an unacceptable increase in pressure and demand on the Borough's education provision.*
- 3.4 2006/3271/P - Demolition of existing garage (Class B2) and redevelopment with a part 2 and part 3-storey building comprising light industrial (Class B1) at basement and ground floor levels and 9 residential units (Class C3). Granted following completion of S106 Legal Agreement on 16/12/2008 following consideration at the Development Control Committee on 08/02/2007.
- 3.5 2006/3724/C - Demolition of existing garage. Granted 16/12/2008.

- 3.6 2011/4566/P - Renewal of planning permission granted on 16/12/2008 (ref 2006/3271/P) for demolition of existing garage (Class B2) and redevelopment with a part 2 and part 3-storey building comprising light industrial (Class B1) at basement and ground floor levels and 9 residential units (Class C3). Withdrawn prior to a formal decision being made by the Council on 21/10/2011.
- 3.7 2011/4568/C - Renewal of conservation area consent granted on 16/12/2008 (ref 2006/3274/C) for demolition of existing garage (Class B2). Withdrawn prior to a formal decision being made by the Council on 21/10/2011.

4. CONSULTATIONS

Statutory Consultees

- 4.1 English Heritage was formally consulted on both the planning and conservation applications and has confirmed that they do not wish to offer any comments on either application. Instead English Heritage recommends that the applications should be determined in accordance with national / local advice and the specialist advice of the Council.
- 4.2 Transport for London was formally consulted on the application but no response has been received to date.

Conservation Area Advisory Committee

- 4.3 South Kentish Town CAAC was formally consulted on the application after responding to the recently withdrawn applications at the site (applications 2011/4566/P & 2011/4568/C – see relevant history above). South Kentish Town CAAC objects to both the conservation area consent and planning permission proposals for the following reasons:
- 4.4 General land use matters
- “In the past 20 years there have been several major developments of housing in the neighbourhood, including conversion of a complete school and of large industrial blocks, while in nearby lower St Pancras Way there have been major conversions from light industrial premises to tall housing blocks. Kings Cross, equally, is currently having major housing builds. We propose that the neighbourhood has fully contributed to the national guidance on building housing, and instead now needs to focus on retaining employment and industrial space”.
- 4.5 Land use – retention of existing use / building
- The Camden Core Strategy and Development Policies have been adopted since the last application for planning permission and conservation area consent.

- Policy DP13 says: “The Council will retain land and buildings that are suitable for continued business use”. The garage is one of several in the neighbourhood (including Rochester Place and Camden Mews, and upper Camley Street) which are evidently operating successfully. There is no evidence that alternative uses are needed.
- DP13 states “Where it is proposed to redevelop employment land for another business use, including offices, the Council will seek to retain features that will enable the flexible use of the premises for a range of business purposes... “. The garage is a single storey building with considerable flexibility because of its open nature, good top lighting, wide doors, good loading access, lack of obstructing pillars and space for servicing/parking vehicles – and can be considered as Category 1 premises under CPG5.
- “Both Camden Council and South Kentish Town CAAC have successfully contested proposals to develop several small industrial sites along Rochester Place... Rochester Place meets Camden Road and 128a is about 50 metres south and therefore adjacent to this light industrial area and our Conservation Area.”

4.6 Conservation value of the existing building

- The garage, on its ‘triangle’ of land, reads well as a contribution in twentieth century townscape. Coming down the road from the north, one approaches the start of Camden Town at St Pancras Way. It was therefore both practical and symbolic for a twentieth century transport facility – a garage – to be built at that perimeter point. Commentary provided of informal correspondence with an employee at English Heritage (who leads a Car Project which has examined how established urban centres and neighbourhoods were adapted to accommodate the car, and how this affected their appearance and character), who replied in a personal capacity denoting that the garage is “a typical example of a small garage of the period, which like most other survivors has had its frontage extensively modified over the years. In terms of rarity, we have found other examples but I am sure that there must be many more, like this one, out there currently unrecognised.”
- Considered that the garage should be better recognised for its contribution to the urban landscape, and that these are grounds both for protecting its continued use and – importantly – to protect it from demolition, or creation of a basement workspace. Improvements to the presentation of the garage, returning its original features, would help public recognition of its positive contribution, while the height and bulk (and obstruction of views from the housing terrace) is much less than the proposed new four storey mixed building.

Adjoining Occupiers

Original

<i>Number of letters sent</i>	43
<i>Total number of responses received</i>	03
<i>Number of electronic responses</i>	01
<i>Number in support</i>	00
<i>Number of objections</i>	03

4.4 In addition to the letters sent to nearby occupiers a site notice was erected on 21/12/2011 (expiring on 11/01/2012) and a press notice was published on 05/01/2012 (expiring on 26/01/2012). A total of three objections have been received, summarised as follows:

4.5 The owner of 141a and 141b St Pancras Way objects for the following reason:

- Possibility that the proposals will limit and diminish the natural light that these properties currently receive.

4.6 The owner-occupier of 147b St Pancras Way objects (restating objections outlined in letters dated 26/09/2006 and 01/12/2006 - as part of applications 2006/3271/P & 2006/3724/C - and 05/10/2011 and 07/10/2011 - as part of applications 2011/4566/P & 2011/4568/C) for the following reasons:

- Blockage of access to light to existing properties in St Pancras Way;
- Effect on access between application site and St Pancras Way terrace of properties;
- Traffic and parking issues in the highway between the application site and St Pancras Way terrace of properties as a result of the proposed commercial/residential uses;
- Amenity/refuse/antisocial behaviour/security issues;
- Overlooking of existing properties and sense of enclosure owing to the close proximity of the works;
- Implications of deep excavation works in close proximity to 147 St Pancras Way, which has been underpinned as a result of subsidence following bomb damage during the war;
- Major effect on quality of life of existing residents of the St Pancras Way terrace during demolition and construction works, especially those working from home – "I am not alone in thinking that my ability to earn my livelihood would be substantially affected."

4.7 An occupier at 149a St Pancras Way objects for the following reason:

- Noise, dirt and disruption during demolition/construction and subsequent loss of amenity to nearby occupiers who work shifts. Based on prior experiences this was 'intolerable' and 'a nightmare' for nearby residents

5. POLICIES

5.1 LDF Core Strategy and Development Policies

- | | |
|-----|---|
| CS1 | Distribution of growth |
| CS5 | Managing the impact of growth and development |

CS6	Providing quality homes
CS8	Promoting a successful and inclusive Camden economy
CS11	Promoting sustainable and efficient travel
CS13	Tackling climate change through promoting higher environmental standards
CS14	Promoting high quality places and conserving our heritage
CS15	Protecting and improving our parks and open spaces & encouraging biodiversity
CS17	Making Camden a safer place
CS18	Dealing with our waste and encouraging recycling
CS19	Delivering and monitoring the Core Strategy
DP1	Mixed use development
DP2	Making full use of Camden's capacity for housing
DP3	Contributions to the supply of affordable housing
DP5	Homes of different sizes
DP6	Lifetime homes and wheelchair homes
DP13	Employment sites and premises
DP16	The transport implications of development
DP17	Walking, cycling and public transport
DP18	Parking standards and the availability of car parking
DP19	Managing the impact of parking
DP20	Movement of goods and materials
DP21	Development connecting to the highway network
DP22	Promoting sustainable design and construction
DP23	Water
DP24	Securing high quality design
DP25	Conserving Camden's heritage
DP26	Managing the impact of development on occupiers and neighbours
DP27	Basements and lightwells
DP28	Noise and vibration
DP29	Improving access
DP31	Provision of, and improvements to public open space and outdoor sport and recreation facilities

5.2 Other Relevant Planning Policies

PPS 5 Planning for the Historic Environment (Published: 23rd March 2010)
London Plan 2011

5.3 Supplementary Planning Policies

Camden Planning Guidance 2011

Camden Broadway Conservation Area Appraisal and Management Strategy
(Adopted 12 February 2009)

5.4 Other guidance

Understanding Place: Conservation Area Designation, Appraisal and Management
(by English Heritage, published 25/03/2011)

6. ASSESSMENT

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Land use
 - principle of demolition of existing building;
 - principle of loss of existing Class B2 / provision of Class B1 floorspace and quality of replacement business floorspace;
 - principle of residential use;
- Affordable housing;
- Quality of residential accommodation;
- Design / Conservation Area & Listed Buildings;
- Amenity;
- Transport;
- Sustainability / Energy;
- Other matters;
- Other S106 contributions.

6.2 To reiterate, this proposal is seeking the renewal of permission/consent granted in 2008. For completeness a copy of the previous officer report for 2006/3271/P and 2006/3724/C has been included as an appendix to this report for reference purposes.

Land use - principle of demolition of existing building

6.3 As outlined in section 1 above the application site building is identified within the February 2009 published Camden Broadway Conservation Area Appraisal as detracting from the appearance of the area. The accompanying Management Strategy denotes that appropriate redevelopment of such buildings would be particularly encouraged by the Council. This designation remains consistent with the original Conservation Area Statement after the area was designated as a conservation area in 2005 and when the original permission was granted at the site.

6.3 Since the Conservation Area Appraisal and Management Strategy was adopted and the original permission granted by the Council, English Heritage has revised its guidance note "*Understanding Place: Conservation Area Designation, Appraisal and Management*" to accommodate changes introduced by PPS5 (Adopted in 2010 in place of PPG15). When the building is assessed against the criteria for a positive contributor to a conservation area it is considered that the current assessment, as being a negative contributor, is accurate. In respect of specifically PPS5, the general thrust of preserving or enhancing conservation areas and the setting of listed buildings is unchanged from PPG15. However greater emphasis is made that the significance of a heritage asset may not be recognised immediately and once more information is known its significance may need to be reassessed.

6.4 With this in mind it is noted that South Kentish Town CAAC objects to the proposals partly on the basis of the loss of the existing building. Information has been provided by the CAAC that the building dates from the early twentieth century (historic maps indicate it was between 1914-1935) and they have informally consulted English Heritage (see consultations section above for details). In addition

English Heritage has also produced a Listing Selection Guide for Transport Buildings in April 2011.

- 6.5 It is considered that the existing building is unremarkable architecturally, consisting of a 'shed' topped with a corrugated roof and with a gable wall on the western elevation. The simple design reflects its historic functional use as a repair and maintenance garage. The English Heritage Guidance notes on page 5 that *"...many transport buildings show signs of having been considerably altered, to meet changing requirements and the evolution of transport modes. Such alterations can sometimes be of clear interest in its own right; in other instances, such alteration may have detracted from the architectural coherence of the structure in a negative way"*. It is noted though that the façade has been much altered from the original and does not appear to have any feature of note (although the iron columns are unusual and may be original). There is however considered to be nothing particularly remarkable about it except as limited evidential value and any architectural interest has mostly been lost through alterations to the façade.
- 6.6 Such facilities dating the late 19th century are exceptionally rare, however those from the early 20th century are less so and given its much altered state (other survive nationally in a much better state of preservation) it is considered to be of limited heritage value. The informal advice of English Heritage states that the building is extensively modified and does not indicate that it is particularly rare.
- 6.7 It is also noted that the LDF has replaced the UDP since the original permission. Whilst it is acknowledged that the policies have altered, the general thrust is still largely the same in respect of the demolition of the building.
- 6.8 Even with the new information provided by the CAAC the assessment of the building in relation to the character and appearance of the conservation area is unchanged and would therefore not lead to a different decision from the last application in respect of the demolition of the existing building.

Principle of loss of existing Class B2 / provision of Class B1 floorspace and quality of replacement business floorspace

- 6.9 In addition to the demolition of the existing building, it is also sought to change the use of the existing Class B2 (General Industrial) space to a Class B1 (Business) use at the site. Thus the proposals do not involve the actual loss of a business use at the site and consequently elements a) and b) of policy DP13 (which seeks to consider the retention of land and buildings suitable for continued business use where proposals involve a change of use to a non-business use), do not apply to these proposals. Instead the proposals involve the redevelopment of employment land for another business use, which is considered by elements c) to g) of policy DP13.
- 6.10 The first relevant consideration is whether the level of employment floorspace is maintained or increased at the site (part c of policy DP13). In this instance there is a reduction in employment floorspace by 2m², from 580m² to 578m². Given the limited nature of the reduction it is considered that the floorspace for all intents and purposes is being maintained. The next consideration is whether the replacement

scheme includes other priority uses, such as housing and affordable housing. The proposed scheme fully meets this part of the policy, with two of the nine residential units proposed being social rent affordable housing units.

- 6.11 Part e of DP13 considers whether premises for new, small or medium enterprises are provided. The supporting text clarifies this further by stating at paragraph 13.4 that *“where it is proposed to develop employment land for another business use, including offices, the Council will seek to retain physical features that will enable the flexible use of the premises for a range of business purposes”*. Typical design features are then listed, noted as: clear/flexible space, adequate floor to ceiling heights, wide doors / corridors, loading facilities, large amounts of natural light, availability of a range of units sizes, and servicing space. Paragraph 13.6 then notes that *“The provision of inappropriate business space will not be acceptable as this often fails to attract and occupier, which can lead to vacancy. Clear separation of the residential element and effective management of the business space will also be important”*. CPG5 Chapter 6 goes into more detail in this respect, with the categorisation of sites and buildings, with single storey premises being one benefit and lower ground or basement accommodation being one weakness identified.
- 6.12 With this in mind it is acknowledged that the proposed space includes 308m² of space at basement floor level (which would have limited access to natural light), whereas the existing premises is a single storey at ground floor level. Despite this drawback, the proposed floorspace does include the majority of the physical features noted by paragraph 13.4 of the supporting text to policy DP13. For example the open plan nature of the proposed space allows clear and flexible facilities which could be subdivided at a later date to meet particular small or medium business requirements. In addition the 3.5m high floor to ceiling heights is in line with CPG5 guidance, the main entrance is sufficiently wide, there is a goods lift and a servicing bay and good access to natural light at ground floor level. Thus it is evident that the vast majority of the physical features outlined in policy DP13 are provided in the proposal. Consequently it is considered, on balance, that the proposed space would be suitably attractive to future occupiers, in particular the ground floor part of the premises. Moreover, the proposals as a whole must be considered in this regard. The provision of nine residential units on the site, two of which will be secured as social rent affordable housing units (as discussed elsewhere in this report), is a laudable part of the proposals and this is considered to outweigh acknowledged shortfalls of the proposed replacement employment space at the site.
- 6.13 Part f of DP13 considers whether *“floorspace suitable for either light industrial, industry or warehousing uses is re-provided where the site has been used for these uses or for offices in premises that are suitable for other business uses”*. In respect of this consideration the officer report for the original application denoted that a replacement Class B2 use would not be sought in such proximity to existing residential properties and the Class B1 use is therefore welcomed. Given this context it continues to be considered that it would not be appropriate for the replacement floorspace to be used for Class B2 purposes. As such this element of the policy is not applicable in this instance.

- 6.14 The final part of the policy (part g) seeks to consider whether the proposed non-employment uses would or would not prejudice continued industrial uses in the surrounding area. In this respect it is reiterated, further to section 1 of this report, that the immediately surrounding area is predominantly non-industrial, with residential and commercial uses instead predominant and the existing garage being the exception in the local area. Furthermore the nearest designated industry area is c. 750m to the north-west in Kentish Town and thus the proposals are not considered to prejudice continued industrial uses in the surrounding area.
- 6.15 Thus in overall terms it is considered that, on balance, the proposals are considered to comply with the general thrust of policy DP13. There are acknowledged to be some shortfalls in the quality of replacement space, as was also denoted within the officer report at the time of the original permission. However in overall terms, together with most crucially the provision of two social rent affordable housing units being secured on site, it is considered that the proposals can be justified at the site.

Principle of residential use

- 6.16 Housing is regarded as the priority land-use of the LDF (policies CS6 and DP2) and the Council seeks to maximise the supply of additional homes in the borough. The nine proposed residential units would therefore assist in providing additional homes, with the proposed overall mix of 2x1 bed, 4x2 bed and 3x3 bed units being considered to be satisfactory with DP5 in mind by providing a mix of small and large units suitable for a range of future occupiers. More specifically, 2x2 bed units are proposed to be social rent units, which are of medium priority in line with the dwelling size priorities table. Given the small number of units required to be provided on site such a mix and size of social rent unit is considered to be appropriate. The market units would comprise 2x1 bed, 2x2 bed and 3x3 bed, which provides both small and large units, 29% of which are two bed units. It is acknowledged that this is below the 40% aim of the dwelling size priorities table, albeit in real terms a shortfall of one unit. However, owing to the relatively small number of overall units proposed, the nature of the proposals (both as a renewal application and providing two social rent units on site) this is considered to be satisfactory in overall terms.
- 6.17 The provision of a mix of commercial / residential uses is also considered to align with the objections of DP1, with the policy stating *"The Council will require a mix of uses in development where appropriate in all parts of the borough, including a contribution towards the supply of housing"*. The mix of both commercial and residential uses is therefore appropriate, within an area where there is already such a mix; the proposed development would seek to extend this mix.

Affordable housing

- 6.18 The 2006/3271/P permission at the site did not attract a requirement to provide any affordable housing given the point in time in which it was considered at Development Control Committee in February 2007 the threshold was 15 units or 1500m² of floorspace. However the 2008 and 2011 London Plans and the 2010 LDF have reduced the threshold to 10 units or 1000m² of floorspace. The applicant

has re-checked the floorspace involved and confirmed that the Gross External Area of the proposed residential element is 1371m² (55m² less than the 1426m² stated on the 2006/3271/P application form) for the 9 residential units proposed. Thus although the number of units in itself would not be susceptible to an affordable housing requirement (9 units), the overall floorspace involved in these nine units means that there is a 14% requirement towards the provision of affordable housing. In floorspace terms this equates to 192m² being required for the proposals to be policy compliant.

- 6.19 Following negotiations during the course of the application the applicant has agreed to provide two of the nine proposed units as social rented affordable houses. The applicant had originally been seeking for these units to be provided on an affordable rent basis, but after confirmation of interest from registered providers on a social rented basis this form of affordable housing has been offered by the applicant in respect of unit 1 and unit 2, both two-storey self-contained single dwellinghouses located at the eastern end of the site and fronting onto St Pancras Way. Two registered providers (Origin Housing and One Housing Group) have been seen to have made offers to the applicant on a social rented basis. Both social rented units proposed are completely independent from the rest of the units and thus will not be susceptible to the servicing and management costs of the other units. It is considered that the provision of two social rented units on site is welcomed in principle, in line with policies CS6 and DP3. Both units will be secured via the S106 Legal Agreement.
- 6.20 The overall floor area of unit 1 and unit 2 is 186m², which means that the provision of the two units still does not meet in full the on-site floorspace requirement for affordable housing. It is not considered feasible for this 6m² shortfall to be provided on or off-site and thus the most appropriate mechanism for overcoming this shortfall is via a payment-in-lieu secured via S106 Legal Agreement. Using the CPG2 and CPG8 guidance the shortfall in on-site provision equates to a payment-in-lieu of £15,900, which would go directly to the Council's affordable housing fund. The combination of on-site provision of two social rented units and a payment-in-lieu to be secured are together considered to make an appropriate and welcome contribution to affordable housing, compliant with the aims of CS6 and DP3.
- 6.21 In addition a further head of term to be controlled via S106 involves securing an additional affordable housing requirement if the scheme is extended or converted in the future above and beyond the 9 residential units currently proposed. This will cover possible scenarios such as: 1) the commercial element being sought to be converted into residential accommodation in the future; 2) the site being extended (either at roof level or basement excavation for example) to provide additional units or 3) the internal layout of the 9 units proposed to be created being reconfigured to provide a larger number of overall residential units. In practice this will secure an appropriate percentage of the residential units permitted by the subsequent planning permission being allocated as affordable housing, with this percentage being applied to the aggregate total of the residential units permitted by both the current planning permission and the subsequent planning permission. The applicant has agreed to this additional element of the S106.

Quality of residential accommodation

- 6.22 The proposed residential units, in line with policy DP26h-k, are considered to provide a high quality of accommodation for future occupiers. Each unit is fully self-contained and provides large overall flat and bedroom spaces, aligning with CPG4 and the London Plan. In particular units 4, 5 and 6 are very spacious three bedroom houses located over four floors. Each room provides adequate outlook, circulation and ventilation opportunities. The floor to ceiling heights, provision of storage spaces and access to shared outdoor amenity space for 6 of the 9 units are other benefits of the scheme for future occupiers. More specifically in respect of amenity space, units 4-6 will have access to a shared amenity space at ground floor level on the south side of the building, while units 7-9 will have access to a landscaped roof garden at first floor level. Finally, a dedicated internal waste storage area is proposed, details of which will be secured in full via condition as it was at the time of the original permission.
- 6.23 The applicant has also provided more detailed information in respect of lifetime homes, given that the Council's requirements have advanced since the time of the original permission. This includes a series of updated statements and indication on the plans of adequate turning circles and future locations of lifts within each unit. As such, the vast majority of the standards will be met, with a condition ensuring this takes place. In relation to standard 4, concerning weather protected entrances to each unit, details of the design of these features will be secured via a separate condition to ensure they comply with the relevant design based policies.
- 6.24 With regard to the residential amenity of future occupiers in terms of overlooking / privacy, the scheme has been carefully designed to minimise as far as possible these implications from nearby buildings such as Nos. 137-159 St Pancras Way as well as other residential units at the application site. For example the internal layout of rooms and orientation of windows has been carefully considered to prevent direct overlooking into the windows at the application site.

Design / Conservation Area & Listed Buildings

- 6.25 As already noted, since the original permission at the site the UDP has been replaced by the LDF and PPG15 has been replaced with PPS5. However whilst Camden's policies have changed in name their general thrust in relation to design/conservation/listed building considerations is still largely the same. LDF policies CS14 and DP25 cover the protection of Camden's heritage, with the onus on preserving and enhancing the conservation area and the setting of listed buildings. This is not a significant change from UDP policy B7. Meanwhile LDF policies CS14 and DP24 cover high quality design and again are not significantly different from UDP policy B1. The general thrust in PPG15 of preserving or enhancing conservation areas and the setting of listed buildings is unchanged in PPS5. Given the renewal nature of the application no external changes to the originally approved scheme have been made. It is within this context that the design of the scheme is considered.
- 6.26 There are considered to be four distinct elements in the design of the proposed replacement building, from west to east as follows:

- 3 storey and basement bookend on the junction with Camden Road (10.2m high) with flat roof (commercial unit and residential units 7-9);
- 1 storey section (with associated landscaped roof garden) allowing views through to the listed buildings at Nos. 157 to 159 St Pancras Way Terrace (4m high);
- 3 storey and basement section with flat roofs, 8.7m in height (residential units 4-6);
- 2 storey section with butterfly roofs, 5.9m - 7.1m in height (residential units 1-3).

6.27 The proposals are similar in height to the adjacent terrace of properties along St Pancras Way (Nos. 137-159). As in the original assessment of the scheme it is acknowledged that views of the terrace would be reduced slightly in comparison with the existing situation, but the butterfly roofs of this nearby terrace would be retained. In addition the mix of butterfly and flat roofs at the application site are considered to respond to the nearby context in St Pancras Way. Moreover, the one storey element of the proposals not only breaks up the overall bulk of the proposed building but also ensures that views through to the listed buildings at No's 157 and 159 are possible. Furthermore the introduction of projecting and recessed bays is considered to provide sufficient depth to the design.

6.29 Thus it remains the view that, although the proposed building is larger than the existing building at the site, the proposed height, bulk and massing has been considered with the neighbouring context in mind to form a design which is considered to align comfortably with St Pancras Way and in particular the setting of the listed buildings within this terrace.

6.30 Turning to detailed design matters, the provision of an active frontage along the north (St Pancras Way) elevation is welcomed in design terms. The rear (south – facing towards the terrace of St Pancras Way properties) elevation is less prominent, owing to the need to retain residential amenity and this too is considered satisfactory, as is the Camden Road elevation. There are a variety of facing materials proposed, creating a mix of form which allows for a degree of visual interest. Brickwork is mixed with smooth white render, lightweight glazed balustrades and more significant glazing on part of the ground floor Camden Road frontage to differentiate the commercial use from the residential. The proposed windows are located at regular intervals and include a mix of regular sizes and shapes to provide both a degree of uniformity and interest to a contemporary building. The proposed railings along the St Pancras Way frontage, enclosing front lightwells at this point, are welcomed in principle, aligning with the predominant character in this part of the conservation area.

6.31 Thus in relation to overall design matters it is considered that the proposed replacement building would represent an improvement to the existing building, which is considered to make a negative contribution to the conservation area. Moreover, in itself, the proposed building would preserve and enhance the character and appearance of the conservation area at this point, thereby in compliance with LDF policies CS14, DP24 and DP25.

6.32 Similar to the approach taken in the original permission at the site, conditions in relation to detailed design matters are recommended in order to ensure the quality

of the finished building is appropriate to the site location. This includes details of all facing materials, the proposed doors, windows, entrances, balustrade and railings will all be secured via condition. In addition precise details of the location and orientation of the solar thermal hot water excavated tube collectors and photovoltaic cells proposed at roof level will also be secured. Although the locations are indicated on the floor plan and some visuals, they are not shown on elevation/section plans and thus fuller details will be secured via condition to ensure they are not visually obtrusive or detract from the architectural integrity of the proposals. Another condition recommended to be added with design matters in mind is the removal of permitted development rights associated with the single dwellinghouses proposed (Units 1-6) fronting St Pancras Way. This is to ensure the Council has appropriate means of controlling any alterations to these properties in the future and ensuring they cannot be inappropriately altered through permitted development.

Amenity

- 6.33 As with other elements of the proposals, all matters in relation to the amenity of neighbouring occupiers were considered to be satisfactory as part of the original permission at the site. Moreover, the general thrust of policies (barring basement excavation) have not changed in the intervening period in this respect, despite the UDP (policy SD6) being replaced with the LDF (policies CS5 and DP26), and the external extent of the proposals has not changed from the original scheme.
- 6.34 With the above in mind, it is considered that the proposed scheme would not result in any overlooking to nearby occupiers that would cause a loss of privacy significant enough to warrant the refusal of the application. On the south elevation facing No's 137-159 St Pancras Way only an access door and high level small window serving a bathroom are proposed at ground floor level of units 4-6, with the first and second floor windows being at an angle to reduce any direct overlooking. It is acknowledged that overlooking may be possible from the first floor roof garden. However the plans indicate a glazed balustrade is proposed to prevent use and access to the southern end of the roof garden. A condition to ensure this balustrade is retained and this part of the flat roof is not used as a terrace is recommended.
- 6.35 The officer report to the original permission acknowledged that despite this condition there would be a distance of approximately 12.5m between habitable room windows at 159 St Pancras Way and the closest point of the roof garden available for general use. This is below the 18m good practice distance outlined in CPG6 Chapter 7. At the time of the original permission it was considered, on balance, that the provision of outdoor amenity space and the limited instances in which such a space would be likely to be used meant the loss of privacy would not be so significant to warrant the refusal of the application on this basis. This is also considered to be the case in this instance, given the policy context has not significantly changed in the intervening period. Similarly no significant matters of loss of outlook are envisaged as a result of the proposed development.
- 6.36 In respect of daylight and sunlight matters, the applicant submitted a full daylight and sunlight assessment at the time of the original application, which demonstrated that the scheme would comply with the Building Research Establishment's

guidance, as also stipulated in CPG6 Chapter 6. The report considered the impact of the proposed development on daylight to windows at Nos. 145-159 St Pancras Way. Although in a number of instances it was acknowledged that the amount of daylight would reduce as a result of the proposed development, the amount of reduction in the Vertical Sky Component would not be 20% less than existing and thus complies with the relevant test. Such a conclusion remains the case at this point in time, thereby meaning it is considered that the applicant has adequately addressed this matter. A Sunlight assessment was not required to be submitted owing to the north orientation of the terrace of St Pancras Way properties, meaning the proposed development would be unlikely to result in any material loss of access to sunlight to these properties.

- 6.37 Turning to noise and disturbance matters, the nature of a Class B1 use is not considered to result in a significant additional loss of amenity to neighbouring occupiers in comparison with the present possible loss of amenity from a Class B2 use. However, given the relatively wide range of operators possible to function at the site as a result of a Class B1 use, it was considered at the time of the original application to add conditions in respect of both operating and delivery times of the use. Such conditions are also considered to be reasonable and necessary in this instance in order to protect residential amenity. Therefore the Class B1 floorspace will only be able to operate from 0700 to 2200 on Mondays to Saturdays and 0900 and 1800 on Sundays and Bank Holidays. Deliveries associated with the Class B1 use shall only be permitted between 0830 and 1900 on Mondays to Saturdays (none on Sundays or Bank Holidays).
- 6.38 In respect of the proposed first floor roof garden or the ground floor shared amenity space, such areas are not of a significant size individually or collectively to lead to a level of noise or disturbance which would result in a substantial loss of amenity to neighbouring occupiers. The existing context of noise and disturbance from Camden Road and St Pancras Way and the existing use at the site is also considered in reaching this conclusion.
- 6.39 In relation to noise and disturbance from plant and associated machinery, none is shown on the proposed plans, although in the energy report submitted reference is made to the likelihood of introducing an air source heat pump associated with the commercial use at the site. No details of this have however been shown on the plans. In this context a condition will be added seeking further details of this and its impact on noise levels in the local area, prior to any development taking place. In addition the Council's standard noise condition will also be added so that once the necessary details have been provided, the Council has sufficient means to take any necessary enforcement action should the plant not operate as anticipated.
- 6.40 The application proposes a single level of basement accommodation across a significant proportion of the existing site to facilitate 308m² of Class B1 floorspace and the kitchen/dining rooms associated with residential units 4, 5 and 6. In total the basement is a maximum 40m in length, a minimum 12.8m in width (in relation to the residential component) increasing to a maximum of 22m (for the commercial element) in width and a minimum 3.6m in depth (in respect of the residential element, incorporating a floor to ceiling height of 2.55m), increasing to a maximum

neighbouring occupiers and the highway network during both the demolition and construction phases of development.

- 6.45 Given the location of the application site within a Controlled Parking Zone, the excellent PTAL rating and the limited amount of existing parking in the area it is considered that the development will be made car-free. In practice this means future residential and commercial occupiers will not be able to apply for on-street parking permits. Furthermore no on-site parking spaces are proposed for either the residential or commercial components of the scheme. The development being car-free will be secured via S106 Legal Agreement.
- 6.46 Since the original permission was granted both the London Plan and the LDF have introduced new cycle parking standards. The proposals show an area at ground floor level on the St Pancras Way frontage for cycle storage associated with the residential and two cycle stands on Camden Road for the commercial part. In the original permission details in respect of cycle parking were secured via condition. This is also considered to be appropriate in this instance, with the condition seeking details of the required 12 cycle spaces for the residential part of the scheme and 5 spaces for the commercial element (3 for staff and two for visitors). The condition will also stipulate that the cycle parking provision is subsequently retained in the future.
- 6.47 In respect of the servicing of the Class B1 space, the proposal seeks to alter the existing site arrangements on the west side of the site (from Camden Road adjacent to the junction with St Pancras Way) to the south part of the site (accessed from the St Pancras Way highway adjacent to the terrace of properties of Nos. 137-159 St Pancras Way). The proposed on-site servicing comprises a turning/loading bay, which is considered to be the most appropriate location in terms of highway safety matters and the servicing requirements of the commercial unit.
- 6.48 It is acknowledged that the servicing area is adjacent to the existing residential terrace of properties at No's 137-159 St Pancras Way and would also be in close proximity to future occupiers of the proposed residential units. Therefore a condition, in line with that added to the original permission, will denote that no deliveries associated with the Class B1 use at the site will take place outside of the hours of 0830 – 1900 on Mondays to Saturdays (with none on Sundays or Bank Holidays). Furthermore a condition will also seek for translucent paint to be added to the servicing bay stating 'No Parking' within this area to avoid illegal parking or highway disturbance at this area. This condition was also included in the original permission. Furthermore, it is also considered necessary for a full servicing management plan (SMP) to be secured via S106 Legal Agreement. This will secure details such as the likely frequency and duration of servicing movements, sizes of servicing vehicles, swept paths to ascertain manoeuvrability, the route of vehicles and how pedestrian and highway safety will be maintained.
- 6.49 This is considered to be an appropriate mechanism in this case and is necessary owing to the variety of types of future occupiers within Class B1 possible at the site and the need to maintain residential amenity. A SMP was also secured with the original permission and this, together with the conditions, will provide the Council

of 4.8m (in respect of the commercial element, incorporating a floor to ceiling height of 3.5m).

- 6.41 In line with DP27 the applicant has submitted a Basement Impact Assessment (BIA) Screening Report. It is noted however that the application site is not located within an area identified within the Arups study (reproduced in CPG4) as being susceptible to slope (in) stability, subterranean (groundwater) flow or surface flow and flooding. Nevertheless, owing to DP27 and the size of the proposed basement, justification in respect of this part of the proposals is required, partly to protect the amenity of nearby and future occupiers. In line with stage 1 of the BIA process outlined in CPG4 the applicant has submitted a Screening Report to assess whether a full BIA is required to be carried out. Each of the necessary questions in relation to ground stability, groundwater and surface flow and flooding have been addressed in the information submitted, with the only matters potentially identified as requiring further assessment are owing to the site being near a public highway, a storm relief sewer and other buildings. It is considered that these matters can be adequately addressed during the detailed design stage of works, with the appointed structural engineer liaising where necessary with the relevant statutory authorities. It is not considered that such matters are required to be secured via condition in this instance and the applicant has provided sufficient information to demonstrate that the scheme unlikely to neither cause harm to the built and natural environment and local amenity nor result in flooding or ground instability.

Transport

- 6.42 The proposed scheme involves the entire redevelopment of the site and is likely to result in a greater use of both the site and immediate surrounding area as a result of the proposed commercial and residential uses. Consequently a number of highways works are required in order to regularise and improve the pedestrian and vehicular environment, comprising:
- Removal of the crossovers associated with the existing use of the site on Camden Road and St Pancras Way and reinstatement with granite kerb and concrete paving;
 - Upgrading the raised entry/exit treatment at the intersection of the St Pancras Way terrace of properties and Camden Road to Camden Streetscape Design Manual standards;
 - Installation of a raised entry treatment at the intersection of St Pancras Way terrace of properties and St Pancras Way;
 - Re-paving of the footway immediately adjacent to the site along St Pancras Way and Camden Road.
- 6.43 All of these works were sought to be secured with the original permission. The cost of these works has been estimated by the Council's Highways team, during the course of this application, to be £33,000. This will be secured via S106 Legal Agreement.
- 6.44 Similar to the original permission a construction management plan (CMP) will be secured via S106 Legal Agreement. This is in order to minimise disruption to both

applicant has considered all options, with ground source heat pumps, biomass heating and power and wind turbines being discounted. Instead the applicant is proposing a mix of solar thermal hot water excavated tube collectors and photovoltaic cells for all residential units, with an air source heat pump associated with solely the commercial part of the scheme. Such measures are anticipated to result in a 29% reduction in carbon dioxide emissions through renewables. The proposed features are welcomed in line with the LDF and CPG, with the S106 Legal Agreement securing in full the measures outlined in the statement submitted.

- 6.54 Linked to this, the proposals also incorporate a range of biodiversity measures. These include green roofs on units 4, 5, 6 and 9, which the applicant denotes to cover 70% of the built site. Furthermore, parts of the landscaped communal garden at first floor level for units 7, 8 and 9 will include a sedum lawn. In addition on the south side of the site a shared amenity space with direct access from units 4, 5 and 6, with shrubs, pot plants and trees all denoted on the proposed plans in this area. Such measures are welcomed with CS13 and DP22 in mind. Limited details have however been provided to date, so details of the green/sedum roofs and all hard/soft landscaping measures will be secured via condition.

Other matters

- 6.55 Given the existing / former garage and petrol station related uses at the application site there could be land contamination present at the site. Similar to the original permission a condition is recommended to be added to seek a ground investigation (and subsequent remediation and verification if applicable) prior to any works being carried out.
- 6.56 With regard to Community Safety matters the applicant has liaised with the Council's Crime Prevention Design Advisor in respect of the proposals, in addition to the measures introduced at the site of the original permission. Similar to the original permission the S106 will ensure "Secured by Design" accreditation, which is welcomed in line with CS17.

Other S106 contributions

- 6.57 In addition to the S106 components already outlined above, financial contributions to public open space provision and educational infrastructure in the area are required owing to the number of residential units proposed. In line with CPG 2011 this amounts to £23,392 in respect of education and £13,801 for public open space (£7,400 for capital costs, £5,512 for maintenance and £889 for design and administration). It is not considered appropriate to seek an open space contribution in respect of the Class B1 element as the 578m² floorspace is not considered to increase the worker or visitor populations of the borough in comparison with the existing 580m² of Class B2 floorspace at the site. The applicant has indicated a willingness to enter into the S106 on this basis.

7. CONCLUSION

- 7.1 In relation to the conservation area consent application, the existing building is identified as detracting from the appearance of the conservation area and therefore

with the necessary means of minimising highway disruption and protecting amenity in and around the site.

Sustainability / Energy

- 6.50 Since the original permission was granted at the site the sustainability requirements of redevelopment schemes of this scale and nature have advanced significantly. Consequently the applicant has submitted more substantial information in order to seek to meet the Council's LDF and the London Plan policy requirements.
- 6.51 With regard to the residential element of the scheme the applicant has submitted a Code for Sustainable Homes (CfSH) pre-assessment which demonstrates that the proposed units are likely to achieve an overall Level 3 good rating, as required in CPG3. The applicant has also denoted that given the variety of types of residential accommodation proposed (3x2-storey houses; 3x4-storey houses; 3xflats) a worse case scenario rating has been used in the pre-assessment and it is anticipated that a number of the units will at the design or post-construction review stages meet Code Level 4. In respect of the pre-assessment the targeted (50%) credits in the energy, water and materials categories are all anticipated to be met with 58% in energy, 67% in water and 63% in materials. This is considered to meet the required policies and the CfSH design stage and post-construction review will be secured via the S106 Legal Agreement to ensure the required standards are met when the scheme is more fully designed and implemented.
- 6.52 Turning to the commercial element of the scheme the applicant has submitted a BREEAM pre-assessment which demonstrates the basement and ground floor space is likely to achieve an overall score of 63.33%, which equates to a 'Very Good' rating, as required by CPG3. In respect of the targeted credits in the energy (60%), water (60%) and materials (40%) categories, there are at present some shortfalls identified with 46% in energy and 17% in water, although 73% of the credits in materials are anticipated to be met. Given the renewal nature of the application and there being scope for the energy and water categories to be improved at the design stage, it is considered on balance that the information provided is adequate. Furthermore the BREEAM design stage and post-construction review to be secured via the S106 Legal Agreement will denote the expectation for an overall 'very good' rating to be achieved (as anticipated), together with the specific energy (60%), water (60%) and materials (40%) credits being met, which means current deficiencies in the energy and water categories will be sought to be overcome at the design stage.
- 6.53 The applicant has also submitted an energy statement in respect of the proposed development as a whole. This follows the 'be lean', 'be clean' and 'be green' principles required by the LDF and London Plan, with a variety of measures to be introduced. These include, in line with CPG3 Chapter 3, maximising natural daylight and increasing insulation throughout, 100% low energy lighting, inclusion of rainwater butts, energy monitoring, ample ventilation, dual flush toilets and the detailed design seeking to exceed Part L of the Building Regulations. The applicant has also explored the various renewable energy and low carbon technology options at the site, with view to meeting the target 20% reduction in carbon dioxide emissions stipulated in CPG3 Chapter 6, which builds on LDF policy CS13. The

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APPENDIX

Officer Report for Planning Permission 2006/3271/P & Conservation Area Consent 2006/3724/C

Address:	128A Camden Road London NW1 9EE	
Application Number:	2006/3271/P	Officer: Thomas Smith
Ward:	Cantelowes	
Date Received:	17/07/2006	
Proposal:	Demolition of existing garage (Class B2) and redevelopment with a part 2 and part 3-storey building comprising light industrial (Class B1) at basement and ground floor levels and 9 residential units (Class C3).	
Drawing Numbers:	Site Location Plan 2403/ S100; S01; S02; S03; P200; P201 RevA; P202 RevA; P203 RevA; P204 RevA; P205 RevA; P206; P207; P208; P209; S100; DET/01; DET/02; DET/03; DET/04; DET/05; DET/06; Proposed solar panels; Elevation detail sheet	
RECOMMENDATION SUMMARY: Grant planning permission subject to conditions and a Section 106 Agreement		
Related Application Number:	2006/3724/C	
Proposal:	Demolition of existing garage	
Drawing numbers:	Site Location Plan 2403/ S100; S01; S02; S03	
RECOMMENDATION SUMMARY: Grant Conservation Area Consent		
Applicant:	Agent:	
Lloyd Buchanan Buchanan Motors 128A Camden Road London NW1 9EE	OSEL Architecture 26 Oldbury Place London W1V 5PR	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	B1 Business		580m ²
Proposed	B1 Business		578m ²

no objection is raised to the demolition of the building, also considering national and English Heritage guidance. Furthermore the demolition of the existing building as part of the redevelopment of the site for mixed use purposes, including maintaining an appropriate amount of employment floorspace and residential uses, is welcomed in principle. In particular the provision of two social rent affordable housing units within a scheme of nine residential units is welcomed and considered to be a significant benefit of the proposed redevelopment. The proposed design is considered to align with the character of the area and not cause harm to the setting of nearby listed buildings, while adequately protecting the amenity of nearby and future occupiers. The proposals also incorporate appropriate sustainability features and a number of other matters will be secured via S106 Legal Agreement, such as numerous transport related matters, and appropriately worded conditions.

7.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Securing units 1 and 2 as affordable housing (social rented units) on site;
- Financial payment in lieu of shortfall in provision of on-site affordable housing - £15,900;
- Further contribution to affordable housing if the scheme is altered (extended/converted) in the future;
- Sustainability plan - CfSH design stage and post construction review for residential element and BREEAM design stage and post construction review for commercial element;
- Energy plan;
- Education contribution of £23,392;
- Open space contribution of £13,801;
- Car free development;
- Highways works contribution of £33,000;
- Construction and Demolition Management Plan;
- Servicing Management Plan;
- Secure by design standards.

8. LEGAL COMMENTS

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

	<i>C3 Dwelling House</i>	<i>1426m²</i>
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Residential Use Details:										
	Residential Type	No. of Habitable Rooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>									
Proposed	<i>Flat/Maisonette</i>		2	4	3					

OFFICERS' REPORT

Reason for Referral to Committee: **the creation of five or more residential flats from the erection of a building and S106 agreement under clauses iii and vi**

1. SITE

- 1.1 The application site is an island formed by Camden Road, St Pancras Way and St Pancras Way Terrace. The site currently contains a 1-2 storey vehicle repair garage (Class B2), dating from the interwar years.
- 1.2 St Pancras Way Terrace contains two grade II listed buildings at numbers 157-159 in an early 19th Century crescent. The houses are both three storeys with basements, stucco with rusticated ground floors. No.159 has an extra storey with a mansard roof extension. Despite only two of the buildings being listed the terrace has a group uniform value and the other buildings are recognised as making a positive contribution within the Conservation Area Statement.
- 1.3 The application site was once the open space of the crescent according to a historic map from 1875, this soon became an open space nursery according to a map from 1894 and there was a garage on the site by 1914. The crescent originally continued on the other (west) side of Camden Road, completing a full crescent with those surviving houses on St Pancras Terrace and was known as Brecknock Terrace. By 1953 the crescent on the west side had been replaced by Bernard Shaw Court.
- 1.4 The site is located within the strategic viewing corridor from Parliament Hill to St Pauls, the Kentish Town Light Industrial Area and the Camden Broadway Conservation Area.

2. THE PROPOSAL

Original

- 2.1 The application proposes demolition of the existing garage and redevelopment with a part two and part three-storey building plus basement to provide a 578m²

light industrial unit (Class B1) and 9 residential units (2 x 1-bed, 4 x 2-bed and 3 x 3-bed).

- 2.2 The building would incorporate projecting and recessed bays with both butterfly and flat roof forms. It would be constructed in brickwork and render with aluminium framed windows including triangular bay windows to the south (St Pancras Way Terrace) elevation. The residential element would be set back from the footway on St Pancras Way to provide lightwells to serve the rooms at basement level.
- 2.3 On off-street service bay would be provided for the Class B1 unit to be accessed from St Pancras Way Terrace and a goods lift would be provided to allow movement deliveries to the basement area. No off street car-parking is provided but there are cycle parking facilities to serve the residential and commercial components along with a communal refuse storage area.
- 2.4 The proposal includes communal outdoor spaces at ground and first floor levels, green roofs and solar water heating panels.

Revisions

- 2.2 Following officer concerns about the lack of renewable energy use, the application was amended to include solar panels to the roof.

3. RELEVANT HISTORY

- 3.1 Outline planning application PEX0300129 for demolition of existing garage/workshops and the erection of a 5-storey building comprising A1 retail, D1 nursery and C3 residential units above was withdrawn in August 2003.
- 3.2 Planning application 2004/3138/P for demolition of existing buildings and erection of 4-storey building comprising 9 residential units with A1 use on ground floor and car parking to forecourt was withdrawn in September 2004.
- 3.3 Planning application 2005/2963/P for demolition of existing building and erection of a new mixed use 3 storey building comprising a ground floor light industrial / business unit (Class B1) and 11 residential units above (7 x 1-bedroom, 3 x 2-bedroom and 1 x 3-bedroom) was refused in October 2005 for the following reasons:

6. *The proposed development, by reason of its height, bulk and location, would be likely to have a detrimental impact on light into and outlook from adjacent residential properties on St. Pancras Way terrace and would also have a detrimental overbearing impact to these properties creating an undue sense of enclosure contrary to policies RE2 (Residential amenity and environment), EN1 (General environmental protection and improvement) and EN19 (Amenity for occupiers and neighbours) of the London Borough of Camden Unitary Development Plan 2000.*

7. *The proposed development, by reason of its height, bulk, mass, external appearance and detailing, and materials would be detrimental to the street*

scene, the wider conservation area and the setting of the listed buildings within St Pancras Way terrace contrary to policies EN1 (General environmental improvement and protection), EN13 (Design of new development), EN14 (Setting of new development), EN16 (Site layout), EN31 (Character and appearance of conservation areas) and EN38 (Preservation of listed buildings) of the London Borough of Camden Unitary Development Plan 2000.

8. *The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute to parking stress and congestion in the surrounding area to the detriment of highway and pedestrian safety contrary to policies TR4 (Cumulative impact of proposals), TR17 (Residential parking standards) and RE6 (Planning obligations) of the London Borough of Camden Unitary Development Plan 2000.*
9. *The proposed development, in the absence of a legal agreement securing highway improvements, would fail to secure the adequate provision for and safety of pedestrians, contrary to policies RE6 (Planning obligations), TR19 (Road safety), TR20 (Traffic management), TR21 (Pedestrians) and TR23 (Movement of goods: facilities and amenities) of the London Borough of Camden Unitary Development Plan 2000 and Section 3.10 (Works to public highway) of the London Borough of Camden Supplementary Planning Guidance 2002.*
10. *The proposed development, in the absence of a legal agreement for securing educational contributions, would be likely to make an unacceptable increase in pressure and demand on the Borough's education provision contrary to policy RE6 (Planning obligations) of the London Borough of Camden Unitary Development Plan 2000 and Section 3.13 (Educational contributions from residential developments) of the London Borough of Camden Supplementary Planning Guidance 2002.*

4. CONSULTATIONS

Statutory Consultees

- 4.1 English Heritage has given flexible authorisation for the determination of the applications
- 4.2 Transport for London has confirmed that the proposal will not result in any unacceptable impact of the road network. They have commented that one cycle parking space should be provided for every residential unit and for every 250sqm of Class B1 floorspace. They advise that it would be prudent to provide a disabled car parking space. *(Adequate cycle parking provision is made but no vehicle spaces are proposed)*

Adjoining Occupiers

<i>Number of Letters Sent</i>	<i>41</i>
<i>Number of responses</i>	<i>13</i>

<i>Received</i>	
<i>Number in Support</i>	<i>0</i>
<i>Number of Objections</i>	<i>13</i>

4.3 13 letters have been received objecting to the proposal on the following grounds:

- Loss of daylight/sunlight to and outlook from properties on St Pancras Way Terrace;
- Overlooking and resultant loss of privacy to neighbouring occupiers;
- Increased noise disturbance;
- Structural impact of proposed basement excavation on neighbouring properties;
- Servicing from St Pancras Way Terrace is unsatisfactory;
- Adverse impact on views of the terrace and the setting of the listed buildings within it;
- Design fails to safeguard the historic character of the site;
- Clumsy elevational treatment and the mock-valley roofline is a pastiche;
- Proposed residential accommodation at basement level would not be attractive for future occupiers;
- No provision for car parking;
- Increase in traffic;
- Noise and overlooking from the proposed roof garden;
- Communal amenity space may attract anti-social and criminal behaviour;
- Additional of solar panels does not mitigate the unsuitability of the entire proposal;
- Unsatisfactory refuse arrangements;
- Dust and noise from construction works;

5. POLICIES

5.1 Set out below are the UDP policies that the proposals have primarily been assessed against, together with officers' view as to whether or not each policy listed has been complied with. However it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

Camden Unitary Development Plan 2006

SD1	Quality of life	Complies
SD2	Planning obligations	Complies subject to S106
SD3	Mixed use development	Complies
SD4	Density of development	Complies
SD6	Amenity for occupiers and neighbours	Complies
SD9	Resources and energy	Complies
SD10	Hazards	Complies
H1	New housing	Complies
H7	Lifetime homes and wheelchair housing	Complies
H8	Mix of units	Complies
B1	General design principles	Complies
B3	Alterations and extensions	Complies

B6	Listed buildings	Complies
B7	Conservation areas	Complies
B9	Views	Complies
N4	Providing public open space	Complies subject to S106
N5	Biodiversity	Complies
T3	Pedestrians and cycling	Complies
T7	Off-street parking	Complies subject to S106
T8	Car free housing	Complies subject to S106
T9	Impact of parking	Complies
T12	Works affecting highways	Complies
T16	Movement of goods	Complies
E2	Retention of existing business uses	Complies
E3	Specific business uses and areas	Complies

Other Relevant Planning Policies

PPS3: Housing

Supplementary Planning Guidance

Camden Planning Guidance (December 2006)

Camden Broadway Conservation Area Statement (Draft approved 2005)

6. ASSESSMENT

6.1 The principal considerations material to the determination of this application are summarised as follows:

Land use

- 6.2 The development proposes the retention of 578m² for employment use in Class B1 which represents a loss of 2m² of employment floorspace, and a change from Class B2 to Class B1. A replacement Class B2 use would not be sought in such proximity to existing residential properties and the Class B1 use is therefore welcomed.
- 6.3 The scheme involves provision of 270 m² of the Class B1 floorspace at ground floor level and 308m² at basement level with a goods lift between the levels. Although a split level unit is less attractive than a single level unit the internal spaces are well laid out. The loading bay would be accessed from St Pancras Way Terrace which is awkward and may reduce the desirability of the unit to some extent. The floor-to-ceiling height at both levels would be 3.5m which is considered to be adequate for a flexible range of uses. Whilst the ground floor would receive satisfactory daylighting, the basement level would only receive very limited from a skylight which is not ideal.
- 6.4 The proposed Class B1 unit would not offer as much flexibility as the existing building which is effectively a "shed" on a single level with high ceilings, good natural light and access arrangements. However, despite some of the limitations identified above, it is considered that the proposed unit would still be attractive to a

range of light industrial and local distribution warehousing users and that it would be sufficiently flexible to accord with policies E2 and E3.

- 6.5 Policy H1 seeks to increase the amount of residential floorspace within the Borough and the residential accommodation is therefore welcomed. The proposed residential mix is 2 x 1-bed, 4 x 2-bed and 3 x 3-bed units which is considered appropriate in accordance with Policy H8.
- 6.6 The applicant has confirmed that all of the units comply with Lifetime Homes standards other than units 2 and 3 as the living room is not at entrance level although in all instances the living room could be switched with a bedroom to meet this standard.

Demolition of existing building

- 6.7 It is proposed to demolish the existing garage building. The application property is not considered to be of any value in terms of design. It is identified as an opportunity site for redevelopment in the Camden Broadway Conservation Area Statement. Its demolition is therefore welcomed as an opportunity to improve this area of Camden Road and improve the setting of the early 19th terrace on St Pancras Way.

Design

Height, bulk and massing

- 6.8 The proposed building has four main interlinked elements, travelling from west to east along the St Pancras Way elevation as follows:
- 3 storey bookend on the junction with Camden Road (10.2m high);
 - 1 storey section allowing views through to the listed buildings on St Pancras Way Terrace (4m high);
 - 3 storey section with flat roofs (8.7m high);
 - 2 storey section with butterfly roofs (5.9m - 7.1m high).
- 6.9 The adjacent buildings on St Pancras Way Terrace are 3-storied with a typical height of approximately 9.2m - 10.8m and the proposal has been significantly reduced in height from the previously refused scheme. Although views of the terrace would be slightly reduced when compared with the existing situation, the scheme would still afford views of the terrace and in particular the butterfly roofs along which are an attractive feature.
- 6.10 There are listed buildings within St Pancras Way Terrace (numbers 157 and 159) and a large section has been cut out of the scheme at second floor level to break up the bulk of the proposed building and to allow views through to these listed buildings. Furthermore, projecting and recessed bays have been introduced to provide depth and visual relief to the scheme to further reduce the bulk and massing.

- 6.11 St Pancras Way Terrace contains a mixture of butterfly and flat roofs. The proposal incorporates both these two roof types, which is considered a successful response to context that helps relieve the long proposed façade at roof level.
- 6.12 Whilst the proposal is still significantly larger than the existing building, it is considered that the proposed height, bulk and massing is now appropriate for the site and that it would sit comfortably with surrounding buildings without materially harming the view of the St Pancras Way Terrace or the listed buildings contained within.

Detailed design

- 6.13 The refused scheme contained very little active frontage along the main St Pancras Way elevation, which has been considerably improved with the introduction of doors and windows to provide visual interest and natural surveillance, which is welcomed. The residential element of the building has been set back from the footway to provide lightwells to the basement and some defensible space which is acceptable.
- 6.14 The St Pancras Way Terrace elevation contains less fenestration due to overlooking issues and although this results in a rather sparse elevation, it would be far less prominent than the other frontages and is satisfactory given the constraints.
- 6.15 The principal facing materials would be brickwork and smooth white render which are effectively interspersed to provide visual interest and relief and are considered to be appropriate response to its context. Aluminium framed windows set into reveals are proposed and are considered appropriate for a contemporary building. Glazed balustrades are proposed to the roof garden which would be lightweight in appearance and are acceptable. Conditions are attached requiring details windows, doors, railings and entrances and a sample panel of all external materials.
- 6.16 The proposed panels for the solar water heating system would be located centrally within the roofs and therefore their visibility would be limited and would not detract from the architectural integrity of the scheme.
- 6.17 In design terms, the proposal is satisfactorily scaled and detailed and would be a considerable improvement on the existing building and as such the scheme would enhance the character and appearance of the conservation area in accordance with policies B1 and B7.

Residential Amenity

- 6.18 The application building would be approximately 7m from the properties on St Pancras Way Terrace at its closest point (opposite number 145). The height of the existing garage is approximately 4.6m high to the eaves and 7.2m to the top of the pitched roof which slopes away from the residential properties on St Pancras Way Terrace. The proposed building would be between 6m and 7.2m in height at this point (due to the butterfly roof profile) which is significantly lower than the 11.2m

proposed in the scheme refused in October 2005. Further along the terrace the distance between the buildings increases although the height of the proposal also increases. The applicant has submitted a daylight study which demonstrates that the proposal meets the Building Research Establishment guidelines and whilst it is clear that there will be some loss of daylight to properties all along the terrace, this would not be so significant so as to warrant refusal. The proposal would not have any significant impact on sunlight into the St Pancras Way Terrace properties due to its orientation.

- 6.19 The windows to the south-western elevation would be angled bay windows to prevent any direct overlooking of the residential properties opposite on St Pancras Way Terrace which is satisfactory. There is potential for overlooking from the roof garden at first floor level to the St Pancras Way Terrace properties. A glazed balustrade is proposed cutting off the southern end of the roof garden to prevent its use as a terrace and a condition is attached to this effect. Therefore, there would be a distance of approximately 12.5m between habitable room windows at 159 St Pancras Way Terrace and the closest point of the roof garden available for general use, which is significantly below the 18m guideline in SPG. This roof garden did not form part of previous proposals but has been created due to the removal of a section of the building to reduce the overall bulk and improve views of the listed buildings. The provision of a 1.8m privacy screen is not a desirable solution as it would obstruct the views of the listed buildings. In any case, the terrace is only likely to be used for sitting outside during the warmer months and the majority of the terrace space is located over 18m away from neighbouring habitable rooms. On balance, it is not considered that the loss of privacy would be so significant so as to warrant refusal.
- 6.20 The proposed Class B1 by its nature would not cause any noise disturbance from within the premises and conditions are attached to restrict delivery times (see para 6.25). It is possible that there may be some noise generated from the terraced area associated with the proposed residential use. However, background noise levels are already relatively high late in the evening due to the location of the site on the corner of Camden Road and St Pancras Way. Furthermore, the existing unrestricted Class B2 could potentially create significantly more noise disturbance than the proposed uses. Therefore, it is not considered that the proposal is likely to result in any significant noise disturbance.
- 6.21 The internal arrangements for the residential units are generous with unit sizes considerably exceeding the minimum standards set out in SPG. Units 4, 5 and 6 would all include a large kitchen/dining room at basement level, which would only receive light from skylights at the front and rear at the room which is not desirable. If self-contained units were proposed entirely within the basement then these would not be acceptable but as the other rooms within these units would all be served by windows receiving good levels of light then the overall standard of residential accommodation is considered to be satisfactory.

Highways

- 6.22 As the scheme involves the complete redevelopment of the site and a substantial increase in floorspace, there will be a significant increase in pedestrian movements.

An improvement in pedestrian infrastructure is required to improve pedestrian safety, amenity and connectivity with the surrounding area, and to ensure the scheme benefits from a safe pedestrian environment. A financial contribution will therefore be required for the following works to be secured by legal agreement (costs still being calculated):

- Removal of the crossovers associated with the existing use of the site on Camden Road and St Pancras Way and reinstatement with granite kerb and concrete paving;
- Upgrading the raised entry/exit treatment at the intersection of St Pancras Terrace and Camden Road to Camden Streetscape Design Manual standards;
- Installation of a raised entry treatment at the intersection of St Pancras Terrace and St Pancras Way;
- Re-paving of the footway immediately adjacent to the site along St Pancras Way and Camden Road with staggered-bond concrete paving.

6.23 Construction works and construction vehicle movements may disrupt the day to day functioning of Camden Road and St Pancras Way and will need to be carefully managed to ensure disruptions are kept to a minimum. To ensure this, a construction management plan will need to be submitted and approved prior to works commencing and will be secured by legal agreement.

6.24 The existing garage has accesses on Camden Road and St Pancras Way close to the busy junction which is not ideal. The scheme proposes off-street servicing via a servicing bay located at the rear of the property with access off St Pancras Way Terrace which is preferable in highway safety terms. The loading bay is acceptable in terms of dimensions and will provide good access to the commercial unit. It will need to be accessed via a right turn movement from St Pancras Way onto St Pancras Terrace. Given the tight geometry and 'hair-pin' nature of this corner it is not ideal but there is no more suitable alternative given that there is no entry from Camden Road on to St Pancras Way Terrace.

6.25 The application has confirmed that the refuse collection arrangements will be such that a dedicated refuse collection point is designated within St Pancras Way Terrace utilising the service bay area for kerbside collection. This is far preferable to collection from the main road which would result in refuse vehicles partly blocking a traffic lane and fully blocking the cycle lane during collection which would not be satisfactory. These arrangements will be secured within the legal agreement.

6.26 Given the sensitive nature of the surrounding residential land use, deliveries should take place between 8:30am - 7:00pm and vehicles should be turned off during loading and unloading and a condition is attached to this effect.

Parking

6.27 This area is located within the Camden Town Outer and Somerstown Controlled Parking Zone which allows parking by permit only Monday to Friday between 08:30 and 18.30 hours. The site is located on a number of bus routes and is close to both Camden Town Underground Station and Camden Road Station. Given the

accessibility of the site by public transport and the limited nature of parking within the area, the new residential units will need to be designated car-free, such that future occupiers will not be eligible for on-street parking permits to be secured by legal agreement.

- 6.28 A cycle parking space should be provided per residential unit and 1 for visitors for every 10 units or part thereof, meaning 10 cycle parks should be provided for the residential element. The applicant has identified a cycle storage room accessed via the St Pancras Way frontage which is considered adequate to meet this parking requirement. The proposal includes a further two cycle stands for the Class B1 use which is in accordance with cycle parking standards and is acceptable.

Sustainability

- 6.29 The application proposes a green roof which provides biodiversity benefits and also slows the rainwater run-off which is welcomed. The applicant has advised that a rain water harvesting / grey water recycling system would not be compatible with the green roof although water butts will be provided to units 4, 5 and 6 to harvest rainwater for use in the communal garden. The proposal will include water-saving measures including low-flush toilets.
- 6.30 The application as originally submitted contained no renewable technologies and the applicant was advised that this was unlikely to be acceptable. Consequently, an assessment of various technologies was undertaken and the proposal was amended to propose solar water heating with the required equipment to be located on the roof. No indication is given of the proportion of the buildings energy requirement that will be met by this system. However, this is not a major application and therefore the 10% requirement in policy SD9 cannot be strictly applied.
- 6.31 The applicant has not submitted an Ecohomes pre-assessment. Whilst this is far from ideal, the applicant is prepared to enter into a legal agreement to ensure that a post-construction assessment is carried out to achieve a rating of 'Very Good' or 'Excellent' which would comply with Policy SD9.

Community Safety

- 6.32 The applicant has consulted with the Metropolitan Police during the design process and is seeking to achieve "Secured by Design" accreditation which is welcomed and included within the legal agreement. 1.8m railings would be provided to the outdoor amenity space at ground floor level on St Pancras Way Terrace to provide some defensible space and to prevent the public from using this area and any potential anti-social behaviour. No recessed doorways are proposed but a condition reserving details of entrances is attached to ensure an appropriate design.

Open Space

- 6.33 Although outdoor amenity spaces are provided at ground and first floor levels, the proposal would also increase pressure on the existing public open space provision

in the locality and therefore a financial contribution of £22,428 (at 2006/7 figures) is required to increase and enhance existing provision in accordance with policy N4 and SPG. This would be secured by legal agreement.

Education

- 6.34 The proposal would increase pressure on education provision within the Borough and therefore a financial contribution of £45,190 (at 2006/7 figures) is required to accommodate this increased pressure in accordance with SPG. This would also be secured by legal agreement.

Contaminated Land

- 6.35 The former uses of the site could have led to contamination at the site and a condition would need to be attached to any approval requiring a site investigation to be undertaken and a report including any recommendations for remediation to be submitted, agreed and carried out.

Strategic Views

- 6.36 The site is located within a strategic viewing corridor but at 3 storeys high the proposal would be the similar height to adjacent properties and its height would be considerably below the viewing plane. Therefore the proposal would not have any impact on strategic views.

Legal Agreement

- 6.37 Having regard to the above, a legal agreement will be required to secure the following:

- Car-free housing
- Highways improvements
- Construction Management Plan
- Education contribution of £45,190 (at 2006/7 figures)
- Open space contribution of £22,428 (at 2006/7 figures)
- Ecohomes Assessment achieving a rating of Very Good or Excellent
- Attainment of "Secured by design" accreditation

7. CONCLUSION

- 7.1 The existing building detracts from the character and appearance of the conservation area and its demolition is welcomed.
- 7.2 Recommendation 1: That planning permission and conservation area consent be granted subject to conditions and a Section 106 Agreement
- 7.3 Recommendation 2: That in the event of the Section 106 Agreement is not signed, the Head of Development Control is given authority to refuse the application for the following reasons:

1. *The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute to parking stress and congestion in the surrounding area to the detriment of highway and pedestrian safety contrary to policies SD2 (Planning obligations), T3 (Pedestrians and cycling), T8 (Car-free housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006.*
2. *The proposed development, in the absence of a legal agreement securing highway improvements and a construction management plan, would fail to secure the adequate provision for and safety of pedestrians, contrary to policies SD2 (Planning obligations), T3 (Pedestrians and cycling), T8 (Car-free housing) and T9 (Impact of parking) of the London Borough of Camden Replacement Unitary Development Plan 2006.*
3. *The proposed development, in the absence of a legal agreement for securing educational contributions, would be likely to make an unacceptable increase in pressure and demand on the Borough's education provision contrary to policy SD2 (Planning obligations) of the London Borough of Camden Replacement Unitary Development Plan 2006.*
4. *The proposed development, in the absence of a legal agreement for securing open space contributions, would be likely to make an unacceptable increase in pressure and demand on the Borough's open space provision contrary to policy SD2 (Planning obligations) and N4 (Providing public open space) of the London Borough of Camden Replacement Unitary Development Plan 2006.*
5. *The proposed development, in the absence of a legal agreement for securing an Ecohomes assessment to achieve a rating of Very Good or Excellent, would not adequately conserve energy and resources contrary to policy SD2 (Planning obligations) and SD9 (Resources and energy) of the London Borough of Camden Replacement Unitary Development Plan 2006.*

8. LEGAL COMMENTS

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