



PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

**WRITTEN REPRESENTATIONS
STATEMENT OF CASE**

APPEAL SITE

65-69 Holmes Road, London, NW5 3AN

APPELLANT

Mr Chi Tang

SUBJECT OF APPEAL

Appeal against refusal of planning permission (ref: 2018/4871/P) on 4th of February 2019 for:

“Erection of 7th floor extension to facilitate the creation of 42 student accommodation rooms (Sui Generis) to existing student accommodation”

COUNCIL REFERENCE: 2018/4871/P

PLANNING INSPECTORATE REFERENCE: APP/X5210/W/19/3229042

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1.0 SUMMARY

- 1.1 The appeal site contains new substantially completed buildings approved under 2013/7130/P, including an up to 7 storey building with student accommodation and a warehouse. The site lies adjacent to the Inkerman Conservation Area.
- 1.2 Planning permission was refused for “Erection of 7th floor extension to facilitate the creation of 42 student accommodation rooms (Sui Generis) to existing student accommodation” on 04/02/2019.
- 1.3 The main reasons for refusal are:
 - 1) The proposal’s height, mass, scale and detailed design, would be detrimental to the character and appearance of the host building, streetscene and wider area while failing to either preserve or enhance the character and appearance of the adjacent Inkerman Conservation Area.
 - 2) The room sizes, internal ceiling height and level of outlook from the proposal, would fail to provide adequate internal living conditions for the perspective occupiers, resulting in substandard accommodation that would be harmful to the amenities of future occupiers.
 - 3) The proposed development’s height, massing, scale and location, would result in a material loss of outlook and daylight as well as having an overbearing impact and an increased sense of enclosure on the occupiers at 74 and 55-57 Holmes Road.
- 1.4 The remaining reasons for refusal are regarding the absence of a legal agreement for: energy and sustainability provisions; student management plan; restriction of accommodation to students in higher education at specific education institutions; construction management plan; highways contribution; car-free development; student travel plan; public open space contributions and local employment and apprenticeships agreement. These reasons for refusal could be overcome with an appropriate Section 106 Legal Agreement, which is intended to be achieved through a bilateral agreement between the Council and the Appellant.

2.0 SITE AND SURROUNDINGS

- 2.1 The appeal site comprises an ‘L’ shaped plot of land. It was formerly occupied by Magnet Kitchen Showroom and Warehouse (industrial use) with customer car parking and two vehicular access points. The previous use and buildings are gone and new buildings have been substantially completed in line with the planning consent approved

under 2013/7130/P, which approved an up to seven storey building (plus two basement levels) with student accommodation, warehouse and café uses. A number of minor-material amendment applications have been approved (these are summarised in the relevant planning history section below).

- 2.2 The Kentish Town Industrial Area is to the north of the site and the Kentish Town - Town Centre is within walking distance. The site lies within the Kentish Town Neighbourhood Forum area and is subject to the recently adopted Neighbourhood Plan.
- 2.3 The Inkerman Conservation Area lies adjacent to the site's western boundary, on the opposite side of Cathcart Street. The substantially completed building is visible from various parts of the Conservation Area.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The appeal site has a significant history including 3 refusals of major developments similar to the substantially completed development, 2 of which were appealed by way of Public Inquiry (one was allowed and one was dismissed). A brief summary of the history is listed in chronological order (by application type) below.

Full Planning Applications

- 3.2 **2008/4795/P (withdrawn):** Erection of a part six, part three storey building with two basement levels to provide student accommodation comprising 411 self-contained study rooms and ancillary facilities (Sui Generis), restaurant/cafe use (Class A3) at ground floor level, and part change of use of upper basement level of 55-57 Holmes Road for use as ancillary facilities (refuse store, common room) for the student accommodation. (Following the demolition of the existing warehouse building). The application was withdrawn 27 January 2009.
- 3.3 **2009/3187/P (Refused, appeal withdrawn):** Erection of a part six, part three storey building with three and two basement levels respectively to provide student accommodation comprising 358 self-contained study rooms with ancillary facilities (Sui Generis), storage and distribution use (Class B8) at lower basement and ground floor level and restaurant (Class A3) at ground floor level. (Following the demolition of the existing warehouse building). The application was refused on 13 October 2009 for 26 reasons, including an excessive proportion of student accommodation and a loss of employment space. A Public Inquiry appeal was withdrawn by the Appellant on 9 February 2010.
- 3.4 **2010/6039/P (Refused, appeal allowed):** Erection of a part six, part three storey building with two basement levels to provide student accommodation comprising 268 student rooms housed within 245

units with ancillary facilities (Sui Generis), storage and distribution use (Class B8) at lower basement and ground floor level and coffee shop (Class A1) at ground floor level. The application was refused on 4th February 2011 for 19 reasons including failure to deliver an appropriate mix of housing types, over-concentration of student housing (that would be harmful to the established mixed and inclusive community, and result in a loss of amenities to existing residents) and loss of employment floorspace.

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

- 3.5 **2012/6548/P (Refused, appeal dismissed):** Erection of part seven, part three storey building with two basement levels to provide student accommodation comprising 313 student rooms housed within 278 units with ancillary facilities (sui generis), office use (Class B1) at lower basement and ground floor level. The application was refused on 25 March 2015. The main reasons for refusal were based on the unacceptable loss of employment floorspace; the over-concentration of student accommodation; lack of external amenity space for students and due to the height, bulk, massing and design of the proposal there was considered to be an adverse impact on the character and appearance of the area and potential impacts on sunlight/daylight of neighbouring properties.

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

- 3.6 **2013/7130/P (Granted Subject to a Section 106 Legal Agreement):** Erection of part seven, part three storey building above two basement levels to provide student accommodation comprising 273 units (337 rooms and 439 bed spaces) with ancillary facilities (sui generis), warehouse (Class B8) at basement and ground floor levels and a coffee shop (Class A1) at ground floor level following demolition of existing B8 buildings. Planning permission was granted subject to a Section 106 Legal Agreement on 06/03/2014. The scheme was essentially an amalgamation of the acceptable elements (as deemed by the Planning Inspectorate) from the two appeal proposals ref: 2010/6039/P and 2012/6548/P.

A number of planning obligations and conditions were included such as financial contributions, the restriction of occupation of student accommodation until the commercial element has been let and occupied, restricting occupation to student accommodation only and not permanent residential accommodation, the development must be linked to a Higher Education Funding Council for England (HEFCE)

funded institution, a student management plan, travel plan, Construction Management Plan, Service Management Plan, car-free development, restrictions on use of external amenity space, external noise level compliance and no increase in student bedspaces (i.e. capped at 439).

- 3.7 **2018/4877/P (application still under consideration):** The formation of a mezzanine floor (at basement level) to provide study rooms, administration, storage areas, kitchen and gym facilities within the student area of the building. This application is seeking internal works to the substantially completed development, as well as the rearrangement of consented uses and facilities. The works proposed have been unlawfully completed on-site, with a larger mezzanine level being created than being applied for and the cycle parking being relocated and significantly downgraded in size. An active enforcement case is ongoing under ref: **EN19/0536** (more details below).

Minor-Material Amendments (Section 73 applications)

- 3.8 **2015/5435/P (Granted Subject to a Section 106 Legal Agreement):** Variation of Condition 20 (approved plans) of planning permission 2013/7130/P was approved on 27/05/2016 with a Deed of Variation to the original legal agreement. The main changes included extension of the lower basement level to relocate part of the warehouse (B8) use from the mezzanine floor, internal reconfigurations, introduction of social space and study rooms on the mezzanine level, changes between double and twin rooms, lift overrun, new rooflights and lightwells.
- 3.9 **2016/4664/P (Granted Subject to a Section 106 Legal Agreement):** Variation of Condition 20 (approved plans) of planning permission 2013/7130/P was approved on 03/05/2017 with a Deed of Variation to the original legal agreement. The main changes included reconfiguration of the warehouse levels and ground floor to provide an enlarged social area for the student accommodation use; an additional row of windows on the Holmes Road elevation; additional rooflights into basement and changes to positioning of windows.
- 3.10 **2017/6786/P (Granted Subject to a Section 106 Legal Agreement):** Variation of Condition 20 (approved plans) of planning permission 2013/7130/P was approved on 27/07/2018 with a Deed of Variation to the original legal agreement. The main proposed changes include lowering the basement level by 950mm, internal changes, an increase to the volume and area of warehouse space and reduction of ancillary student space.

Planning Enforcement

- 3.11 **EN19/0536 (Ongoing Planning Enforcement case, no formal action taken at this stage):** The case has been opened and is currently being

investigated due to non-compliance with the original permission under 2013/7130/P, and the various amendments approved under 2015/5435/P, 2016/4664/P and 2017/6786/P. The unlawful works include the construction of a new mezzanine floor, internal works to the warehouse space and non-compliance with planning conditions (including the quantum, location, type and space for the cycle parking). An application for the mezzanine has been submitted under 2018/4877/P; however, the works undertaken significantly exceed and deviate from what is being applied for. Of significant concern to the Council is the fact that the student uses have commenced occupation prior to the occupation of the warehouse space. The legal agreement requires the warehouse space to be occupied before any of the student uses within the building. This is a breach of the legal agreement and concerning as the warehouse space is far from completion, with large columns and beams being installed to compromise the space. The implemented development does not reflect the consented development. Officers have an informal view that the unlawful works could invalidate the original approval (i.e. the entire development might be unlawful). Enforcement investigations are continuing and no formal action has commenced.

4.0 PLANNING POLICY FRAMEWORK

National Policy Documents

- 4.1 The revised National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. It must be taken into account in preparing the Development Plan, and is a material consideration in planning decisions. The revised NPPF was published 24 July 2018 and updated on 19 February 2019, replacing the previous document published in March 2012.

Local and Regional Planning Policy Framework

- 4.2 The Development Plan for the area comprises the London Plan 2016, the Camden Local Plan 2017 and the Kentish Town Neighbourhood Forum Neighbourhood Plan 2016.
- 4.3 The Draft New London – Consolidated Suggested Changes Version July 2019 shows all of the Mayor's suggested changes following the Examination in Public of the draft Plan. Given the status of this document it has limited weight at this point.

Camden Local Plan 2017

- 4.4 The Camden Local Plan was adopted by the Council on 03/07/2017 and replaced the Core Strategy and Camden Development Policies documents as the basis for planning decisions.

4.5 The relevant Local Plan policies in relation to this appeal are listed below:

- Policy G1 Delivery and location of growth
- Policy C1 Health and wellbeing
- Policy E1 Economic development
- Policy E2 Employment premises and sites
- Policy A1 Managing the impact of development
- Policy A2 Open space
- Policy D1 Design
- Policy D2 Heritage
- Policy CC1 Climate change mitigation
- Policy CC2 Adapting to climate change
- Policy CC3 Water and flooding
- Policy CC4 Air quality
- Policy T1 Prioritising walking, cycling and public transport
- Policy T2 Parking and car-free development
- Policy T3 Transport infrastructure
- Policy T4 Sustainable movement of goods and materials
- Policy DM1 Delivery and monitoring

4.6 The full text of each of the policies has been sent with the questionnaire documents.

Camden Planning Guidance

4.7 Supplementary planning guidance is set out in the Camden Planning Guidance (CPG), providing advice and information on how the Council applies its planning policies. The below documents are relevant to the appeal, and have been updated and reviewed to support the delivery of the Camden Local Plan following its adoption in 2017:

- CPG Interim Housing
- CPG 2 Housing (May 2016 updated March 2019)
- CPG Amenity
- CPG Employment sites and business premises
- CPG Planning for health and wellbeing
- CPG Public Open Space
- CPG Design
- CPG Energy Efficiency and adaption
- CPG Transport
- CPG Developer contributions
- CPG Student Housing

4.8 A copy of the above Camden Planning Guidance documents were sent with the questionnaire.

Kentish Town Neighbourhood Development Plan 2016

- 4.9 The Kentish Town Neighbourhood Plan was written by the Kentish Town Neighbourhood Forum and adopted by Camden Council in September 2016. It was drawn up using the powers in the Localism Act 2011. The plan aims to deliver the long-term goal of a balanced and vibrant neighbourhood. Any development proposals located within the designated area must be determined in accordance with the plan unless material considerations indicate otherwise. The most relevant policy, quoted on the decision notice, is Design Policy D3: Design.

Inkerman Conservation Area Statement

- 4.10 The statement's purpose is to provide a clear indication of the Council's approach to the preservation and enhancement of the Inkerman Conservation Area.

5.0 REASONS FOR REFUSAL

- 5.1 Planning application **2018/4871/P** was refused on the 4th of February 2019 for the following 12 reasons:

- 1 *The proposed development, by virtue of its height, mass, scale and detailed design, would be detrimental to the character and appearance of the host building, streetscene and wider area while failing to either preserve or enhance the character and appearance of the adjacent Inkerman Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017, and policy D3 of the Kentish Town Neighbourhood Forum Neighbourhood Plan 2016.*
- 2 *The proposed development, by reason of the room sizes, internal ceiling height and level of outlook, would fail to provide adequate internal living conditions for the perspective occupiers, resulting in substandard accommodation that would be harmful to the amenities of future occupiers, contrary to policies D1 (Design) and A1 (Amenity) of the Camden Local Plan 2017 and policy 3.5 of the London Plan 2016.*
- 3 *The proposed development, due to its height, massing, scale and location, would result in a material loss of outlook and daylight as well as having an overbearing impact and an increased sense of enclosure on the occupiers at 74 and 55-57 Holmes Road, contrary to policy A1 of the Camden Local Plan 2017.*
- 4 *The proposed development, in the absence of details regarding Green infrastructure, a BREEAM assessment for the proposed areas, opportunities to reduce water consumption, drainage calculations and details relating to SuDs to meet Greenfield run-off rates, along with the failure to reach CO2 reduction*

targets and due to the absence of a legal agreement to secure any of the above, would fail to be sustainable in its use of resources, contrary to policies CC1 (Climate change mitigation), CC2 (Adapting to climate) and CC3 (Water and flooding) of the Camden Local Plan 2017.

- 5 *The proposed development, in the absence of a legal agreement securing a student management plan, would fail to protect the amenities of the surrounding area contrary to policies A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.*
- 6 *The proposed development, in the absence of a legal agreement for defining that the occupation of the student units would be restricted to students in full or part time higher education at specific education institutions and no part of the property to be sold as a separate self-contained unit, would fail to supply appropriate student housing and lead to accommodation that would be inappropriate for private use, contrary to policies H9 (Student Housing) and D1 (Design) of Camden Local Plan 2017.*
- 7 *The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.*
- 8 *The proposed development, in the absence of a legal agreement to secure highway contributions to undertake external works outside the application site, would fail to secure adequate provision for the safety of pedestrians, cyclists and vehicles, contrary to policies A1 (Managing the impact of development), T1 (Prioritising walking, cycling and public transport) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.*
- 9 *The proposed development, in the absence of a legal agreement to secure a car-free development, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.*
- 10 *The proposed development, in the absence of a Student Travel Plan, would be likely to give rise to significantly increased car-borne trips and would result in a unsustainable form of development, contrary to policies T1 (Prioritising walking,*

cycling and public transport) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.

- 11 *The proposed development, in the absence of a legal agreement for securing contributions for public open space, would be likely to contribute to pressure and demand on the existing open space in this area contrary to policies A2 (Open Space) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.*
- 12 *The proposed development, in the absence of a legal agreement to secure a local employment and apprenticeships agreement will be likely to lead to the exacerbation of local skill shortages and lack of training opportunities and would fail to contribute to the regeneration of the area, contrary to policies E1 (Economic Development) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.*

6.0 THE COUNCIL'S STATEMENT OF CASE

Introduction

- 6.1 The Council's case is substantially set out in the Officer's Report and Decision Notice. This section of the Appeal Statement will concentrate on the substantial reasons of refusal, with the following section addressing the arguments put forward in the Appellant's Case.

Design, Character and Appearance, Conservation (reason for refusal 1)

- 6.2 The Council alleges that the appeal proposal, by virtue of its height, mass, scale and detailed design, would be detrimental to the character and appearance of the host building, streetscene and wider area while failing to either preserve or enhance the character and appearance of the adjacent Inkerman Conservation Area.
- 6.3 The implemented development was originally approved under 2013/7130/P, for the erection of a part seven, part three storey building above two basement levels. The rationale for the approval was that the proposal was not significantly different from the scheme under 2012/6548/P, where the Inspector at the Public Inquiry did not dismiss the appeal on the grounds of design/impact on the surrounding area. As part of the appeal decision, the Inspector concluded that there was a good case in townscape terms for a 7 storey building of the overall height proposed and that it would complement its neighbours without appearing excessive in height in either street elevation or otherwise over-dominant. He also indicated that the scheme represented an acceptable maximum for the site (i.e. inferring that anything above 7 storeys would not be acceptable). The relevant paragraph from the

appeal decision is quoted below, with emphasis added to illustrate the point regarding the scheme being the maximum development acceptable:

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

- 6.3 The appeal proposal would add a further storey to the approved scheme, which is substantially completed. The Council considers that the substantially completed development maximises what is suitable for this particular site. The implemented scheme has been designed as a rendered main façade with a wide crenulated parapet above. It has mesh covered upper storeys, which have been designed to signify the terminating or roof storey of the development. In this respect the design is considered to be a complete composition. The Council's guidance on roof extensions is clear, stating that roof extensions are unlikely to be acceptable where the building is a complete composition (para 5.14 of CPG Design).
- 6.4 Furthermore, the appeal proposal would result in a form and design which is at odds with the character and appearance of the host building. The extension would be seen in short and long range views of the building and be viewed in private views inside and outside of the Inkerman Conservation Area. It would appear incongruous to an already large building that has resulted in a significant change to the character of the area. The appeal proposal would result in additional scale and massing to the building, which would cause harm to its appearance and the visual amenity of the surrounding area.
- 6.5 An analysis of the surrounding area has indicated that the appeal proposal would have significant visibility and be incongruous from surrounding views. The extension would result in a top heavy development, and this element would result in dominant upper levels that would be prominent from long views within a significant coverage of the surrounding area. There would also be visibility from within the Inkerman Conservation Area. This would be most apparent on Calthcart Street, from the junction with Holmes Road to around the Azania Mews entrance.
- 6.6 In addition to the above, there would be a significant impact of paraphernalia on the roof (such as overruns, plant, any other

projections etc.). Limited details have been provided of these by the Appellant.

- 6.7 Overall, the increased height and massing of the additional storey would be over dominant, visually inharmonious, and significantly harmful to the character and appearance of the host building, streetscene, surrounding townscape and the adjacent Inkerman Conservation Area. The appeal proposal fails to accord with policy D1 (Design) of the Local Plan, which seeks (among other things) to secure high quality design in development that respects local context and character. It also states that the Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Furthermore, due to the impact of the additional storey on the adjacent Inkerman Conservation Area, particularly from Cathcart Street, it is considered that the proposed development would neither preserve nor enhance the character and appearance of the conservation area as required by policy D2 (Heritage). The proposal similarly fails to comply with policy D3 of the Kentish Town Neighbourhood Forum Neighbourhood Plan, which requires proposals to be well integrated into their surroundings, be of an appropriate scale, height, massing and architectural detailing and be of the highest quality.

Sub-standard Accommodation (reason for refusal 2)

- 6.7 The Council contends that the appeal proposal, by reason of the room sizes, internal ceiling height and level of outlook, would fail to provide adequate internal living conditions for the perspective occupiers, resulting in substandard accommodation that would be harmful to the amenities of future occupiers.
- 6.8 The new student accommodation as part of the appeal proposal would contain single units, with a floor area starting from only 15.31sqm. This is less than the majority of the approved single units within the extant permission. While it is acknowledged that student accommodation is typically used in a transient way, the overall size of the single units is concerning. The Ministry of Housing, Communities and Local Government (MHCLG) released nationally described space standards in March 2015. Table 1 - Minimum gross internal floor areas and storage (sqm) of the national space standards is copied below. The smallest acceptable dwelling sizes, for 1 person 1 storey dwellings, is 37sqm. While the standards do not apply to student housing, they demonstrate how far short the proposed student units fall in terms of acceptable living standards.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) ²			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

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

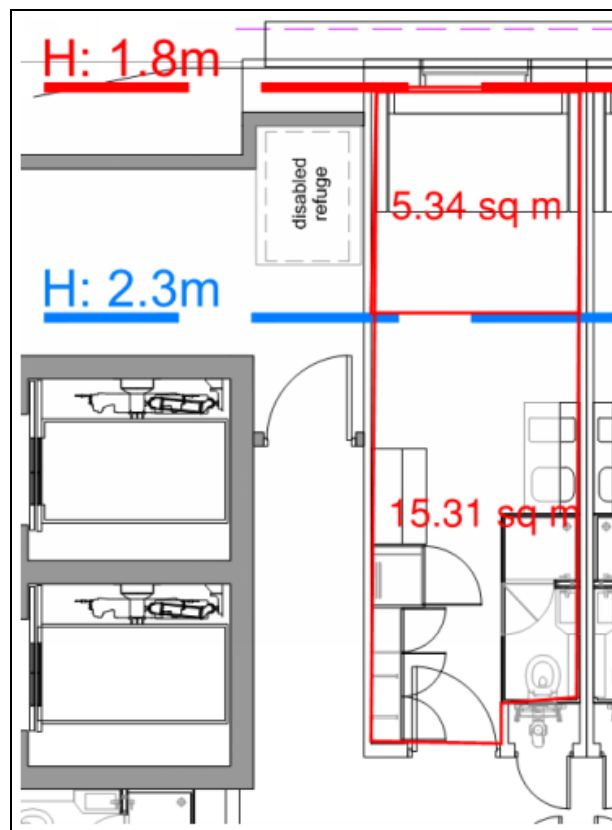


Figure 1 (above): Image of one of the single units, showing the overall floor area and the space within the lower ceiling height

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

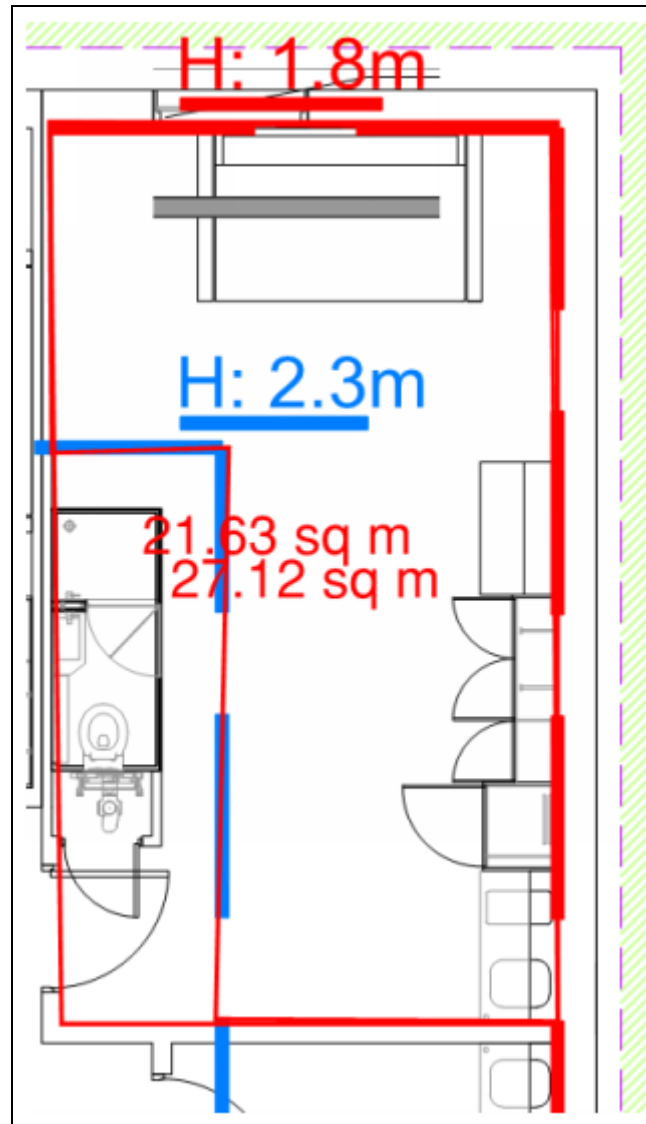


Figure 2 (above): Image of one of the single units, showing the overall floor area and the space within the lower ceiling height

6.11 Further to the above area and internal height concerns, the new units would all be single aspect (with one window opening in one direction) with the outlook from each room significantly compromised/obscured by the presence of aluminium louvre screens. The proposed screens

would be higher than the windows and located immediately adjacent to them. These outlook issues, in combination with the room sizes and internal heights, contribute further to the substandard quality of living accommodation that would result for prospective occupiers. The relationship between the windows and panels is demonstrated in Figure 3 below:

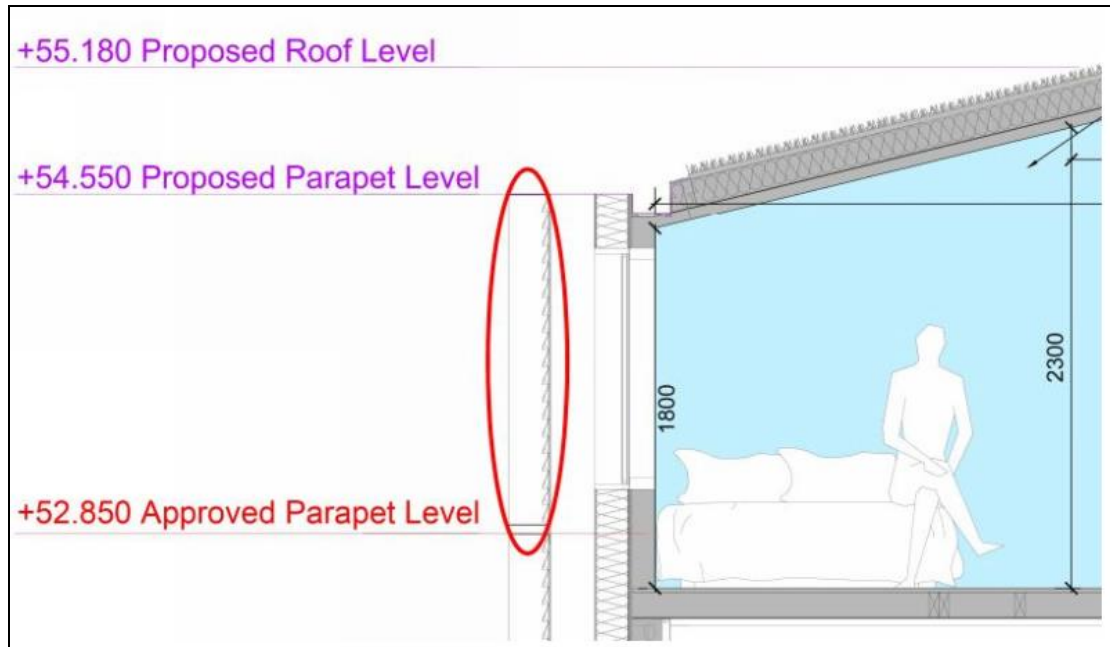


Figure 3 (above): Section showing relationship between the aluminium louvre screens (highlighted) and windows

- 6.12 Policy D1n. of the Local Plan requires a high standard of accommodation from development. Paragraph 7.32 of the supporting text requires all residential development to create high quality homes and to have good ceiling heights and room sizes, good natural light and ventilation and to be dual aspect except in exceptional circumstances.
- 6.13 The Council's Interim Housing Camden Planning Guidance (CPG) March 2019, provides residential development standards in section 4. Page 67 states: *'Ceiling heights - A minimum 2.3m headroom for at least 75% of the floor area is required as set out in the Nationally Described Space Standard technical requirements 10(i). Nonetheless, the applicant is strongly encouraged to provide a new home with a ceiling height of 2.5m for at least 75% of its gross internal area (GIA) as set out in the London Housing SPG standard 31.'*
- 6.14 The appeal proposal would provide all of the new units under the 2.5m as suggested within the London Housing SPG. Furthermore, the majority of the rooms would fail to provide a minimum 2.3m headroom for at least 75% of the floor area. Some of the units would provide as little as 20% of the floor area at 2.3m, which is 55% below the Nationally Described Space Standard technical requirements.

- 6.15 Therefore, the appeal proposal would provide new student accommodation that would result in substandard living accommodation for its perspective occupiers and a substandard quality of life due to the room sizes, internal ceiling height, poor outlook and access to light. This would be contrary to policy which requires new developments to provide an acceptable standard of accommodation in terms of internal arrangements, dwelling and room sizes and amenity space and external amenity space. It is contrary to the Camden Local Plan policies A1 and D1, as well as Policy 3.5 of the London Plan which promotes a high quality design of housing development.

Harm to the living conditions of neighbouring occupiers (reason for refusal 3)

- 6.16 The Council asserts that the appeal proposal, due to its height, massing, scale and location, would result in a material loss of outlook and daylight, and have an overbearing impact and an increased sense of enclosure on the occupiers at 74 and 55-57 Holmes Road.
- 6.17 The appeal site is surrounded by residential development, with the most impacted properties being 74 Holmes Road to the north on the other side of Holmes Road, and 55-57 Holmes Road to the east.
- 6.18 The appeal proposal would add a further storey to the main block (Block 1) fronting Holmes Road, making the building 8 storeys high overall. The main properties impacted by the appeal development are the south facing residential units at 74 Holmes Road, which lie within a 5 storey building (including attic storey), and the southwest facing flats within 55-57 Holmes Road. In particular, significant concern exists as to the impact of the additional height on the south facing flats within 74. The approved plans for 74 show that 14 of the dwellings are single aspect and south facing towards the appeal proposal. A number of the units have projecting or Juliet balconies. As such these units rely on this outlook and the level of existing light achieved from the extant permission at the appeal property. Furthermore, these properties are located on the opposite side of a narrow street. 55-57 lies immediately to the southeast of the appeal proposal. A number of the units on the adjacent elevation are single aspect and have their external amenity spaces on this frontage. Due to the height, scale, siting and massing of the appeal proposal and the resulting height of the appeal building, it is considered that it would result in a material level of harm to the adjoining occupiers at 74 and 55-57 by way of loss of outlook, overbearing impact and a significant increase in terms of sense of enclosure. These issues demonstrate the inappropriateness of the additional height, with the appeal building considered to have reached its maximum potential, causing harm to residential amenity as well as to the character and appearance of the host building and surrounding area.

- 6.19 The original submitted application was supported by a Daylight and Sunlight Availability Study dated 28th August 2018. The report is authored by BMT, who are an international design, engineering, science and risk management consultancy. The study provides an assessment of Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH); however, no details of No Sky Line (NSL) or Daylight Distribution (DD) are provided meaning the assessment is incomplete. Furthermore, the results of the VSC and APSH were not included within report meaning that a proper detailed assessment of daylight and sunlight impacts was not possible as part of the assessment of the original application.
- 6.20 The report dated 28th August 2018 summarises that 13 of the tested windows failed the VSC and APSH tests (approximately 29%). It is therefore considered that a large proportion of the adjoining occupiers would experience negative impacts from the proposal. At 74 Holmes Road, 6 windows (serving habitable rooms – living rooms and kitchens) are stated to be impacted. The impacts are claimed to vary between ‘Moderate Adverse’ (reduction of 30%-40%) to ‘Strong Adverse’ (reduction of 40%). These are considered to be significant transgressions to windows that serve single aspect habitable rooms. At 55 Holmes Road, according to the report, would be transgressions in 2 locations relating to residential uses (bedrooms). The impacts would be ‘Strong Adverse’ (reduction of 40%) and ‘Marginal Adverse’ (reduction of 20%-30%). These windows are on the southwest facing façade immediate situated behind the development. The transgressions add to already harmful impacts by way of loss of outlook, overbearing and sense of enclosure. It is also noted that the Azania Mews buildings would have transgressions on 4 windows, with one serving a bedroom.
- 6.21 Therefore, the appeal proposal would result in a significant level of harm to the living conditions of the adjoining occupiers, particularly those at 74 Holmes Road. The resulting harm would primarily be to loss of daylight, loss of outlook, overbearing impact, and an increased sense of enclosure. While the appeal site has recently been developed, leading to residential amenity being compromised over the pre-existing situation, the cumulative impact of the above would lead to further harm that would be unacceptable.
- 6.22 As part of the appeal the Appellant has submitted a ‘Summary Letter of Daylight and Sunlight Availability Study’ by BMT as Appendix 5 to the Appeal Statement. It is noted that no tests have been undertaken for No Sky Line (NSL) or Daylight Distribution (DD), making the daylight analyses incomplete. The assessment of the appeal proposal within the Officer Report stands.

Section 106 Reasons for Refusal (nos. 4-12)

- 6.23 The reasons for refusal referenced within the heading above are based on the failure of the Appellant to enter into a Section 106 (S106) legal agreement. As stated within the informative of the decision notice, these matters could be overcome by entering into an appropriate S106. The Council and the Appellant are working together to agree a S106 legal agreement to address the relevant reasons for refusal (4-12) and to ensure the development is acceptable if an approval were to be upheld by the Inspector. It is hoped these matters can be resolved before the relevant deadline to allow an agreed position to be presented to the Inspector.
- 6.24 Notwithstanding the above, evidence is provided within this statement to demonstrate that the requirements are justified against relevant planning policy and meet the tests laid out in the Community Infrastructure Levy (CIL) Regulations 2010, in particular Regulation 122(2), which require that for a planning obligation to constitute a reason for granting planning permission it must be (a) necessary to make the development acceptable in planning terms, (b) directly related to the development, and (c) fairly and reasonably related in scale and kind to the development, and the National Planning Policy Framework.

Energy, sustainability and drainage (reason for refusal 4)

- 6.25 This reason for refusal has been addressed between the Appellant and the Council, subject to S106 heads of terms being agreed to secure relevant energy and sustainability provisions including a CHP Air Quality Assessment, Renewable Energy and Energy Efficiency Plan and a Sustainability Plan.
- 6.26 Developments are required to make the fullest contribution to tackling climate change in the following hierarchy: firstly by minimising carbon dioxide emissions, adopting sustainable design and construction measures (be lean), secondly prioritising decentralised energy (be clean) and thirdly incorporating renewable technologies (be green). The updated appeal documents submitted broadly follows the energy hierarchy. The provisions are required to be secured via S106 in order to make the proposal acceptable in sustainability terms. It is necessary to secure this is undertaken, installed and maintained and the most appropriate way of doing so is by a S106 agreement.

Student Management Plan (reason for refusal 5)

- 6.27 Policy H9 of the Local Plan requires new student housing to contribute to the creating of a mixed, inclusive and sustainable community that does not create a harmful concentration of such a use in the local area or cause harm to nearby residential amenity. It states that where the scale or concentration of student housing proposed is likely to harm the balance and sustainability of the community or otherwise harm local

amenity, the Council will seek a range of mitigating measures such as management plans.

- 6.28 A student management plan is required for all planning applications involving student accommodation (as per Camden's Local Area Requirements for Planning Applications (2018)). It is required to be secured via S106 and to include details on health and safety standards and procedures; maintenance and repairs; environmental quality; landlord and tenant relationship; student welfare; anti-social behaviour and disciplinary procedures; administration, accreditation and compliance procedures; secured by design principles and student tenancy agreement.
- 6.29 CPG Student Housing states that the Council expects student accommodation to be managed in a way that protects the amenity of the community, occupiers and neighbours. Effective management of the occupation and amenity of the accommodation is only possible if it is managed as a single planning unit, and individual rooms are not disposed of separately to ensure the health, wellbeing and welfare of students and to mitigate any potential impacts of the development on neighbours and the local community.
- 6.30 The appeal proposal would result in a large increase in student population within a building that already has a significant number of students. A student management plan was secured via S106 as part of the original development (and subsequent amendments) under 2013/7130/P. The Council needs to ensure that a new student management plan binds to the new development in accordance with current policy and guidance through a new legal agreement that refers to the new development. The failure to secure a student management plan by S106 would result in a development that would not contribute to the creating of a mixed, inclusive and sustainable community and would cause harm to nearby residential amenity.

Restricting occupation of student units (reason for refusal 6)

- 6.31 Policy H9 of the Local Plan requires an undertaking in place to provide housing for students at one or more specific education institutions, or otherwise provide a range of accommodation that is affordable to the student body as a whole. Any planning approval for a student development needs to either provide for one or more specific education institutions or 30% of the new spaces as affordable. This would therefore need to be secured through a S106 legal agreement.
- 6.32 This requirement is based on the London Plan 2016 and section 3.9 of the Mayor's Housing SPG 2016, and arises from concern amongst higher education institutions and student bodies that high housing costs in London are harming their ability to attract students from less wealthy backgrounds and compete with institutions elsewhere. Therefore, the Council and the Appellant have agreed for the

affordability of the proposed student housing to be secured by all the places to be directly let to students by a higher education institution or be subject to one or more nominations agreements between the provider and one or more higher education institutions which ensures that the housing is occupied by students registered on courses at those institutions.

- 6.33 The Camden Local Plan Viability Study October 2015 assessed rent levels for student housing using online publications and tools and discussions with active local agents, including BNP Paribas Real Estate. The Study estimated that rents in schemes that are let to students by a high education institution or that have a nominations agreement in place are generally at least 15–25% lower than market rents in schemes that are directly let to private providers. Consequently, in accordance with the Mayor’s Housing SPG, the Council will in the case of the appeal proposal secure the student housing as outlined above. The S106 will secure this through a planning obligation and to continue to maintain these or to enter into new ones for as long as the development remains in student housing use.
- 6.34 The failure to secure the above by S106 would result in a development that would fail to be affordable to the student body as a whole. The appeal proposal would therefore fail to supply appropriate student housing.

Construction Management Plan (reason for refusal 7)

- 6.35 Local Plan policy A1 states that Construction Management Plans (CMPs) should be secured to demonstrate how developments would minimise impacts from the movement of goods and materials during the construction process (including any demolition works). The appeal proposal would involve significant works within a constrained area, near local schools, community facilities, businesses and residents. A CMP would be required in order to address the issues around how the construction work would be carried out and how this work would be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users. The failure to secure a CMP by S106 would give rise to conflicts with other road users and be detrimental to the amenities of the area generally.

Highways contribution (reason for refusal 8)

- 6.36 The Local Plan states that works affecting Highways are expected to repair any construction damage to transport infrastructure or landscaping and reinstate all affected transport network links and road and footway surfaces following development. The Council will undertake highway works connected to a development proposal at the developer’s expense in accordance with paragraph 6.11 of the Local

Plan. The Council maintains that a payment for highways work should be secured through a Section 106 legal agreement, which would also combine as an agreement under Section 278 of the Highways Act 1980.

Car-free development (reason for refusal 9)

- 6.37 Policy T2 requires all developments in the Borough to be car-free. This means no car parking spaces should be provided within the site (other than essential spaces) and that occupiers are not issued with on-street parking permits. The Council requires this obligation to facilitate sustainability and to help promote alternative, more sustainable methods of transport. The appeal site falls within a Controlled Parking Zone (CA-L (Outer)) and has a PTAL of 6a (Excellent). Therefore, the development should be secured as car-free.

Student Travel Plan (reason for refusal 10)

- 6.38 Given the number of student units proposed, as well as the existing student units within the appeal building, a Travel Plan would need to be secured by S106.

Public Open Space contribution (reason for refusal 11)

- 6.39 Local Plan Policy A2 requires developments to secure new and enhanced open space and ensure that development does not put unacceptable pressure on the Borough's network of open spaces. The policy states that the Council will seek developer contributions for open space enhancements using S106 agreements and to address the additional impact of proposed schemes on public open space taking into account the scale of the proposal and the number of future occupants and the land uses involved. Given the nature of the appeal proposal the Council would accept a financial contribution in lieu of securing new public open space on-site.
- 6.40 The public open space contribution of £12,600 is based on policy A2 and CPG Public open space. For student accommodation, the Council secures 9sqm per single room and 18sqm per double room. However, this is multiplied by a factor of 0.75 recognising that student accommodation is often not used for part of the year.
- 6.41 The contribution is justified as the appeal proposal would lead to increased use and pressure on open spaces. Therefore, the planning obligation secures a sufficient financial contribution to open space with the capacity to meet the additional demand arising from the appeal development. The failure to secure a CMP by S106 would lead to a development that would contribute to pressure and demand on the existing open space.

Local employment and apprenticeships agreement (reason for refusal 12)

- 6.42 As per CPG Employment sites and business premises (March 2018) a range of training and employment benefits would need to be secured in order to provide opportunities during and after the construction phase for local residents and businesses. The package of recruitment, apprenticeship and procurement measures would need to be secured by S106 legal agreement.

Planning Balance

- 6.43 Each of the reasons for refusal 1-3 are considered to be sufficient to justify the refusal of the appeal proposal in their own right for the detailed reasons set out above and within the Officer Report. In combination they represent a scheme which falls dramatically short of national, regional and local policy (as well as guidance) and would not represent sustainable development.
- 6.44 The appeal proposal does not accord with the Development Plan (for the reasons addressed within the Council's case) and the other benefits, which are summarised below, when taken together as other material planning considers do not indicate that planning permission should be granted.
- 6.45 The merits of the appeal proposal are recognised and include that the development would create a number of additional student flats (although compromised by them providing a substandard quality of living accommodation). The benefit created by way of additional student units would not outweigh the harm caused through the substandard quality of living accommodation for prospective occupiers; inappropriate design proposals; impact to the surrounding area and conservation area and living conditions of neighbouring occupiers.
- 6.46 Regard has been had to the Development Plan, as required under Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004, and other material considerations.
- 6.47 Based on the above, the appeal proposal is considered to fail on the three dimensions of sustainable development – economic, social and environmental – as specified within the NPPF. The appeal proposal is not considered to be sustainable and while there would be some public benefit from 42 student units, which would be of substandard quality, it would be outweighed by the demonstrable harm outlined within this Statement of Case, the Officer Report and the reasons for refusal in the Decision Notice.

Conclusion

- 6.48 The Council has set out above the reasons why the planning application was refused and why it upholds the reasons for refusal on the grounds of harm to.

6.49 The Inspector is therefore respectfully requested to dismiss the appeal against the refusal of planning permission 2018/4871/P.

7.0 APPELLANT'S GROUNDS OF APPEAL

7.1 In support of the appeal the Appellant has submitted an Appeal Statement with relevant appendices. The below paragraphs respond directly to some of the points made.

7.2 *Paragraph 1.3:* While the appeal site is located outside of a designated conservation area, it lies immediately adjacent to the Inkerman Conservation Area (which is located on the opposite side of Cathcart Street, bordering the appeal site). Therefore, the appeal proposal is treated in the same regard as if it were in a conservation area, as it would affect the setting, character and appearance of it.

7.3 *Paragraph 1.7:* As the Appellant states, the surrounding locale is characterised by buildings of 5 to 6 stories in height. The appeal building, in its current state, is already out of character with the area and due to its height, footprint and massing is the largest and most dominant building in the prevailing pattern of development.

7.4 *Paragraph 3.6:* Despite there being a variety of architectural styles, building heights and dimensions, the now implemented appeal building is the largest and highest in the area already and the appeal proposal would significantly worsen the situation.

7.5 *Paragraph 3.14:* The planning history of surrounding sites in the area demonstrates that the buildings in the area are 5 or 6 storeys maximum. The appeal building is already larger at 7 storeys and the appeal proposal would extend the building to 8 storeys, significantly more than the surrounding developments.

7.6 *Paragraph 4.18:* The Council disputes the Appellant's claims that the appeal proposal would not be readily visible from views within the Conservation Area and that it would have a neutral impact on it. The appeal proposal is immediately adjacent to the Inkerman Conservation Area and the appeal proposal would be very prominent from views within it. The appeal proposal would neither preserve nor enhance the setting, character and appearance of the Conservation Area, resulting in harm to it.

7.7 *Paragraph 6.3:* The Appellant states that the form of the appeal building has a horizontal emphasis by virtue of its extensive width. The width of the appeal building alone does not lead to a horizontal emphasis. There is nothing about the building's architecture, form or detailed design that gives it a horizontal emphasis and just because it is wider than it is tall does not justify additional height. Furthermore,

even if the appeal building were considered to have a horizontal emphasis, the appeal proposal would still result in a sympathetic and out of scale form.

- 7.8 *Paragraph 6.4:* Varied plot ratios, built form, building types and a lack of uniformity does not justify additional height. Whether or not variety exists in the area, the prevailing pattern of height is 5 or 6 storeys and no appropriate character or townscape rationale has been put forward by the Appellant to justify the appeal building getting larger.
- 7.9 *Paragraph 6.10:* The wire mesh shown on the photo within the Appellant's Appeal Statement has not been verified and no weight should be given to it. Notwithstanding this, the appeal proposal would be a solid mass, rather than a wire mesh, and the photo shows an uncomfortable relationship with the adjacent building at 61-63 Holmes Road.
- 7.10 *Paragraph 6.18:* The need for student accommodation does not negate the requirement to provide an acceptable standard of living accommodation. Fewer student units could be provided at a higher standard.
- 7.11 *Paragraph 6.20:* The appeal site is located outside of a town centre. The Kentish Town – Town Centre is restricted to Kentish Town Road. Therefore, the quote has no relevance to this appeal.
- 7.12 *Paragraph 6.22:* The extensive communal areas mentioned by the Appellant would not offset the poor standard of living accommodation. The communal areas are of limited amenity value given they are largely within basement/lower ground levels with a poor provision of light and outlook. Notwithstanding this, the student units themselves are substandard and even if ancillary facilities were acceptable, it is not considered that this would compensate for the harm caused.
- 7.13 *Paragraph 6.23:* The Appellant attempts to justify the non-compliance with the guidance by stating that the shortfall area is mainly accommodating bed space. This is not sufficient justification, as the 75% is set at this level to make allowances for matters such as bed space (i.e. the 25% that is not required to comply is factored into the guidance to be for bed space, desk space and storage). Infringements over the guidance are not acceptable due to further allowances. The Appellant mentions constraints of the built footprint and design; however, it would be possible to create less units within the appeal building's footprint and design them to a better standard. The constraints are not an acceptable justification for the resulting substandard quality of living accommodation in this instance.
- 7.14 *Paragraph 6.27:* Dual aspect outlook is enshrined in planning policy, despite the Appellant's claims. Para 7.32 of the Local Plan states that the Council will seek to ensure that residential development, both new

build and change of use *'is dual aspect except in exceptional circumstances'*. Exceptional circumstances do not exist for the appeal proposal to not provide dual aspect units and the Appellant has not put forward any. Therefore, the failure to provide dual aspect units would be contrary to Policy D1 of the Local Plan. The louvre screens would block/distort outlook and light, and the level of outlook in the communal areas would be worse than the new student units given they have a poorer outlook.

- 7.15 *Paragraph 6.28:* Although the Local Plan policy A1 does not specifically mention overbearing it mentions outlook which is related to it. The Council's Camden Planning Guidance Amenity (March 2018) does in para 2.14:

*'Developments should ensure that the proximity, size or cumulative effect of any structures avoids having an **overbearing** and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers.'*

- 7.16 *Paragraph 6.29:* The increase to the built development should not be assessed in isolation. The cumulative/resulting impact of the appeal proposal and existing building must be considered.

8.0 Community Infrastructure Levy (CIL)

- 8.1 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012 and was updated by Mayoral CIL2 on 1st April 2019. Any permission granted after this time which adds more than 100m² of new floorspace or a new dwelling will need to pay the CIL charge.

- 8.2 The CIL form submitted with the application indicates that the development would have an uplift of 891sqm GIA. Based on the Mayor's CIL and Camden's CIL charging schedules and the information submitted the charges would be approximately £427,680. This is calculated as £71,280 for Mayoral CIL2 (891sqm x £80) and £356,400 for Camden CIL (891sqm x £400 (Student Housing Zone B). The above is an estimate only and would be subject to the verification of the proposed floor area and calculations by the Council's CIL team.

9.0 CONCLUSION

- 9.1 On the basis of information available and having regard to the entirety of the Council's submissions, including the contents of this Statement of Case, the Inspector is respectfully requested to dismiss the appeal. However, should the Inspector be minded to allow the appeal, the

Council would suggest that planning permission be granted subject to the proposed conditions listed in Appendix 1.

10.0 LIST OF APPENDICES

Appendix 1 – Suggested conditions for 2018/4871/P

Appendix 2 – Officer Report for 2018/4871/P

Appendix 3 – Decision Notice for 2018/4871/P

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Appendix 1 – Suggested conditions for 2018/4871/P

- 1) The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Drawings: (180410 -A(GA)P170; P180; P300; P400; P401 and P402.

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3) Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

- b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies G1, D1 and D2 of the Camden Local Plan 2017.

- 4) Before the development commences, details of the location, design and method of waste storage and removal including recycled materials for both the commercial and residential uses, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the used and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies G1, A1 and CC5 of the Camden Local Plan 2017.

- 5) The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been

achieved shall be submitted and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies G1, CC1, CC2 and CC3 of the Camden Local Plan 2017.

- 6) Prior to the first occupation of the building a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for an initial maintenance scheme for a period of 5 years shall be submitted to and approved in writing by the local planning authority. The green roof shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2 and CC3 of the Camden Local Plan 2017.

- 7) Prior to working at roof level, detailed plans showing the location and extent of photovoltaic cells to be installed shall have been submitted to and approved by the local planning authority in writing. The measures shall include the installation of a meter to monitor the energy output from the approved renewable energy systems. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate on-site renewable energy facilities in accordance with the requirements of policies G1, D1, D2, CC1 and CC2 of the Camden Local Plan June 2017.

- 8) Prior to the occupation of the building, details of an artificial bat roost within the application site should be submitted to and approved by the Council and subsequently incorporated in the development in accordance with the approved details and thereafter retained.

Reason: In order to conserve and enhance the biodiversity of the site in accordance with

- 9) Notwithstanding the provisions S96A of the Town and Country Planning Act 1990 or any Order revoking and re-enacting that Order, no increase in student bedspaces shall be carried out without the grant of planning permission having first been obtained from the local planning authority.

Reason: To prevent over development of the site by controlling increases in bedspaces and student numbers on the site in accordance with policies

- 10) Prior to commencement of development feasibility details of a sustainable urban drainage system shall be submitted to and approved in writing by the local planning authority. Such system shall be based on a 1:100 year event with 30% provision for climate change demonstrating 50% attenuation of all runoff and demonstrate greenfield levels of runoff. The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.

- 11) Prior to occupation, evidence that the sustainable drainage system has been implemented in accordance with the approved details as part of the development shall be submitted to the Local Authority and approved in writing. The systems shall thereafter be retained and maintained in accordance with the approved maintenance plan.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies G1, CC1, CC2 and CC3 of the Camden Local Plan 2017.

Appendix 2 – Officer Report for 2018/4871/P

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

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

**Kentish Town
Neighbourhood Forum
objection 26/11/2018:**

The Kentish Town Neighbourhood Forum objected to the extension, as they consider that it fails under Policy D3 of the Kentish Town Neighbourhood Plan as follows:

- a) Proposals must be based on a comprehensive understanding of the site and its context
- b) Proposals must be well integrated into their surroundings and reinforce and enhance local character....

They stated that the proposed additional floor would result in an increase in the way the building would dominate the local area. It would increase its visual dominance from large parts of the Inkerman Conservation Area. For example, at the junction of Raglan Street and Anglers Lane, where the building already dominates the sight line. They consider that under the existing consented scheme, the uppermost floor is subservient to the rest of the building. The extra floor proposed would increase the prominence of the uppermost floor and the proposed new floor would increase the height and prominence of the building overall. The resulting massing at the upper two levels would create an overall imbalance to the building and to the context of the surrounding area contrary to Policy D3 in the Neighbourhood Plan.

**Thames Water comments
07/11/2018:**

Waste Comments

Following initial investigations, Thames Water has identified an inability of the existing combined water infrastructure to accommodate the needs of this development proposal. Thames Water request that the following condition be added to any planning permission. No properties shall be occupied until confirmation has been provided that either:- all combined water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Water Comments

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development. The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>.

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

Site Description

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

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

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

Relevant History

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

Full Planning Applications

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

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

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

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

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

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

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

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

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

Minor-Material Amendments (Section 73 applications)

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

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

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

Approval of Details

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

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

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

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

Relevant policies

National Planning Policy Framework 2018

London Plan 2016

Camden Local Plan 2017

Policy G1 Delivery and location of growth
Policy C1 Health and wellbeing
Policy C5 Safety and security
Policy C6 Access for all
Policy E1 Economic development
Policy E2 Employment premises and sites
Policy A1 Managing the impact of development 1
Policy A2 Open space
Policy A3 Biodiversity
Policy A4 Noise and vibration
Policy D1 Design
Policy D2 Heritage
Policy CC1 Climate change mitigation
Policy CC2 Adapting to climate change
Policy CC3 Water and flooding
Policy CC4 Air quality
Policy CC5 Waste
Policy T1 Prioritising walking, cycling and public transport
Policy T2 Parking and car-free development
Policy T3 Transport infrastructure
Policy T4 Sustainable movement of goods and materials
Policy DM1 Delivery and monitoring

Camden Planning Guidance (CPG)

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

Inkerman Conservation Area Statement March 2003

Assessment

1.0 Background

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

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

Table 1 (below): Comparison of Previous Planning Applications

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

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

2.0 Proposal

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

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

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

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

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

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

3.0 Land Use

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

Increase in student accommodation

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

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

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

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

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

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

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

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

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

Affordable student accommodation

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

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

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

4.0 Design, Character and Appearance, Conservation

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

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

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

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

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

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

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

5.0 Standard of Student Accommodation

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

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

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

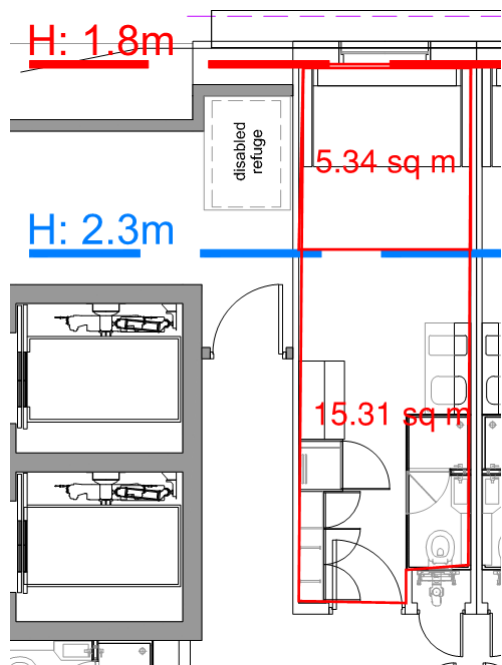


Figure 1 (above): Image of one of the single units, showing the overall floor area and the space within the lower ceiling height

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

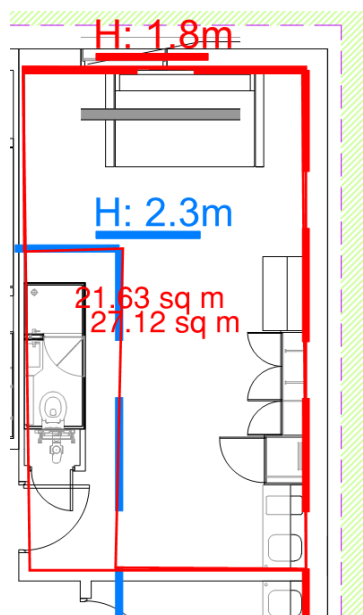


Figure 2 (above): Image of one of the single units, showing the overall floor area and the space within the lower ceiling height

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

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

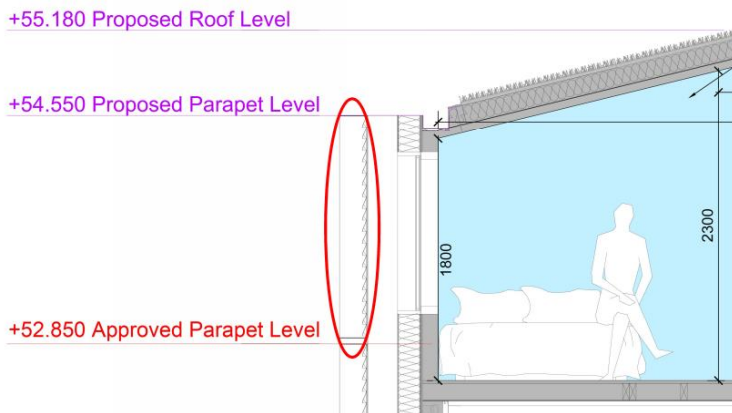


Figure 3 (above): Section showing relationship between the aluminium louvre screens (highlighted) and windows

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

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

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

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

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

6.0 Neighbouring Amenity

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

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

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

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

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

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

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

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

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

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

7.0 Transport

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

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

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

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

8.0 Sustainability

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

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

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

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

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

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

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

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

9.0 Planning Obligations

9.1 If the proposal was considered to be acceptable it would be the subject of a Section 106 legal agreement. Many of the obligations required have been discussed above and are included as reasons for refusal. Below is a summary of the heads of terms that would be sought for a successful scheme:

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

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

10.0 Community Infrastructure Levy

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

11. Conclusion

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

12.0 Recommendation: Refuse Planning Permission

Appendix 3 – Decision Notice for 2018/4871/P

Application ref: 2018/4871/P
Contact: Jonathan McClue
Tel: 020 7974 4908
Date: 4 February 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk/planning

SM Planning
80-83 Long Lane
London EC1A 9ET

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Refused

Address:

**65-69 Holmes Road
London NW5 3AN**

Proposal:

Erection of 7th floor extension to facilitate the creation of 42 student accommodation rooms (Sui Generis) to existing student accommodation

Drawing Nos: Existing Drawings: (180410 -A(SO))001; 170; 400; 401 and 402.

Proposed Drawings: (180410 -A(GA))P170; P180; P300; P400; P401 and P402.

Supporting Documents: Drainage Strategy Report (ref. 1980_RP_D_FRA_01) Rev A dated 06th April 2018; Transport Statement Addendum Rev 1 dated September 2018; Energy Statement v.2.1 dated September 2018; Construction Management Plan pro forma v2.1 Version 6 dated 27/02/2017; Construction Traffic Management Plan Rev 2 dated January 2017; Student Pick-Up and Drop-Off Management Scheme Rev 2 dated September 2018; Student Travel Plan Addendum Rev 2 dated September 2018; Daylight and Sunlight Availability Study (ref. 432364_Report_01v3) dated 28th August 2018; Planning Statement and D & A Statement dated September 2018.

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

Reason(s) for Refusal

- 1 The proposed development, by virtue of its height, mass, scale and detailed design, would be detrimental to the character and appearance of the host building, streetscene and wider area while failing to either preserve or enhance the character and appearance of the adjacent Inkerman Conservation Area, contrary to policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017, and policy D3 of the Kentish Town Neighbourhood Forum Neighbourhood Plan 2016.
- 2 The proposed development, by reason of the room sizes, internal ceiling height and level of outlook, would fail to provide adequate internal living conditions for the perspective occupiers, resulting in substandard accommodation that would be harmful to the amenities of future occupiers, contrary to policies D1 (Design) and A1 (Amenity) of the Camden Local Plan 2017 and policy 3.5 of the London Plan 2016.
- 3 The proposed development, due to its height, massing, scale and location, would result in a material loss of outlook and daylight as well as having an overbearing impact and an increased sense of enclosure on the occupiers at 74 and 55-57 Holmes Road, contrary to policy A1 of the Camden Local Plan 2017.
- 4 The proposed development, in the absence of details regarding Green infrastructure, a BREEAM assessment for the proposed areas, opportunities to reduce water consumption, drainage calculations and details relating to SuDs to meet Greenfield run-off rates, along with the failure to reach CO2 reduction targets and due to the absence of a legal agreement to secure any of the above, would fail to be sustainable in its use of resources, contrary to policies CC1 (Climate change mitigation), CC2 (Adapting to climate) and CC3 (Water and flooding) of the Camden Local Plan 2017.
- 5 The proposed development, in the absence of a legal agreement securing a student management plan, would fail to protect the amenities of the surrounding area contrary to policies A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.
- 6 The proposed development, in the absence of a legal agreement for defining that the occupation of the student units would be restricted to students in full or part time higher education at specific education institutions and no part of the property to be sold as a separate self-contained unit, would fail to supply appropriate student housing and lead to accommodation that would be inappropriate for private use, contrary to policies H9 (Student Housing) and D1 (Design) of Camden Local Plan 2017.
- 7 The proposed development, in the absence of a legal agreement to secure a Construction Management Plan, would be likely to give rise to conflicts with other road users, and be detrimental to the amenities of the area generally, contrary to policies A1 (Managing the impact of development) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.
- 8 The proposed development, in the absence of a legal agreement to secure highway contributions to undertake external works outside the application site, would fail to secure adequate provision for the safety of pedestrians, cyclists and vehicles, contrary to policies A1 (Managing the impact of development), T1 (Prioritising walking, cycling and public transport) and DM1 (Delivery and monitoring) of Camden

Local Plan 2017.

- 9 The proposed development, in the absence of a legal agreement to secure a car-free development, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies T1 (Prioritising walking, cycling and public transport), T2 (Parking and car-free development) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.
- 10 The proposed development, in the absence of a Student Travel Plan, would be likely to give rise to significantly increased car-borne trips and would result in a unsustainable form of development, contrary to policies T1 (Prioritising walking, cycling and public transport) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.
- 11 The proposed development, in the absence of a legal agreement for securing contributions for public open space, would be likely to contribute to pressure and demand on the existing open space in this area contrary to policies A2 (Open Space) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.
- 12 The proposed development, in the absence of a legal agreement to secure a local employment and apprenticeships agreement will be likely to lead to the exacerbation of local skill shortages and lack of training opportunities and would fail to contribute to the regeneration of the area, contrary to policies E1 (Economic Development) and DM1 (Delivery and monitoring) of Camden Local Plan 2017.

Informative(s):

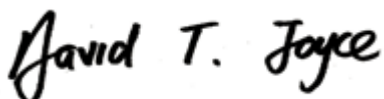
- 1 You are advised that reasons for refusal 5-12 could be overcome by entering into a s106 agreement.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2018.

You can find advice about your rights of appeal at:

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

Yours faithfully



David Joyce
Director of Regeneration and Planning