

Delegated Report		Analysis sheet		Expiry Date:	01/12/2022
		N/A		Consultation Expiry Date:	03/12/2022
Officer			Application Number(s)		
Adam Greenhalgh			2022/4293/P		
Application Address			Drawing Numbers		
139-147 Camden Road London NW1 9HJ			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of 4 storey block of flats with ground floor bin and bicycle stores and front paving and planting					
Recommendation(s):		Refuse planning permission			
Application Type:		Full planning permission			
Conditions or Reasons for Refusal:		Refer to Decision Notice			
Informatives:					
Consultations					
Adjoining Occupiers:		No. of responses	0	No. of objections	4
Summary of consultation responses:		Site notices: 09/11/2022 – 03/12/2022			
Neighbouring occupiers		4 letters of objection received from neighbouring occupiers (addresses not given). Objections raised relate to: <ul style="list-style-type: none"> - Adverse effects on use of adjacent park - Adverse effects on micro-climate and biodiversity of adjacent park - Adverse effects on appearance of adjacent park - Harm to mature trees within adjacent park - Lack of affordable housing - History of previous refusals for residential development of the site - Harm to visual amenity appearance of (Conservation) area - Harm to amenity of neighbouring occupiers (loss of outlook, air and noise pollution, light pollution/visual intrusion) - Inadequate quality of accommodation due to noise, pollution and vibration 			
Network Rail		No objections. However 4 conditions are requested (if planning permission			

	<p>should be granted). These relate to:</p> <ol style="list-style-type: none"> 1. Foundation design and piling works to prevent additional loading and risk to operational railway structures. Details to be discussed and agreed will include construction methodology, earthworks and excavations, use of crane, plant and machinery, drainage and boundary treatments. It may be necessary for the developer to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail to ensure the safety of the operational railway during these works. 2. Drainage associated with the site should not impact on or cause damage to adjacent railway assets. Surface water must flow away from the railway, there must be no ponding of water adjacent to the boundary and any attenuation scheme within 30m of the railway boundary must be approved by Network Rail in advance. 3. Trespass Proof Fencing 4. Sound-proofing against railway noise. <p>Objections raised on the following grounds:</p> <ol style="list-style-type: none"> 1. Inadequate drawings/information in Design & Access Statement 2. Inappropriate bulk in the context of neighbouring buildings and the park 3. Inappropriate massing, form, proportions, architectural design and elevational treatments 4. Inappropriate materials 5. Lack of sunlight/daylight assessment in relation to the park 6. Inadequate provision of accessible units ; lack of M4(2) and M4(3) units 7. Harm to appearance of streetscene
<p>Camden Square Conservation Area</p>	<p>Objections raised on the following grounds:</p> <ol style="list-style-type: none"> 1. Inadequate drawings/information in Design & Access Statement 2. Inappropriate bulk in the context of neighbouring buildings and the park 3. Inappropriate massing, form, proportions, architectural design and elevational treatments 4. Inappropriate materials 5. Lack of sunlight/daylight assessment in relation to the park 6. Inadequate provision of accessible units ; lack of M4(2) and M4(3) units 7. Harm to appearance of streetscene
<p>Kentish Town Neighbourhood Forum</p>	<p>Objections/concerns raised on the following grounds:</p> <ol style="list-style-type: none"> 1. Proposed building should be no higher 2. Adverse impacts on conditions and amenity of Cantelowes Gardens 3. More open space / landscaping required; defensible space 4. Insufficient sustainability measures/materials; lack of lower carbon technologies (air source heat pumps) 5. 'Unsustainability' / carbon emission implications of glazed winter gardens 6. Lack of consultation with Neighbourhood Forum
<p>Friends of Cantelowes Gardens</p>	<p>Letter of objection received from Friends of Cantelowes Gardens. Objections raised relate to:</p> <ul style="list-style-type: none"> - Adverse effects on use of adjacent park - Adverse effects on micro-climate and biodiversity of adjacent park - Harm to mature trees within adjacent park - Inappropriate size, scale and design and harm to visual amenity appearance of (Conservation) area - Lack of affordable housing provision - Harm to amenity of neighbouring occupiers (loss of privacy) - Lack of pre-application community involvement

Site Description

The site is wedge shaped in plan, measuring approximately 7.5m onto Camden Road and approximately 22m in depth. It has an area of approximately 140 sq m. It is located on the north-western side of Camden Road, to the north of the junction with Sandall Road. The site is used for car parking in association with the car maintenance building at 139 – 145 Camden Road. The site is bounded by Canteloves Gardens (north west and north east), by Camden Road (south east) and by the car maintenance building and railway embankment/retaining wall (south west).

Canteloves Gardens is designated open space and the site adjoins an area of grassland in the park which includes significant mature trees.

The site is not located in a conservation area or within the setting of any listed buildings. Camden Square Conservation Area extends across the other side of Camden Road. It is located in an area with a Public Transport Accessibility Rating of 4, within Flood Zone 1 of the Environment Agencies Flood Risk Map for Planning and in a Controlled Parking Zone.

Relevant History

2010/5596/P - Erection of new 6 storey building on vacant land, to provide 9 x self-contained residential units (4 x 2 bedroom flats and 5 x 4 bedroom flats) (Class C3) – permission refused 11/03/2011

Reasons for refusal:

- 1. The proposed development, by reason of its height, bulk, mass, footprint and detailed design, would be detrimental to the streetscape along Camden Road and the character and appearance of the neighbouring Camden Square Conservation Area, contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
- 2. In the absence of sufficient mitigation measures to protect future residents from noise and vibration from the neighbouring railway line, the applicant has failed to demonstrate that the development would not harm the amenity of future occupants and the development is therefore considered to be contrary to policies CS1 (Distribution of Growth) and CS5 (Managing the impact of growth and development) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP28 (Noise and vibration) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.*
- 3. The proposed development, by virtue of failing to provide adequate on-site cycle storage facilities for the new residential units, would fail to support travel by means of sustainable transport, contrary to Policies CS11 (Promoting sustainable and efficient travel), of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 (Walking, cycling and public transport) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.*
- 4. The proposed development, by virtue of failing to provide adequate on-site lifetime homes standards for the new residential units, would fail to support lifetime home standards contrary to policy DP6 (Lifetime homes) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.*
- 5. The proposed development, in the absence of a legal agreement requiring that the new residential accommodation meet Level 3 of the Code for Sustainable Homes would fail to be sustainable in its use of resources, contrary to Policies CS13 (Tackling climate change through promoting higher environmental standards) and CS16 (Improving Camden's health and well-*

being) of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies.

Six further reasons for refusal relating to absence of a legal agreement to secure Level 3 Code for Sustainable Homes accommodation, a financial contribution towards education provision, public open space contributions, car-free housing, highways contribution, and a Construction Management Plan/Construction Logistics Plan.

2011/5226/P - Erection of new 5 storey building on land to east of existing motor vehicle maintenance and repair centre (Class B2) to provide 9 (1x studio, 4x1 bed, 2x2 bed and 2x3 bed) self-contained residential units (Class C3) and retention of part of the ground floor parking (reduction from 9 to 3 spaces) associated with existing motor vehicle maintenance and repair centre – permission refused 22/12/2011

Reasons for refusal:

- 1. The proposed development, by reason of its detailed design and materials, would be detrimental to the streetscape along Camden Road and the character and appearance of the neighbouring Camden Square Conservation Area and fail to provide appropriate security and community safety measures, contrary to policies CS14 (Promoting high quality places and conserving our heritage) and CS17 (Making Camden a safer place) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.*
- 2. The proposed development, by virtue of failing to provide adequate on-site lifetime homes standards for the new residential units, would fail to provide accommodation suitable for people with mobility difficulties contrary to policy CS6 (Providing quality homes) of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 (Lifetime homes and wheelchair housing) of the London Borough of Camden Local Development Framework Development Policies.*
- 3. The proposed development, by reason of the removal of a Whitebeam tree in Canteloves Gardens, would be detrimental to the character of the streetscene and the visual amenity of the group of trees that the proposed to be removed tree forms a part of, contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 (Securing high quality design) of the London Borough of Camden Local Development Framework Development Policies.*
- 4. The proposed development, in the absence of a shading impact assessment, is likely to have a detrimental impact on the public enjoyment and amenity of Canteloves Gardens and its potential for biodiversity provision, contrary to policy CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity) of the London Borough of Camden Local Development Framework Development Policies.*
- 5. The proposed development, by reason of the reduction of on-site parking spaces from 9 to 3 for the existing motor vehicle maintenance and repair centre, would cause harm to existing on-street parking conditions through the displacement of vehicles from on-site and the operational business parking requirements and therefore contributing unacceptably to parking stress and congestion in the surrounding area, contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP19 (Managing the impact of parking) of the London Borough of Camden Local Development Framework Development Policies.*

6. *The proposed development, by reason of the proposed new crossover location and Page 2 of 5 2011/5226/P proposed refuse vehicle access arrangements, would contribute unacceptably to traffic disruption and dangerous situations for pedestrians and other road users on a Transport for London Network (TLRN) road, contrary to policy CS11 (Promoting sustainable and efficient travel) of the London Borough of Camden Local Development Framework Core Strategy and policy DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Development Policies.*

Eight further reasons for refusal relating to absence of a legal agreement to secure Level 3 Code for Sustainable Homes accommodation, on-site renewable energy facilities and energy efficiency measures, a financial contribution towards educational infrastructure, a public open space financial contribution, car-free housing, highways works financial contributions, a Construction Management Plan/Construction Logistics Plan, and a servicing management agreement.

2016/3132/P - Erection of new 5 storey building on land to east of existing motor vehicle maintenance and repair centre (Class B2) for office use (Class B1) on the first to fourth floors and retention of part of the ground floor parking (reduction from 9 to 4 spaces) associated with existing motor vehicle maintenance and repair centre – application withdrawn

2022/1367/PRE - Erection of a 4 storey block of 7 residential flats - Pre-application advice issued 29/11/2022

Conclusion: In principle the residential development of the site could be acceptable, subject to a statement demonstrating that the change of use of the site would not mean that the adjoining car maintenance workshop would be affected. Also, it will be necessary to submit a Noise Assessment to demonstrate that a residential development could be undertaken which would comply with internal noise level requirements for residential rooms. The proposed plans and elevations indicate that development would not respect the character and context of the area in terms of scale, siting, architectural design or materials/treatment and it is considered that the proposal should be set back further, less 'top-heavy' and less bulky/sheer. The elevational design/treatment needs to be more appropriate to the stand-alone setting alongside the park, the role that the building will have in the townscape and the design parameters in place along Camden Road. The proposal would appear not to result in any loss of amenity for neighbouring occupiers. There is significant concern in relation to the proximity of the current proposal with the nearest tree in Canteloves Gardens and further investigations of the root areas of the trees are needed for the current proposal. An Energy and Sustainability Statement will be needed to demonstrate that the proposal complies with the Council's policies and guidance for sustainability and climate change mitigation.

Relevant policies

National Planning Policy Framework 2021

Technical Housing Standards – Nationally Described Space Standards

The London Plan March 2021

Camden Local Plan 2017

A1 Managing the impact of development

A2 Open space

A3 Biodiversity

A4 Noise and vibration

C5 Safety and security

C6 Access for all

D1 Design
D2 Heritage
E2 Employment Premises and Sites
H1 Maximising housing supply
H4 Maximising the supply of affordable housing
H6 Housing choice and mix
H7 Large and small homes
CC1 Climate Change Mitigation
CC2 Adapting to climate change
CC3 Water and flooding
CC4 Air quality
CC5 Waste
T1 Prioritising walking, cycling and public transport
T2 Parking and car free development
T3 Transport infrastructure
T4 Sustainable movement of goods and services

Kentish Town Neighbourhood Plan 2016

SW1 Supporting small business
D3 Design Principles
GO1 Local Green Spaces
GO3 Biodiverse Habitats
SSP7 Small sites and infill development

Camden Planning Guidance

CPG Employment sites and premises (2021) (Proposals involving loss of business premises and sites)
CPG Design (2021) (S.2 Design Excellence, S.3 Heritage, S.4 Landscape and Public Realm)
CPG Amenity (2021) (S.5 Construction Management Plans, S.6 Noise & Vibration, S.8 Contaminated Land)
CPG Energy Efficiency and Adaptation (2021) (S.2 Energy Hierarchy, S.3 Making buildings more energy efficient, S.5 Renewable energy technologies, S.10 Sustainable design and construction principals)
CPG Transport (2021) (S.2 Assessing Transport Impact, S.5 Parking and car-free development, S.8 Cycling Facilities)
CPG Developer Contributions (2019) (S.5 Planning Obligations)
CPG Water and Flooding (2019) (S.2 Water efficiency, S.3 Flooding)
CPG Air Quality (2021) (S.3 Assessing Air Quality Impacts)
CPG Trees (2019) (S.2 How the Council will protect trees)
CPG Housing (2021) (S.4 Meeting the requirements for housing and affordable housing, S.6 Payments in lieu of housing and affordable housing)

1.0 PROPOSAL

1.1 The proposal is for the erection of a four storey building comprising 3 x 1 bed 2 person flats, 2 x 1 bed 1 person studios and 1 x 2 bed 4 person flat. The building would also include a 10.1 sq m bin store and a 11.2 sq m bicycle store for 10 cycles, both situated on the ground floor at the front. The front of the site would be paved and planted and 2 visitor cycle spaces would be provided.

1.2 The building would be wedge shaped in plan, occupying the full width of the site and being set back 3.5m from the front of the site and the back edge of the pavement. The building itself would be 4 storeys in height with a slightly set back top (third) floor. At the rear it would include small winter gardens for the rear flats on all levels. The walls would be of buff and grey brick to the ground to second floors and grey brick to the top (third) floor. A variety of square and rectangular windows would be formed on all elevations, with full height glazed windows/doors on all elevations provided with metal Juliet balconies.

2.1 ASSESSMENT

The material considerations for this application are summarised as follows:

- Land Use
- Design and effects on character and appearance of area
- Quality of proposed residential accommodation
- Amenity of neighbouring residential occupants
- Dwelling sizes/mix
- Affordable housing
- Transport and highway implications
- Canteloves Gardens: Open Space & Biodiversity
- Contamination
- Energy and sustainability
- Air Quality

2.2 Land Use

Loss of existing parking use

2.2.1 A pre-application advice request for a proposal to erect a 4 storey block of 7 flats was submitted in 2022 (see 'Relevant History' section above). The Council advised that the existing use of the site should be confirmed so that the change of use could be considered in the context of the Development Plan land use policies.

2.2.3 In the submitted Vehicle Maintenance Unit Operational Statement it is confirmed that the site is used for car parking in association with the adjoining MOT/vehicle servicing garage which is owned by the applicant. The Vehicle Maintenance Unit Operational Statement then explains that the existing MOT/vehicle service operator (Autodeutsche) will cease operating at the site in April 2023 when the applicant will use the building for an electric vehicle maintenance centre.

2.2.4 The Vehicle Maintenance Unit Operational Statement confirms that the business will be undertaken in the building only. The long established vehicular access to the building from Sandall Road will be used and the vehicular access, manoeuvring and parking which will be necessary for the business to operate will all be accommodated within the building.

2.2.5 As such, the application site will no longer be used or needed for car parking. It will therefore not have an employment or business use as such and there will be no presumption in favour of protecting its business or employment use under policy E2 of the Local Plan.

2.2.6 The proposal would also not be contrary to policy SW1 of the Kentish Town Neighbourhood

Plan. This supports the retention and increase of floorspace for the use of small businesses. However, as the land is not required for the car repair workshop there would be no loss of business use or employment associated with the site and it would not contravene the policy.

2.2.7 It should be noted that the transport/operational implications of removing the existing ancillary vehicular parking for the MOT/vehicle servicing building were a consideration under application 2011/5226/P (see Planning History above). The Officer report noted 'As alluded to above it has been identified that six on-site car parking spaces connected to the existing motor vehicle maintenance and repair centre will be removed, reducing the available parking to the rear side of the property linked to the vehicle service centre to three spaces. Although the existing operator Autodeutsche has identified this would not be an issue for daily operations this is not fully supported by the Council as the operator is a business which has recently occupied this site, having outgrown a previous site. Given the nature of the business requiring on-site parking the reduction of six spaces is considered to be likely to harm existing on-street parking. This is particularly likely along Sandall Road, with the likely displacement of these vehicles anticipated to be at this point. Moreover, given this area is already well used (as seen during the officer site visit) for parking on-site this loss of six spaces could impact the daily operations of the business. The proposal is therefore recommended for refusal as the development does not meet Policy DP19 conditions and the applicant has not provided commentary of evidence to illustrate that this policy will be met.'

2.2.8 As stated in paragraph 2.2.4 above, the applicant has confirmed that all vehicular access, car parking and manoeuvring required for the electric car vehicle servicing use can and will be accommodated within the existing MOT/vehicle servicing building site. Further comments on the transport and highway implications of the proposals and the need for the Vehicle Maintenance Unit Operational Statement to be secured under a S.106 agreement are included in 'Transport and highway implications' below.

Proposed residential use

2.2.9 Policy G1 (Delivery and location of growth) of the Camden Local Plan is concerned with creating the conditions for growth to meet Camden's identified needs in terms of homes, jobs and infrastructure. In order to do this, the Council will support development that makes best use of its site, taking into account such considerations as quality of design, context, sustainability, amenity, heritage and transport accessibility. Self-contained housing is regarded as the priority land-use of the Camden Local Plan and Policy H1 states that the Council will make housing its top priority when considering the future of unused and underused land and buildings.

2.2.10 The support at local policy level for developing housing on underused land reflects a key objective of the NPPF 2021 which is to make effective use of land. Paragraph 69 states that 'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

2.2.11 Para 11 of the NPPF indicates that there should be a presumption in favour of development in the absence of clear reasons for refusing the development. As Camden cannot currently demonstrate a 5 year housing target, this should be taken into account in the decision making process.

2.2.12 In summary, there should be a presumption in favour of the provision of the new dwellings in this case, subject to there being no significant harm which would outweigh the benefits of providing new houses. The planning impacts of the development are assessed in turn below.

2.3 Design and effects on character and appearance of area

2.3.1 Local Plan Policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and

urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

2.3.2 The site occupies a prominent location, immediately adjacent to a park (Canteloves Gardens) and directly opposite the Camden Square Conservation Area. The Camden Square Conservation Area Appraisal notes that Camden Road is lined with semi-detached villas on both sides, the south east side remains substantially intact as laid out by the Camden Estate.

2.3.3 The surrounding area, and the Camden Road streetscene is characterised primarily by period 3-4 storey residential properties with Victorian features such as front bays, large timber sash windows with architraves, hipped tiled roofs, upper ground floor entrances with stone steps, pilasters and canopies etc. The buildings have distinctive, traditional gaps at the side, soft landscaped front gardens and low level brick boundary treatments, with some hedges. This character, complemented by the neighbouring natural open space and landscaping of Canteloves Gardens, sets a strong identity to Camden Road of low-scale semi-detached pairs and greenery, with set-back frontages that include planted space between the pavement and building line. Directly to the north, within Canteloves Gardens, sit a row of 5 trees and wildlife area. The closest tree is sited in very close proximity to the site boundary with a canopy that overhangs the boundary.

2.3.4 The setting requires an exceptional planning and architectural response to the site to ensure that any proposed building sits comfortably within this strongly characterised context, in line with Policy D1a and D1j of the Local Plan. The proposal does not uphold the character typical on Camden Road in terms of its siting and coverage, front landscaping and scale/height (paying particular attention to the visible eaves levels). Furthermore, it fails to respond positively to the openness and landscape contribution of Canteloves Gardens, with the public open space and presence of existing trees being negatively affected by the proposals.

2.3.5 The proposed cubic block would occupy the full width of the site. The building would be set back only 3.5m from the pavement, with the metal fence/enclosure in front of the building being only 2m from the pavement. Four storeys in height and flat roofed it would effectively rise sheer against the park, with a depth of 19m. The proposed siting and coverage, in combination with the massing, in such proximity to Camden Road, and hard-up against the park at the side and at the rear, would detract from the context and character of Camden Road, the Conservation Area and the character, landscaping, openness and amenity value of the park.

2.3.6 In relation to the park, policy A2 (Open Space) part c. states that the Council will 'resist development which would be detrimental to the setting of designated open spaces'. With its sheer four storeys walls, hard-up against the boundary with the park and with its flush brick walls with full height glazing, terraces and winter gardens overlooking the park at all levels, the proposal would detract from the green and open character of the park and the enjoyment and amenity of the park for its users.

2.3.7 While no trees would potentially be removed, there would more than likely be significant pruning of the mature tree in the park immediately next to the site (which would overhang and overshadow the proposed terraces on the park facing elevation of the building). This would detract from the symmetry, appearance and amenity value of the tree contrary to policies D1, A2 and A3 of the Local Plan.

2.3.8 Further comments on the amenity and biodiversity of the park are included in 'Canteloves Gardens: Open Space & Biodiversity' below.

2.3.9 The excessive coverage and inappropriate siting would be accentuated by the form of the building. The height of the building (12m), taken together with its flat – roofed, rectilinear form and close proximity to Camden Road and the park would result in an overbearing and incongruous building which would fail to respect the spacing, context and more open aspect of Camden Road and the park. The frontage and main bulk is considered to be too close to the pavement and out of character with an overbearing impact on the public realm. The overall site coverage and sheer facade on to Canteloves Gardens fail to create

a positive relationship with the open space, thereby in conflict with Policy D1j. An unresolved overlap is shown between the existing tree canopy and built footprint at ground floor (but not shown on upper floor plans).

2.3.10 In line with Policy D1e, the elevational design is required to show a respect for local context and character with details and materials of the highest quality. The design proposal shows a lack of respect to the locality with a confused palette of materials, and a façade expression that is out of keeping with existing character. The decorative 'feature brickwork' details included may provide welcome relief from the single planes of brickwork, but their ad-hoc locations are unsympathetic and contribute to the confused architectural language. The proposal for two different brick types creates a strong contrast, which acts to exaggerate the overall bulk. Further comments on the building materials are included in 'Energy and sustainability' below.

2.3.11 The proposed façade facing Camden Road exhibits a gridded character, described as columns, but more accurately considered as pilasters. The materials are a buff brick with infill of grey brick detailing surrounding grey framed windows. The upper 3rd floor is set back by approximately 1m and clad in grey brick. This character is out of keeping with the context and demonstrates a lack of respect for the local character.

2.3.12 The proposed north-east elevation faces Canteloves Gardens, with the built form extending up to the boundary. This four storey flat elevation, of approximately 12m, creates a poor relationship to the setting of the park and has the potential to overshadow an area of open space in conflict with Policy D1f and D1j. The façade utilises a gridded design in a similar fashion to that facing Camden Road. Design concerns relate to a lack of response to local character with an apparent absence of consideration for the open space directly beyond the site boundary.

2.3.13 The proposed north west and south western elevations face towards the railway. At the north western end a series of stacked winter gardens are proposed. The rationale for the location is unclear, however the extensive glazing is out of character for the area and has an uncomfortable contrast to the dominant design of the proposal. The context of the proposed south western elevation is unclear as the submitted drawings show varying conditions beyond the site boundary. Given the position of the building on to the site boundary, the acceptance of inclusion of windows along this edge is dependent on the context beyond the red line. The façade language is a similar mix of gridded brickwork and 'feature brickwork' in a mix of buff and grey brick. Uniquely to this façade, the form is composed in areas of the same brick colours, rather than the grid and infill being in different colours found elsewhere. The northern end is a grey brick, extending in the top floor only above a buff brick southern end. This material selection and arrangement creates an unbalanced composition to the highly visible elevation that is unsympathetic to the context.

2.3.14 Given the green setting to the site, it is expected that a complimentary landscape design would be incorporated. The proposed soft landscaping is limited to a number of narrow planters on the street edge. This fails to comply with Policy D1k.

2.3.15 The proposal, by way of its size, siting, bulk and architectural design and treatments would detract from the historic architectural character, form and openness/landscaping of the Camden Road streetscene and it would not 'enhance or preserve the character and appearance of the Camden Square Conservation Area'.

2.3.16 Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the adjacent conservation area, under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013

2.4 **Quality of proposed residential accommodation**

2.4.1 Policy D1 (n) and CPG Housing 2021 require development to provide high quality housing that provides secure, well-lit accommodation that has well-designed layouts and rooms. The Council uses

the Nationally Described Space Standards for proposals for new houses.

2.4.2 There is a requirement to meet minimum gross internal areas and for the provision of (external) amenity space for all new dwellings. The proposed dwellings would only meet the minimum required gross internal areas if the winter gardens and terraces are included. But this is not functional internal space. It cannot be included in a calculation of the gross internal areas. And if it is included as internal space then the flats will become deficient in the provision of amenity space.

2.4.3 The studio units at the front of the building would not be dual aspect. Their kitchen areas would have no designated windows.

2.4.4 The internal head heights of the flats would be acceptable.

2.4.4 Policy C6 (Access for all) requires buildings to be accessible to all, and for the specific needs of disabled people to be integrated into the proposed development. For a development of this size and the provision of 6 flats it is considered that a lift should be provided to enable access for all.

2.4.5 The plot is adjoined by potentially noisy land uses. Immediately to the south west is the vehicle repair and restoration business, and further to the south is a 24 hour Esso/Tesco fuel station and convenience store. To the north of the plot is Canteloves Gardens, which contains a concrete bowl skate-park and tennis courts. To the north east of the site run open railway lines in a deep cutting, which run underneath the Auto Deutsche building. During the daytime and on Saturday mornings, noise from Auto Deutsche which has a large roller door located on the end façade facing the new building may affect the new development. The adjacent skatepark is open every day between 10:00-21:00, but is supervised, so although it will generate noise, it is unlikely to be a honeypot for antisocial behaviour.

2.4.6 A Noise and Vibration Assessment of the adjoining uses was undertaken at the site. The Assessment confirmed that noise levels associated with operations in the vehicle servicing building (e.g. wheel gun, angle grinder, car horn, air wrench) and the skate-park would exceed ambient levels and would have the potential for causing noise nuisance.

2.4.7 However, the development of the site provides an opportunity to provide mitigation in the form of appropriately specified external building fabric elements. This would allow appropriate internal noise levels to be achieved such that the commercial noise source is not considered to be disruptive.

2.4.8 To control sound from the commercial uses and skatepark, if the proposals were otherwise considered acceptable, a condition would be included to secure the sound insulation performance of the building glazing to control the Rating level (including BS4142 penalties) to below the recommended values in BS8233.

2.4.9 Appropriate mitigation measures have been outlined including proprietary thermal double-glazing and trickle vents. When assessed using BS4142, noise from nearby commercial activities have been shown to have a potential adverse impact if not mitigated. A discussion of potential mitigation in the form of building envelope performance has been included and through the use of this, it is considered that these noise levels can be mitigated to acceptable internal noise levels.

2.5 Amenity of neighbouring residential occupants

2.5.1 Policy A1 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. It seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of neighbouring residents. This includes privacy, overlooking, outlook and implications on daylight and sunlight. CPG - Amenity provides specific guidance with regards to privacy, overlooking and outlook.

2.5.2 Policy A4 seeks to ensure that noise and vibration do not result in harm to the amenity of existing or future occupiers. The policy states that planning permission will not be granted for development

sensitive to noise in locations which experience high levels of noise, unless appropriate attenuation measures can be provided.

2.5.2 Due to the location of the site and proposed design it is not considered that there would be any harm to the amenity of any neighbouring occupiers. There are no residential properties at the immediately adjoining sites and, subject to the statement indicating how the car maintenance building would continue to operate, the proposal would not impact upon the function of the adjoining sites.

2.5.3 Due to the separation distance between the proposal and the nearest dwellings on the other side of Camden Road (approximately 30m) it is not considered that the 4 storey, approximately 12m high building would result in any significant loss of outlook or light from any windows or private gardens at any dwellings.

2.5.4 Officers do not consider that the proposal would result in any significant direct overlooking of any neighbouring rooms or gardens. The proposed development would be unlikely to result in a significant increase in noise levels for neighbouring occupiers.

2.5.5 However, operations during construction would have the potential for noise nuisance and disturbance. The Council seeks to control operations during construction through Construction Management Plans. In the absence of a legal agreement to secure a Construction Management Plan to control noise nuisance and disturbance during construction, the proposal is contrary to policies A1 and A4 of the LB Camden Local Plan.

2.6 Dwelling sizes/mix

2.6.1 Policy H7 states that the Council will aim to secure a range of homes of different sizes. Policy H7 also states that a flexible approach to assessing the proposed dwelling mix will be taken by the Council when assessing proposals.

2.6.2 The proposal to provide 5 x 1 bedroom units and 1 x 2 bedroom unit is considered to be acceptable on this stand-alone site.

2.7 Affordable Housing

2.7.1 Policy H4 requires a proportion of new dwellings to be affordable in accordance with a sliding scale. Where developments have capacity for fewer than 10 additional dwellings, the Council will accept a payment-in-lieu of affordable housing. Targets are based on an assessment of development capacity whereby 100sqm (GIA) of housing floorspace is generally considered to create capacity for one home. Targets are applied to additional housing floorspace proposed. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% of for each home added to capacity.

2.7.2 The GIA of the building is measured at 418 sq m. This floorspace equates to capacity for four dwellings to be provided, and a contribution equating to 8% of the floorspace towards affordable housing should therefore be made. The payment-in-lieu in the Council's Housing CPG is £5,000 per sqm. 8% of 418 sqm is 33 sqm and a contribution of 33 sqm x £5,000 = £167,240 is therefore required.

2.7.3 The applicant has indicated a willingness to enter into a legal agreement to make the affordable housing financial contribution. However, in the absence of a signed legal agreement to this effect the proposal does not ensure that this requirement will be met and it therefore constitutes a reason for refusal, on grounds of non-compliance with policy H4.

2.8 Transport and highway implications

2.8.1 The applicant has submitted a Vehicle Maintenance Unit Operational Statement in support of the application. This states that the current occupants of the adjoining vehicle maintenance centre

(Autodeutsche), who use the car park for the storage of vehicles awaiting MOT tests, are due to vacate the premises in April 2023 and that the site will be taken over and operated by the applicant (Holocene Motors) as an electric vehicle maintenance centre. The applicant states that they can operate the site without the benefit of the car park, with all vehicles accessing the site via Sandall Road and being worked on and stored within the existing building. It is stated that there would be 5 members of staff working at the site on a shift basis from 8am to 6pm Monday to Friday and 8am to 2pm on Saturdays, generally dealing with 10 vehicles per day. All staff would travel to the site by public transport. The Statement goes on to state that:

“The intention is that customers will wait on site whilst their car is being seen to and take their car away after works are complete. Notwithstanding this there is capacity to store at least 4 vehicles in the workshop, whilst maintaining access to all vehicle maintenance bays and providing a turning area to ensure that all vehicles can enter and leave the site in a forward gear. The operational model is such that the business can continue to function, without the need to displace customer vehicles elsewhere. The site is located within a controlled parking zone which would restrict the ability for vehicles to be parked on the street.”

2.8.2 The Vehicle Maintenance Unit Operational Statement is considered sufficient to overcome concerns regarding the loss of the existing car park and the potential for vehicle parking to be displaced onto the adjacent roads, in particular Sandall Road. In order to ensure that the site is operated in accordance with the Vehicle Maintenance Unit Operational Statement in the future, it should be secured by means of the Section 106 Agreement (not condition) as the matter includes roads outside the boundary of the site and control of the applicant.

2.8.3 In line with Policy T1 of the Camden Local Plan, the Council expects cycle parking at developments to be provided in accordance with the standards set out in the London Plan. For residential units, the requirement is for 1 space per studio flat, 1.5 spaces per 1 bedroom 2 person flat and 2 spaces per 2 bedroom flat and above. This gives a requirement for 8 cycle parking spaces. The submitted plans indicate that a cycle store would be provided at ground floor level capable of accommodating 10 cycles in two tier stands, which exceeds the minimum requirements. An additional 2 spaces would be provided in the front forecourt for visitors. The provision of the 10 long stay and 2 short stay cycle parking spaces would be secured by condition if the scheme were otherwise considered acceptable.

2.8.4 In accordance with Policy T2 of the Camden Local Plan, the Council expects all development in the Borough to be car free. The application site comprises the car park to the adjacent vehicle maintenance building which will be lost as a result of the development and no car parking will be provided on site. All 6 flats would need to be secured as on-street resident parking permit (car) free by means of the Section 106 Agreement. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport. In the absence of a legal agreement including an undertaking to car free development by way of the prevention of future occupiers from obtaining on-street resident parking permits, the proposal is contrary to policies T1, T2, and CC1 of the Camden Local Plan.

2.8.5 Given the location of the site immediately adjacent to a red route, where no stopping is permitted at any time, construction of the proposed development will need to be carefully managed. This would be best achieved by securing a Construction Management Plan and associated Implementation Support Contribution of £3,920 and Impact Bond of £7,500 by means of the Section 106 Agreement. This will help to ameliorate the impact of construction activities on the operation of the local highway network and neighbouring amenity. In the absence of a legal agreement including an undertaking to a Construction Management Plan and associated Implementation Support Contribution of £3,920 and Impact Bond of £7,500, the proposal is contrary to policies A1 and T4 of the Camden Local Plan.

2.8.6 The proposed development is below the threshold at which a Travel Plan would need to be secured by means of the Section 106 Agreement. Whilst there will be a number of trips associated with

the residential development, these are not considered sufficient enough to warrant a contribution towards Pedestrian, Cycling and Environmental Improvements in the area surrounding the site. The site already has high levels of vehicle trips associated with the adjacent vehicle maintenance centre and these will be reduced to a much lower level following redevelopment.

2.8.7 The proposed development would lead to the existing vehicle crossover becoming redundant. The adjacent footway could also be damaged during construction works and it will therefore be necessary to secure a Section 106 Highways Contribution for removing the crossover, reinstating the footway over and repaving the adjacent footway to repair any damage caused. In the absence of a legal agreement including an undertaking to a Highways Contribution for removing the crossover, reinstating the footway over and repaving the adjacent footway to repair any damage caused, the proposal is contrary to policy T4 of the Camden Local Plan.

2.9 Cantelowes Gardens: Open Space & Biodiversity

2.9.1 Effects on the context of the park are summarised in paragraphs 2.3.5 – 2.3.9 above. The proposal is considered to harm the openness, green nature, character and amenity value of the park, contrary to the requirement within policy D1 and policy A2 (c) to respect the context and character of the Borough and the setting of open spaces.

2.9.2 The fourth reason for the refusal of planning application 2011/5226/P, which proposed a 5 storey residential building on the same site (see 'Relevant history' section above), stated: 'The proposed development, in the absence of a shading impact assessment, is likely to have a detrimental impact on the public enjoyment and amenity of Cantelowes Gardens and its potential for biodiversity provision'.

2.9.3 Due to the reduced height of the proposal (4 storeys as opposed to 5) and the limited area of park that would be subject to periodic over-shadowing, it is not considered that the proposal would result in significant shading in the park. There are numerous buildings situated alongside parks and open spaces in London and it is not considered that the development would result in a significant level of over-shadowing of the park to the detriment of the overall enjoyment or biodiversity value of the park.

2.9.4 Similarly, while there would be increased overlooking, the park is public and it is not a place where complete privacy can be expected. Furthermore, it is considered that any additional overlooking of the park would be off-set by increased surveillance of the space and consequently a reduced likelihood of anti-social behaviour.

2.9.5 An Arboricultural Impact Assessment has been submitted. The development would abut Cantelowes Gardens which has a row of mature trees next to the site. The scheme involves excavation within the root protection area of T1, the nearest of the Cantelowes Gardens trees (a Swedish Whitebeam tree). This is approximately 3m from the site.

2.9.6 Trial pits have been created to assess rooting activity. The investigations demonstrate that there are very few, small diameter roots. The severance of these roots is highly unlikely to have an adverse effect on T1.

2.9.7 Pruning works are required to facilitate development which will involve cutting back overhanging material to the boundary. The Council would resist the pruning of any branches within the park. The upper floor terraces next to the park would be overshadowed and pressure would be brought to bear for the pruning of the nearest tree to the detriment of the symmetry, appearance and contribution of the tree to the landscape and the townscape.

2.9.8 The Council's Tree Officer has reviewed the Arboricultural Implications Assessment and confirmed that the outline tree protection details should be sufficient to demonstrate that the nearby trees can be adequately protected throughout development. Conditions would be necessary to ensure the protection of the trees during construction and details of the new planting to be undertaken, which should be permanently retained thereafter.

2.10 Contamination

2.10.1 A Ground Conditions Desk Top Survey has been submitted and this notes that historical development has been identified on site, including a former fuel station present on site from circa 1992 (with associated below ground fuel tanks). The petrol station has since been demolished, however the underground fuel tanks remain beneath the site (understood to have been decommissioned or foam filled).

2.10.2 The Council's Land Contamination Team has considered the Ground Conditions Desk Survey which has been undertaken. No objections are raised in principle although it is noted that there are records of a fuel station on the site and that underground tanks remain and there is potential for contamination as a result. Accordingly, if planning permission is granted it will be necessary to undertake an intrusive investigation to ascertain the presence of contaminants. If contaminants are found a remediation method statement and verification report will be necessary. The intrusive investigations, remediation statement and verification report will be required prior to the commencement of development, all to be secured by way of planning conditions(s).

2.11 Energy and Sustainability

2.11.1 The Energy Efficiency and Adaptation CPG (Table 2a) notes that new residential development comprising 5 – 9 units should achieve 19% below Part L of 2013 Building Regulations carbon emission reductions. An Energy Statement will be required to demonstrate how the carbon emission reductions would be achieved under the Energy Hierarchy (i.e. Be Lean, Be Clean, Be Green).

2.11.2 An Energy & Sustainability Statement has been submitted. The results show that under the proposed design the total carbon emissions would be 4.50 tonnes CO₂, compared to 5.13 tonnes CO₂ for the baseline. This would be an overall improvement of 12.28% over the Part L 2021 Standard. As the Part L 2021 standard is already an approximate 30% improvement over the 2013 Part L regulations, the Camden planning requirement of at least a 19% reduction in comparison to the 2013 Part L standard would be comfortably satisfied.

2.11.3 For residential developments between 5 and 9 units the Energy Efficiency and Adaptation CPG requires a 20% reduction in CO₂ emissions as a result of the use of renewable energy technologies. 12 solar panels providing each flat with 2 no. 340 watts) would be provided on the roof.

2.11.4 An analysis of the proposed overheating within the flats has also been carried out following the cooling hierarchy of the London Plan. By following the overheating/cooling strategy the risk of internal overheating and the use of mechanical ventilation would be minimised.

2.11.5 The Sustainability Statement indicates that any demolition materials will be recycled where possible. A demolition audit will be carried out before any works progress on site to identify which materials can be recycled. This would be required to comply with the Council's policy and guidance for the use of sustainable materials ensuring that the development is of sustainable and durable construction and adaptable to different activities and land uses. A condition to require details of the reuse of demolition materials and the use of sustainable materials would be attached if the scheme was otherwise considered to be acceptable.

2.12 Air Quality

2.12.1 The LAEI 2019 air quality mapping - [London Atmospheric Emissions Inventory \(LAEI\) 2019 - London Datastore](#) confirms that the site is in an area of very poor air quality. An Air Quality Assessment is required to assess:

- Operational impact of development on local area
- Include AQ Neutral assessment

- Operational impact on occupants
- Construction impacts risk assessment

2.12.2 The proposal is for a sensitive use (new residential units) and therefore the National Air Quality objective of 40µg/m³ for annual NO₂ would apply. If the annual NO₂ is over 42µg/m³ (which it seems to be for some parts of the site) then the exposure to pollution would be harmful to the living conditions of future occupiers. Mitigation measures would be required with an air quality assessment detailing anticipated outcomes of mitigation measures and design considerations.

2.12.3 An Air Quality Assessment has not been provided. In the absence of an air quality assessment, and appropriate mitigation therein, it is considered that the proposal would likely be harmful to the living conditions of future occupiers, contrary to policies A1, CC4 and H6 of the London Borough of Camden Local Plan 2017.

3.0 CONCLUSION

3.1 Subject to a legal agreement relating to the provision of a vehicle operation management plan to enable the use of the adjoining car repair workshop for continued business use, the change of use of the car parking area for a residential development would not result in the loss of any employment and it would accord with the policies for growth and new housing.

3.2 The proposed residential development is not in keeping with the context or character of the townscape or the Camden Square Conservation Area and it would be harmful to the character, openness, landscape and amenity value of the adjoining park. It is therefore contrary to the policies and guidance for conservation and design and open spaces.

3.3 The proposed development would not provide a satisfactory standard of accommodation for future occupiers in accordance with Camden policies and the national housing standards due to the size of flats, the configuration and lack of a lift for accessibility. Also, in the absence of an Air Quality Assessment and associated mitigation the air quality for future occupiers would potentially be unacceptable.

3.4 The proposed development does not include the provision of any affordable housing. It is therefore contrary to the Camden Local Plan policy (H4) for the provision of affordable housing for any new residential development involving the addition of one or more new dwelling and 100 sq m + of new residential floorspace.

3.5 In the absence of a legal agreement relating to a car free development, Construction Management Plan, highways maintenance contribution and stopping-up of the existing crossover, the proposed development would be contrary to the Camden, London Plan and NPPF policies for sustainable transport and ensuring efficient transport infrastructure.

4.0 RECOMMENDATION

4.1 Refuse planning permission.