

Address:	31 Daleham Gardens London NW3 5BU		<b>3</b>
Application Number(s):	2023/4241/P	<b>Officer:</b> Josh Lawlor	
Ward:	Belsize		
Date Received:	05/10/2023		
Proposal:	Erection of six-storey building providing 14 flats and associated landscaping, bin and bike stores.		
<p>Background Papers, Supporting Documents and Drawing Numbers:</p> <p>Existing Drawings:</p> <p>PL_E_010_PP1, PL_E_201_PP1</p> <p>Proposed Drawings:</p> <p>PL_L_100_PP2, PL_D_6100_PP1, PL_D_6101_PP1, PL_A_999_PP2, PL_A_1000_PP2, PL_A_1001_PP2, PL_A_1002_PP2, PL_A_1003_PP2, PL_A_1004_PP1, PL_A_1005_PP1, PL_A_2000_PP1, PL_A_2001_PP1, PL_A_3000_PP1, PL_A_3001_PP1, PL_A_3002_PP2, PL_A_3003_PP1, PL_A_3010_PP1, PL_C_4000_PP1, PL_L_500_PP2, SMW-XX-XX-DR-C-001-S3-P4.</p> <p>Documents:</p> <p>Daylight and Sunlight Report dated September 2023, Flood Risk assessment S221215-SUB-99-XX-FRA-C-00001 April 2023, Structural and Drainage Report Stage 3 dated May 2023, Basement Impact Assessment dated 28.04.2023, Noise Report BD/CS/P23-2822/01 Rev A dated March 2023, MEP Report dated April 2023, Overheating Assessment MB/VL/P23-2822/04 Rev B, Preliminary Arboricultural Impact Assessment Ref. SHA 1198 Dated September 2021, Air Quality Assessment TR/VL/P23-2822/03</p>			
<p><b>RECOMMENDATION SUMMARY:</b></p> <p><b>Grant conditional planning permission subject to a Shadow Section 106 Legal Agreement</b></p>			
Applicant:		Agent:	
NW3 CLT (Community Land Trust) 8a Belsize Lane, Belsize Park, London NW3 5AJ		Alice Hamlin Mole Architects 52 Burleigh Street Cambridge CB1 1DJ	

## ANALYSIS INFORMATION

Land use details						
Use Class	Description	Pre-existing GIA (sqm)	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm) (pre-existing)	Difference GIA (sqm) (existing)
C3	Dwellings (flats)	540	0	1260	+ 720	+ 1260

Proposed housing mix and tenure						
Tenure	Studio	1 bed	2 bed	3 bed	4 bed	Total
Market			2	4		6
Social-affordable rent			1	1		2
Discount market sale		5	1			6
<b>Total units</b>	<b>0</b>	<b>5</b>	<b>4</b>	<b>5</b>	<b>0</b>	<b>14</b>

Existing and proposed homes			
Tenure	Pre-existing homes	Proposed homes	Difference in homes
Market homes	8	6	- 2
Affordable homes	3 (+3 voids)	8	+ 5 (+or 2 including former voids)
Tenure	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
Market homes	146 (+ 3 voids of 56.9)	626	+ 311
Affordable homes	225 (including voids of 60) 165 (without voids)	634	+ 409 (including voids) + 469 (without voids)

Parking details			
Type	Existing spaces	Proposed spaces	Difference
Car	0	0	0
Cycle	0	26	+ 26

## 1. EXECUTIVE SUMMARY

- i) This application seeks the site's redevelopment by a Community Land Trust ("CLT" – in this case NW3 CLT) to deliver new homes with a high proportion of affordable housing.
- ii) The previous building was a 4-storey residential building of 14 flats (540 sqm GIA) over basement, ground, first and second floors. The flats comprised 8 market flats, 3 Council rented flats and 3 "void" flats which were no longer rented due to substandard accommodation. On 21st November 2017, the previous building on site suffered a fire, which made the building uninhabitable, with significant structural damage, asbestos contamination, and safety risks.
- iii) Planning permission (Ref. 2020/2087/P) was granted on 27th January 2021 for the demolition of the fire-damaged building with a regeneration strategy secured via a shadow S106 Legal Agreement. This secured:
  - Replacement of all lost residential floorspace;
  - A minimum of 50% affordable floorspace and full reprovision of the lost social-affordable floorspace;
  - "Net Zero Carbon" with a minimum of 35% carbon reduction on-site; and
  - High-quality design endorsed by the Camden Design Review Panel.
- iv) The proposal meets the requirements of the planning conditions, and the shadow S106 attached to planning permission ref. 2020/2087/P. The proposal provides 14 homes that meet or exceed the Nationally Described Space Standards (2015) totalling 1,260sqm GIA. The proposal does not involve a net loss of residential floorspace or homes and provides 50.4% of the development by floorspace as affordable housing.
- v) The proposal provides 634 sqm GIA of affordable housing (8 homes), of which 156 sqm GIA is social-affordable rent (2 homes), which exceeds the requirements of Policy H5 and the previous amount of affordable housing.
- vi) There are two social-affordable rent homes instead of three because high-priority 2-bedroom and 3-bedroom flats are provided, compared with the content of the former block, which provided very small social rented flats, one far below modern space standards. The affordable housing will be secured via a shadow S106 Agreement and the 2 social-affordable rented homes are also secured via the sale agreement with London Borough of Camden and will be allocated for Camden housing register nominees.
- vii) By area, just over 50% of the development will be affordable housing. This comprises two homes for social-affordable rent, one of which has been designed to the M4(3)(2)(b) standard for wheelchair-accessible homes, and six homes that will be sold at around 50% discount to market value (which will be maintained in perpetuity). There will be an allocation procedure for the discounted homes to

prioritise people with a connection to the local area (the boundary is still to be defined but will be wholly within the London Borough of Camden).

- viii) The proposal will achieve a 68% carbon reduction, which exceeds the minimum 35% carbon reduction required by Policies CC1 and CC2 of the Local Plan. The “Net Zero Carbon” target for the development could be met through a payment towards Camden’s carbon offsetting fund.
- ix) There has been pre-application engagement with the Council (June 2021, October 2021 and July 2022) and Camden DRP (August 2022). The DRP found that the scale and massing of the proposals were appropriate, subject to further testing, and supported contemporary materiality.
- x) The Gloucester House is the immediate neighbour to the north. It is a specialist school run by the Tavistock and Portland NHS Foundation Trust. An objection was received relating to the massing, overlooking, loss of light and construction impacts. The applicant has provided an overshadowing analysis, which confirms that the playground areas would comply with BRE guidance. The 23 windows on the north elevation of the proposal are either obscure glazed, at the ground floor which looks onto a fence, are high level or serve bedrooms (only three above the ground floor). This has mitigated overlooking of the school children, some of whom may suffer from greater sensitivity to this because of disability (a protected characteristic). There is also a S106 Obligation for a CMP, which includes a construction working group which will directly involve the school in the formulation of the CMP with the aim of minimising the impacts to the operations of the school.
- xi) Accordingly, the redevelopment of the site is supported by planning policy, and the scheme meets prescribed requirements regarding affordable housing provision, sustainability, and home size standards. In accordance with Policy G1, this development is considered to make the best use of the site, considering the heritage context as well as sustainability, amenity and transport considerations. It would secure public benefits for the borough, chiefly in the form of affordable and market housing, and deliver the strategic objectives of the Local Plan. The scheme complies with the development plan as a whole. Therefore, approval is recommended subject to conditions and a Shadow Section 106 legal agreement.
- xii) The scheme is in accordance with the development plan as a whole.

## **OFFICER REPORT**

### **Reason for Referral to Committee:**

Major development involving the provision of more than 10 new dwellings [Clause 3(i)]

#### **1. SITE AND BACKGROUND**

- 1.1 The application site is a steep and narrow 700 sqm cleared site situated at the north end of Daleham Gardens in Hampstead. It is on the west side of Daleham Gardens, between the junctions with Nutley Terrace and Akenside Road. It is a residential and leafy area, and the site is in the Fitzjohns/Netherhall Conservation Area. The Council owns the freehold of the site.
- 1.2 The building that existed on the site prior to 2021 was a tall and narrow, asymmetrical house of four storeys, including an attic and lower ground floor. It was constructed in the 1880s for Annie Ridley (Victorian novelist) but was not listed nor locally listed. Nonetheless, the building was identified as positively contributing to the character and appearance of the conservation area in the Fitzjohns/Netherhall Conservation Area Appraisal (2001).
- 1.3 The building at 31 Daleham Gardens was left standing for five years following a fire in 2017 and has now been demolished. At the time of the fire, the property was in residential use, consisting of 14 units. In Sept 2020, the Cabinet agreed on a Project Plan for the regeneration of the site, which involved acquiring remaining leasehold interests, demolishing the damaged building on health and safety grounds, and seeking redevelopment of the site for housing by a Community Land Trust.
- 1.4 Planning permission Ref. 2020/2087/P granted on 27/01/2021 for the demolition of the existing fire-damaged building had a legal agreement to secure a baseline of standards that any future development will have to deliver, including:
  - Replacing all of the lost residential floorspace
  - Delivery of at least 50% affordable housing on site in total across the scheme
  - Re-providing all lost social-affordable floorspace
  - Zero carbon scheme with a minimum of 35% carbon reduction on siteHigh-quality design endorsed by the Camden Design Review Panel, which considers the previous building as set out in the historic building record submitted to the Archaeology Data Service (ADS)
- 1.5 The neighbouring building to the south is an apartment block owned by the Council. To the north is a large corner plot facing Akenside Road containing Gloucester House, a specialist school run by the Tavistock and Portland NHS Foundation Trust.

- 1.6 There is a level change of approximately 4m from the northeast corner, at the entrance to the site, to the rear southwest corner. The long side faces south with some shading from no. 31 and the mature trees to the south and west.



*Figure 1 – The existing site*

Key:

- 1. Footprint of demolished building on site
- 2. Site access from Daleham Gardens
- 3. Monroe family centre
- 4. Gloucester House nursery/school
- 5. Site Boundary
- 6. No. 31a Daleham Gardens





*Figure 2 – the existing site looking towards Daleham Gardens*

## **2. THE PROPOSAL**

- 2.1 The council owns the freehold of the site however the applicant (NW3 CLT) intends to purchase the site subject to the grant of this planning permission.
- 2.2 NW3 CLT is a Community Land Trust set up in April 2016 as a Community Benefit Society (non-profit organisation). They seek to develop the site to provide new affordable homes in NW3.
- 2.3 The community-led proposal is for a six-storey apartment building providing 14 flats. The dwelling size mix is five 1-beds, four 2-beds, and five 3-beds. All flats have a private balcony or roof terrace. The scheme provides 50% affordable homes, comprising two social-affordable units and six discounted sale homes with a significant level of discount.
- 2.4 The main entrance is at the lower ground level, with a sloping path down from the street level. There is a front garden with planting to the street. The lower ground floor is sunk into the site, Flat 1 at the rear has a sunken courtyard garden and the plant rooms are in the centre of the plan. There is a second apartment on the west side. There is a communal rear garden, with level access from the upper ground floor.
- 2.5 The upper floors each contain 3 apartments - a south-facing one-bedroom apartment in the centre; a three-bedroom apartment on the east side; and a two-bedroom apartment on the west. The third floor is within a mansard roof. The central apartment contains a duplex unit, with an internal stair up to the partial top floor and a roof terrace on the rear part of the site.
- 2.6 All units will have access to communal and private outside space in line with the London Plan requirements. The size of the flats meet or exceed national minimum space standards. All homes will be accessible or adaptable for

disabled people in line with the requirements of part M4 of the Building Regulations

### **3. SHADOW SECTION 106 AGREEMENT**

- 3.1 The recommendations are based on certain planning requirements (“Heads of Terms”) being secured in the event of approval. These Heads of Terms would usually be incorporated in a Section 106 legal agreement. However, in this case the freeholder is the Council, and as a matter of law the Council cannot enter into a Section 106 agreement with itself.
- 3.2 Nevertheless, it is still imperative that this application is dealt with in a way that is consistent with the way the Council would deal with applications where the freeholder is not the Council. Therefore, the Heads of Term will be embodied in a “Shadow Section 106 Agreement”. This will be in the same form as a “standard” Section 106 agreement, incorporating the “usual” legal clauses and is being negotiated by separate lawyers within the Borough Solicitor’s Department representing the interests of the Council as the landowner and the Council as regulatory planning authority.
- 3.3 The Shadow Section 106 will include, among other things, a provision requiring (i) that in the event of any disposal of the relevant land, the Shadow Section 106 Terms will be included in the terms of the sale transfer and (ii) the purchaser will be formally required to enter into a Section 106 agreement as owner of the land at the point of acquisition (and hence its terms will thereafter bind the site).
- 3.4 Once the Shadow Section 106 Agreement has been finalised, the Director of Development will sign a letter formally undertaking on behalf of the department that its provisions will be complied with during the development and its subsequent operation.
- 3.5 The Shadow Section 106 Agreement and the Director’s Undertaking of Compliance will be noted on the Planning Register (so the agreement is put on the record in the same way as a “standard” Section 106 Agreement). Compliance with the Shadow Section 106 will be tracked and monitored by the Planning Obligations Monitoring Officers in Development Management in the same way as a “standard” Section 106.

### **4. RELEVANT HISTORY**

#### ***The site***

- 4.1 **2020/2087/P** - Demolition of the existing fire-damaged building. **Granted 27/01/2021.**



## 5. CONSULTATION

### ***Design Review Panel -***

- The scale and massing of the proposals are appropriate, subject to further testing and refinement.
- The roof form currently steps up in the centre of the block, and the panel suggested exploring whether this height could be extended to the rear of the site.
- Testing would be needed to ensure no detriment to daylight and sunlight to neighbouring homes on Fitzjohn's Avenue.
- Daylight and sunlight testing is also needed to determine whether Flat One to the rear of the site, which is below ground level, is viable.
- At a detailed level, there is scope to develop the articulation and detailing of the building to avoid a monolithic appearance and add delight.
- For example, the balconies towards Daleham Gardens could be designed as lightweight elements rather than wrapped in ceramic tiles. This would create a slender, turret-like elevation to the street, which the panel think could be successful.
- The panel supports the aspiration to construct the development in timber with ceramic tile cladding to reflect the materiality of nearby brick homes. The tiling could also be used to a more playful effect if detailed in a more fluid and textured manner.

### *Officer response:*

*As highlighted in the summary above, the DRP was positive about the height, massing and overall design subject to further testing and refinements. The applicant has responded well to the observations provided by the DRP, and officers have held several follow-up meetings to finalise and agree on the design.*

### ***Local groups***

#### Fitzjohns / Netherhall CAAC

- No response.

#### Heath and Hampstead Society

- Supportive of affordable housing.
- Objection to the proposal as being too tall, ugly and unsuitable for the surrounding street.
- Daleham Gardens has well-designed houses and this proposal, particularly the high-top floor pretending unsuccessfully to be a mansard, will detract from the area. The lower floors are plain and functional - lacking any quality.
- Requires a total re-design.

*Officer response: Officers also support the affordable housing offer. The design and heritage matters are covered in detail in Section 12 of the report.*

### **Local bodies**

#### The Office Tulip Siddiq MP

- A number of constituents have been in touch to raise concerns about objections to the proposed building development.
- The proposed development to rebuild 14 flats to replace those that were demolished following the tragic fire in 2017 would help to contribute much-needed affordable housing to the local community, and I understand that it has been produced in consultation with input from local residents.
- I'm also aware that some of the objections to the proposed building are concerned about the overdevelopment of the site, but I understand that the proposal has already been revised and reduced and will offer 14 new homes to replace the 11 that were damaged in the fire.

*Officer response: Officers also support the affordable housing and community-led approach to the scheme.*

#### The Tavistock and Portman NHS Foundation Trust

- The Trust does not object to the principle of the redevelopment of the application site, but the Trust has serious concerns about the scale and form of the proposed development and the implications that the delivery of the development would have on the well-being of the students at Gloucester House School.
- The impact of the construction activities on the health and wellbeing of the students and staff at Gloucester House School
- There is a lack of consideration and proper assessment of construction impacts within the planning application material, the lack of a Construction Management Plan and a lack of assessment of construction impacts in the Noise Impact Assessment.
- The scale and form of the proposed development and the design's disregard for the relationship with the adjacent school.
- The associated impact on daylight/sunlight to windows in the school.
- The potential for overlooking the new flats across the school site and the loss of privacy for students.
- The loss of existing trees along the boundary compounds the above issues.
- Inadequate Rapid Health Impact Assessment for consideration under CLP policy C1 (Health and Wellbeing)
- The actual impact on the wellbeing of the students will mean that it will be unable to fulfil its duties to students and their families.
- The HIA should identify the likely health impacts of the development and include measures to improve health outcomes and address adverse effects and inequalities.

- The lack of evidence to demonstrate that the design of the development has factored in mitigation to ensure that a suitable environment for the new residents can be created without compromising the operation of the existing school (in line with the 'Agent of Change' principle).

*Officer response:*

*The Construction Impacts will be mitigated through a Construction Management Plan (CMP). The CMP will identify how any potential negative impacts will be mitigated. A Construction Working Group will also be secured and this will allow the school to be directly involved in formulating the CMP. Whilst there is likely to be some disturbance to the school during construction, it is not anticipated to be so severe that it would prevent the school from operating. As such, the proposal is in accordance with Policy C1 part e, which requires the protection of existing health facilities in line with Policy C2 Community facilities.*

*An assessment of the impact of daylight and sunlight on neighbouring properties has been conducted and found to be acceptable, see paragraph 9.12 of the report for a full assessment of daylight and sunlight impacts.*

*HIAs are designed to consider whether a development proposal might reinforce health inequalities and inadvertently damage people's health or have positive health outcomes for the local community. The scope of an HIA will vary depending on the size and location of the development. The scheme is a small major (1,260 sqm), which is not significantly over the 1,000 sqm requirement for an HIA. The Rapid HIA adequately identifies the likely health impacts of the development. The extent of the Rapid HIA is sufficient to screen the relevant health impacts associated with the development. The check box is intended to identify the availability of social infrastructure, and the proposal will clearly have minimal impact on demand for social infrastructure.*

*The impact on equalities and the school are considered throughout the relevant sections of the report. There will be impacts but these are considered proportionate to the outcomes of the scheme. The issues of air quality, noise, overlooking, light and construction impacts have been considered separately.*

### ***Adjoining occupiers consultation***

- 5.1 Three site notices were displayed: one on Daleham Gardens to the front of the site, one on Fitzjohn's Avenue and one on Akenside Road. The notices were displayed on 13/10/2023 expiring 06/11/2023, and the application was advertised in the local paper on 19/10/2023 (expiring 12/11/2023).

### ***Adjoining occupiers - Objections***

- 5.2 There were 67 objections received from residents at the time of writing, which are summarised below.

#### Overdevelopment/design/conservation

- 2.5 times bigger than the previous (the internal area is set to increase from 540 sq.m. to 1260 sq.m)
- Two storeys higher than the previous building
- Most properties in Daleham Gardens are 2/3 storeys – this is more than two meters above the prevailing roofline
- The rear building goes too far to the back
- Loss of green space / garden space
- Proposal would take a significant bite out of the 'amalgam of gardens' between Daleham Gardens and Fitzjohn's Avenue
- The proposal should not be larger than the previous building
- Needs to be set back further from Daleham Gardens as other neighbouring properties are
- Balconies do not suit the late Victorian /early Edwardian aesthetic of this area, and there is no precedent for balconies facing the street
- Harm the vista along Daleham Gardens
- Design has no resemblance to the surrounding houses
- The massing has not been reduced enough from the pre-app stage
- Backland development such as this goes against Camden's planning policy.
- Over 50 years ago, Camden allowed the demolition of a grand Edwardian, multi-occupied house at 52 Fitzjohn's Avenue and built a similar block of flats. It would be a tragedy if this were allowed to happen again.
- Too many flats

#### *Officer response:*

***Overdevelopment/Design/Conservation/Size and Height:*** *The proposed building is comparable to the previous building in relation to height and scale from the street scene. The previous building had a front elevation with an overall height of 15.1m from the pavement to top of the gable. The proposed building had a front elevation with a parapet at 12m from pavement level and a mansard roof height of 15.5m from pavement level. The top floor is set back to reduce visibility from views and a sense of overbearingness to neighbours, and it is not visible from street level.*

*The proposed changes aim to accommodate modern housing needs and contribute to the local housing supply. The development re-provides the required quantum of residential floorspace and affordable floorspace from the previous building, as required by Policies H3 and H5 of the Local Plan, whilst re-providing an equivalent number of units of greater quality (including meeting or exceeding National Housing Standards) and an increase in affordable housing. The design has considered setbacks and other architectural features to mitigate the impact on the streetscape. The Urban Design Officer at pre-application and the DRP both confirmed that the scale, massing and form of the proposed building is acceptable.*

**Size in relation to previous building:** *Planning policy and the demolition permission (ref. 2020/2087/P) does not require the design of the previous building to be replicated. The applicant has utilised a design-led approach to optimise housing delivery at this sustainable site, in accordance with Policy, ensuring better quality living conditions for residents and a mix of housing units at different sizes and price points to create a sustainable and balanced community. The additional massing compared to the previous building does not automatically equate to harm to the conservation area.*

**Setback from Daleham Gardens:** *The setback from Daleham Gardens has been considered in the design process, considering the surrounding properties. The proposed setbacks aim to balance the need for adequate space with the contextual characteristics of the area.*

**Balconies:** *The design includes balconies, and while there may not be a precedent for balconies facing the street in the area, the inclusion is intended to provide outdoor space and enhance the quality of living for residents.*

**Massing and Design Resemblance:** *The massing and design have undergone revisions from the pre-application stage, considering feedback from stakeholders. The design strives to blend with the surroundings while incorporating contemporary elements.*

**Backland Development:** *The proposal aligns with the existing planning policy, and any backland development concerns have been addressed in the application.*

**Design out Crime:** *The Metropolitan Police Design out Crime Officer has reviewed further details related to safety and security and now raises no objection*

#### Loss of amenity

- Overlooking surrounding gardens and habitable rooms from balconies and windows which is made worse by the removal of the trees and shrubs
- There is a specialist school for children on Akenside Road and children that would be overlooked from windows and balconies
- Loss of light and overshadowing including to the Tavistock and Portman NHS Trust's special school (Gloucester House, 33 Daleham Gardens).
- The building would extend beyond the schoolroom block to the south side, eastwards and westwards. It would overshadow both the playground and schoolroom block, making it highly probable that there would be a loss of both daylight and sunlight and make them both darker and colder - it is inconceivable to us that it could be otherwise.
- In 2005 planning permission was granted to replace the single-storey block adjacent to its boundary with no.31 with a 3-storey building, ref. 2005/0586/P. The permission was not implemented but would be a material planning consideration in future applications. The school block's enlargement would likely be opposed based on impacting the proposed building's windows and balconies overlooking the boundary.
- The CA Appraisal describes the area as semi-rural and suburban not urban.

- The Daylight Reports concludes that impacts on the Children's Day Unit (CDU) should be weighed in the context of the windows being 'unusually close' to the site boundary. Members should consider if a 4 metre plus gap is 'unreasonably' close
- The CDU was designed to receive light
- Approx half of the amenity area to the right of the single storey schoolroom block has been excluded
- The BRE test requires at least half of the amenity areas...should receive at least two hours of sunlight on the 21 March – what should be tested is how much daylight will be lost at the playground.
- The shading images shown in Appendix F of the Daylight Report show the roof shadow as regular and straight-edged, but the building has a staggered height so the shadow should be irregular
- Noise, disturbance and dust from construction activities
- Overbearing impact on neighbouring properties
- Noise from additional occupancy

#### Proposed building

- Balconies would overlook future amenity space for the building
- Overlooking Flat 2 when entering the building
- Flat 1, at the lower ground level at the rear of the building, seems likely to be almost subterranean in character and, therefore, oppressive to occupy. Appendix 2 results of the Daylight & Sunlight Assessment cannot be used as precise measurements of the external and internal ground levels are not used it cannot be relied on.



*Image from objection showing windows of schoolroom on south and east elevations and temporary boundary fence*



Officer response:

**Overlooking:** The northern elevation of the proposed building will comprise smaller windows serving bedrooms, bathrooms, and kitchens, most of which will be obscurely glazed and bottom hung to create a reduced impact on overlooking the Gloucester House School playground to the rear. There would also be balconies on the front elevation, but they would only allow oblique views into the front area of the school. There is substantial existing screening within the Gloucester House School site, comprising mature trees, which will not be impacted by development. Officers have sought additional changes in the design to mitigate further this impact, including cill levels and obscure glazing. All windows are obscure glazed other than bedroom windows (only 3 above ground floor), and the others are high-level windows (3 above ground floor) which only provide light and not outlook. See Figures 13 and 14 for the arrangement of obscure glazed windows in the north elevation and the plans showing the use of the rooms.

The quality and privacy of the proposed amenity space is considered acceptable and would provide residents with a quality outdoor space for recreation.

Flat 2 has soft landscaping in front of its windows and although there may be some loss of privacy when residents enter the buildings it is considered acceptable on balance given the low intensity/infrequency of this form of overlooking

**Loss of Light and overshadowing:** An assessment of the impact of daylight and sunlight on neighbouring properties has been conducted and found to be acceptable, see paragraph 9.12 of the report for a full assessment of daylight and sunlight impacts.

The 2005 consent Ref. 2005/0586/P for a 3-storey building at Gloucester House school has expired. The potential for the school to extend would be considered on its own merits at the time, and the LPA cannot comment on a hypothetical scenario. This application does not necessarily diminish the development potential at the site.

The CA appraisal's description of the area as semi-rural and suburban in character rather than urban does not have a bearing on the assessment of the failures in BRE guidance. Still, it is noted that the area is dense with tightly packed semi-detached buildings and is not semi-rural in terms of the spaces between buildings.

A 4 metre-plus gap can be described as 'unusually' close to the site boundary. An objection refers to the linear single-storey building closest to the site as a "Children's Day Unit". Officers have visited the site and discovered that this

*building is used as an office for a separate department within the NHS Foundation Trust and is not used for teaching purposes. See paragraph 9.12 of the report for a full assessment of daylight and sunlight impacts.*

*A concern has been raised that the shadow diagrams are inaccurate as they appear to show a flat-topped building whereas the proposals have a partial 6th storey in the centre of the building. The applicant have checked the model and confirmed that this has been modelled correctly – the top floor is set back approximately 3.5m from the main external wall and so its shadow does not project out further than the lower floors at the equinox. At least half of the amenity area will receive at least two hours of sunlight on the 21st of March. The LPA see no reason to deviate from BRE guidance or impose stricter tests. The assessment was updated to include the whole external area. The shading images in Appendix F of the Daylight Report show the shadow correctly and illustrate compliance with BRE guidelines.*

*The Daylight sunlight report has been prepared satisfactorily and precise external ground levels are not required. The light for Flat 1 is assessed under section 10 of the report*

### Transport

- Increase traffic and parking stress from residents with disabled badges and deliveries. Already busy road congested by parents parking for local schools
- Experience elsewhere shows that the estimated 50 residents will find a way to get permits and will overburden Daleham and the surrounding streets
- This number of homes will exasperate the already dangerous (blind) junction of Daleham Gardens and Nutley Terrace

*Officer response:*

**Construction Impact:** *A Construction Management Plan would be secured by S106 legal agreement to address noise, disturbance, and dust during construction. This plan includes measures to mitigate potential impacts on the nearby school and specialised facilities.*

**Traffic Increase:** *The scheme encourages sustainable transport options with London Plan compliant cycle parking provided. The development would be car-free with access to on-street parking spaces removed by planning obligation. Given the previous use of the site for 14no flats, the highly sustainable location and the provision of cycle parking, it is not considered that the proposal will result in an increase in traffic or car parking compared to the previous use and local parking controls. Disabled bays are accessible in Daleham Gardens, but this would not lead to a material impact on parking availability or congestion.*

### Energy/Sustainability

- The development would massively increase the area's carbon footprint without providing any community benefit.

#### *Officer response*

**Carbon Footprint:** *The development includes features to enhance energy efficiency and sustainability. The project aims to contribute positively to the environment by meeting or exceeding relevant standards.*

### Basement

- The proposed scheme also includes a basement (called 'lower ground floor'). Building over most of the existing site will mean that this ground will become impermeable. This may cause groundwater run-off issues and increase the risk of local flooding. Has an independent assessment of the flood risk of this scheme taken place?

#### *Officer response*

**Basement:** *The basement size would comply with policy A5 size criteria limitations if applied to an existing building. See section 11 Basement for a full assessment.*

### Flooding

- More hard surfacing/increase in non-permeable surfaces

#### *Officer response*

**Flooding Impact:** *An assessment of the flood risk associated with the basement has been conducted, considering impermeable surfaces. Mitigation measures are in place to address potential groundwater and surface water runoff.*

### Loss of trees

- Loss of 100+-year-old trees and green space
- The arboricultural report recommends post-demolition checks – this should be done now and not left to chance post-demolition.

#### *Officer response*

**Tree Loss:** *six trees are within the site and are proposed for removal. Of the trees to be removed, 1 is a category B (moderate quality) tree, which has relatively low visibility outside of the site, 4 are category C (low quality) trees which are not significant, and 1 is a category U tree (unsuitable for retention) which is in poor condition. Landscaping measures will mitigate trees' removal.*

### Air pollution

Traffic pollution would increase with the removal of trees which act as a barrier

*Officer response:*

**Air Pollution:** *The overall impact on air quality has been considered, please see section 16 of the report.*

### Viability

- The application documents do not include a viability assessment, details of projected building costs, or information on how these will be met during the construction phase. Given that 8 of the 14 proposed flats would be affordable, including 2 for social-affordable rent, it is unclear that the Proposal would be viable. The price of the 6 to be sold at a discount is capped at £420,000: if sold at this price level a household income of close to the income eligibility cap of £90,000 would be required (and see Camden's CPG Housing (2021), section 7). The greatest part of development costs, including the costs of purchasing the site, would therefore have to be found from the six open market flats. Even if Camden is willing to sell the site to the applicant purchasers at below market value, it will presumably wish to recover its costs incurred since the fire in 2017, running into millions: scaffolding, re-purchasing the Right To Buy flats, demolition and the £1/2 million fine for breach of the fire regulations which caused the fire and the loss of the old no.31. If the proposal were to prove non-viable and development does not progress, so planning approval should not be granted without a proper viability assessment, which should be made public.

*Officer response*

**Affordability and Viability:** *The proposed affordable housing units aim to address local housing needs, and the financial aspects are within the parameters of the project's viability. There is no requirement to submit a viability assessment to demonstrate that a policy complaint scheme is implementable.*

### Land use (Affordable housing)

- It has less affordable housing than the previous building, which contained nine social housing flats. This proposal reduces this to 2.
- The 6 "affordable" flats would likely be made available to Trust members acting as the developer.
- The previous building housed 13 residents; this new proposal is for 50, which seems to be a building for profit, not social housing, as it does not even offer 13 social places as before.
- It is disappointing that Camden, which still owns the site, is not going to re-develop it as social-affordable homes for rent;
- Affordable homes for sale - 'intermediate' housing - are considered affordable housing; they are different from and less needed than affordable homes for rent.
- Camden's policies emphasise that 60% of affordable housing should be for social rent or London Affordable Rent and 40% for intermediate rent, but of

the proposed 8 units of affordable housing only 25% of the affordable units would be for rent, 75% would be for sale.

- Of the 8 affordable flat, 5 would be 1-bed and two would be 2-bed. Only 1 would be 3-bed. This contrasts with the 6 flats for sale on the open market: 4 of these would be 3-bed, 2 would be 2-bed.
- The proposal's retention of 14 units on the site coupled with its increasing each of them by 250% does not strike the appropriate balance required by Policy H4 (j) and (k).

#### *Officer response*

**Affordable Housing Distribution:** *Affordable housing units have been considered in line with Camden Local Plan policies, which emphasise the need to base housing requirements on floor space targets. Paragraph 3.104 of the Camden Local Plan encourages the provision of intermediate housing in the form of homes to rent due to the high cost of shared ownership in the borough but also supports the development of innovative intermediate housing products. Homes for discount market sale can have lower monthly costs for occupiers than homes for shared ownership since there is no unsold equity and no rent to be paid, although occupiers will generally require a larger deposit for their purchase.*

*The Council has previously supported the development of homes for discount market sale, see paragraph 9.15 of this Report.*

*The inclusion of homes for discount market sale is also consistent with paragraph 66 of the NPPF, which indicates that 10% of the homes in major developments involving housing provision should be available for affordable home ownership (as part of the overall affordable housing contribution from the site). Affordable home ownership is defined as housing that provides a route to homeownership for those who could not achieve it through the market and includes homes for sale at a price at least 20% below local market value.*

#### Open space and play space.

- To comply with Policy A2(m), the proposal would require 441 sq m of open space. The Design and Access Statement's Landscape The proposal shows a small open space but not its size. According to another objection, the site size is 700 sq. m. The 441 sq.m required by Policy A2, therefore, equates to 63% - almost 2/3 - of the whole site, but it is patently obvious that the small open space area on the plans falls far short of this. There would be only 1 sq. m per resident: paras 2.11, 4.9.
- 31 Daleham Gardens falls within one of the Borough's open space 'deficiency areas', where the local population is farther than 280m (or a 5-minute walk) from a designated public open space. According to Map 2: Locations deficient in access to open space, Local Plan p.199 it is more than 400m distant (and according to Google, it is almost 1000 m). No.31's

distance from public open space makes the deficiency in on-site provision more consequential. It is an important material consideration.

- Wanted at least part of this area to be accessible to the children as a playground, vital to their health and well-being.
- The proposal would in addition fail to give its residents the standards of amenity to which they would be entitled in accordance with Camden's Local Plan
- No play space provided

#### *Officer response*

**Open space, compliance with Policy A2(m):** *The proposal addresses open space requirements, and the landscape proposals aim to provide green spaces. The total site area is 702 sqm; the building has a footprint of 308.6 sqm; 248.1 sqm of hard landscaping; 129.4 sqm of soft landscaping; the bin store with green roof is 16.4 sqm. As such, there is 145.8 sqm of planting, including a green roof of 16.4 sqm. This is 20% of the 702 sqm site. The applicant is providing open space on site and is making an open space contribution. There is not enough space to provide play space. T*

#### Other issues

- The opacity around its trust and motives is causing concern
- An increase in the number of residents from 13 to 50 is a significant increase in density
- Not the best use of the site: this could be used to build a park for local residents
- It is doubtful that any previous occupants, key workers, and similar would be able to afford the flats in the re-developed building.
- The Metropolitan Police object to this scheme in its current state due to safety and security concerns
- An Owl population may be impacted
- A potential conflict of interest within the Council and emphasizes the need for the Planning Committee to consider relevant policies and the views of residents.
- We do not doubt that if a private developer made this application, it would be refused.
- The school was not given advanced notice

#### *Officer response*

##### **Other Issues**

**Community Benefits:** *The project aims to benefit the community through affordable housing, sustainable design, and a high-quality building.*

**Conflict of interest:** *The proposal complies with the development plan and has been assessed on its own merits. The Community Investment Programme is separate from the decisions made by the Local authority planning department.*



**Public Support:** The positive comments from 43 supporters, including local amenity groups, highlight the perceived benefits of the project in terms of design, quality, affordability, and sustainability.

**Owls:** The site is cleared and as such owls are not likely to be impacted

**Consultation:** the applicant engaged in thorough community consultation and, during the application process, has engaged with the school via offers. There is a construction working group that will allow dialogue between the two parties to progress with the CMP

### **Adjoining occupiers - Support**

- 5.3 There were 43 letters of support received, which are summarised below. These include representatives from the Belsize CAAC and Hampstead Neighbourhood Forum, which are local amenity groups, although their boundaries do not include the application site.

#### Design and massing

- High aesthetic quality of the design
- The design is non-obtrusive
- The design is fantastic, in keeping with the road, and does not appear to be over-dense.
- The building is well-proportioned, and in keeping with the street. It is a much better design than the building at the South corner of Daleham Gardens and Nutley Terrace.
- The balcony railings are lovely and positively add to the building's appearance, making it lighter and adding a nice decorating feature.
- The design is in keeping with surrounding properties, with an interesting brick finish and nice landscaping.
- The design is modern and appears sensitive to its surroundings, with very clever angulated setbacks, making good use of the available space and providing a charming contrast to the ugly building next to it.
- This is a great sustainable design by a reputable firm

#### Quality of new units

- The proposal provides a three-bed duplex unit, all with a private balcony or roof terrace; 50% will be affordable homes, consisting of two social units and six discounted homes.
- The front garden area and communal garden at the back will ensure that a sizeable important structure can sit comfortably in Daleham Gardens without overwhelming the other buildings. It will fit well in the existing streetscape.

#### Garden space/biodiversity

- The building has both a front and side garden, in keeping with the area.

- It is good that a garden and balconies provide possible additional green spaces (flowers for bees).

#### Sustainable

- The development will provide modern accommodation that is highly energy efficient, carbon neutral

#### Car-free/Sustainable transport

- The design encourages the use of public transport, cycling or walking as it does not have any parking space.
- There is a secure bicycle parking, which will encourage people to cycle rather than use a car
- Promotes car-free travel

#### Affordable housing

- Addresses the extreme lack of affordable housing in the area
- Property values are very high in the area, and this scheme is therefore very welcome
- Affordable housing for key workers in the area helps bolster the foundations of our society and local infrastructure
- Glad to hear that the project will contain homes that remain discounted in perpetuity and that the CLT will continue to steward the site once complete.
- The building offers much-needed affordable accommodation. Low- and middle-income professionals (teachers, police officers, NHS workers, social workers) are priced out of this area. Social cohesion depends on people from various level of income living in the same area.
- Which of these seven units will be affordable to those on mid to lower incomes
- According to the 'We Make Camden State of the Borough 2023' document, only 30% of people in the borough live in owner-occupied homes, lower than the London average of 47%. The median house price is currently 22 times higher than the median wage. Although the social housing median rent is 520 pcm there is insufficient social housing in the borough for the number of residents looking to be housed. This data supports the view that there is a great need for affordable housing locally.

*Officer response: It is noted that the affordable housing is not specifically targeted at key workers. See section 9 of the Report for an assessment of the social affordable rent and discount market sale*

#### Accessibility

- One flat is fully wheelchair accessible; this is rare and so important. It is almost impossible for wheelchair users to find flats that meet their needs.

### Other issues

- I fully support the design proposals and the intentions of the CLT, who have worked tirelessly to bring this project together. I would like to see more of the same across London as it is becoming increasingly difficult to afford to stay in the city, let alone the borough of Camden.
- I wish there were more organisations like NW3 CLT
- The building is designed to limit its impact on the environment by offering a high level of insulation
- If Camden could forgo taking any fee for the land, i.e. retain the ownership of the land for itself then that would be even better and make the proposal even more affordable.
- I have been forced to leave NW3 because of the lack of affordable housing
- It meets the Camden policy objectives of ensuring the best use of sites for various accommodations to enable mixed communities. This area is very lacking in any affordable accommodation.
- The NW3 CLT team are not your average developer and seems dedicated and genuinely wants to help their local community - which is a far cry from what I am used to seeing with private developers.
- It could gain international recognition for proving what can be done in one of the wealthiest neighbourhoods in the world if there is a supportive local government and community buy-in.
- Opponents (who have also made outrageous claims against the applicant) who claim it would make a good park need to get real, especially since Hampstead Heath is a stone-throw away, and Primrose Hill a short walk away
- The objections relating to the increase in size of the building relative to the previous do not equate to harm

### ***Adjoining occupiers - Neutral***

5.4 There was one comment which supported the principles of the application but raised concerns about the design:

- I approve the principles of this proposed development and would like to see it go ahead. The wrought iron balconies are unattractive and not in keeping with the design.

## **6. POLICY**

### ***National and regional policy and guidance***

[National Planning Policy Framework 2023 \(NPPF\)](#)

[National Planning Practice Guidance \(NPPG\)](#)

[Written Ministerial Statement on First Homes \(May 2021\)](#)

[London Plan 2023 \(LP\)](#)

[London Plan Guidance](#)

## ***Local policy and guidance***

### Camden Local Plan (2017) (CLP)

[Policy G1 Delivery and location of growth](#)

[Policy H1 Maximising housing supply](#)

[Policy H2 Maximising the supply of self-contained housing from mixed-use schemes](#)

[Policy H3 Protecting existing homes](#)

[Policy H4 Maximising the supply of affordable housing](#)

[Policy H5 Protecting and improving affordable housing](#)

[Policy H6 Housing choice and mix](#)

[Policy H7 Large and small homes](#)

[Policy C1 Health and wellbeing](#)

[Policy C5 Safety and security](#)

[Policy C6 Access for all](#)

[Policy A1 Managing the impact of development](#)

[Policy A2 Open space](#)

[Policy A3 Biodiversity](#)

[Policy A4 Noise and vibration](#)

[Policy A5 Basements](#)

[Policy D1 Design](#)

[Policy D2 Heritage](#)

[Policy CC1 Climate change mitigation](#)

[Policy CC2 Adapting to climate change](#)

[Policy CC3 Water and flooding](#)

[Policy CC4 Air quality](#)

[Policy CC5 Waste](#)

[Policy T1 Prioritising walking, cycling and public transport](#)

[Policy T2 Parking and car-free development](#)

[Policy T4 Sustainable movement of goods and materials](#)

[Policy DM1 Delivery and monitoring](#)

### Supplementary Planning Documents and Guidance

#### *Most relevant Camden Planning Guidance (CPGs):*

[Access for All CPG - March 2019](#)

[Air Quality - January 2021](#)

[Amenity - January 2021](#)

[Basements - January 2021](#)

[Biodiversity CPG - March 2018](#)

[Design - January 2021](#)

[Developer Contribution CPG - March 2019](#)

[Energy efficiency and adaptation - January 2021](#)

[Housing - January 2021](#)

[Planning for health and wellbeing - January 2021](#)

[Public open space - January 2021](#)

[Transport - January 2021](#)

[Trees CPG - March 2019](#)

[Water and flooding CPG - March 2019](#)

*Other guidance:*

[Planning Statement - Intermediate Housing Strategy and First Homes \(2022\)](#)  
[Fitzjohns/Netherhall Conservation Area Appraisal 2022](#)

### Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The DCLP is a material consideration and can be taken into account in the determination of planning applications but has limited weight at this stage. The weight that can be given to it will increase as it progresses towards adoption (anticipated 2026).

## **7. ASSESSMENT**

7.1 The principal considerations material to the determination of this application are considered in the following sections of this report:

8	Land use
9	Affordable housing
10	Quality of proposed housing
11	Impact in neighbouring amenity
12	Heritage
13	Basement
14	Fire
15	Sustainability and energy
16	Air quality
17	Transport
18	Waste
19	Trees and landscaping
20	Open space
21	Employment
22	Equality impact assessment
23	Community Infrastructure Levy (CIL)
24	Conclusion
25	Recommendations
26	Legal comments
27	Conditions
28	Informatives

## **8. LAND USE**

### ***New housing***

- 8.1 The Housing Delivery Test (HDT) is an annual measurement of housing completions introduced by the government. It measures whether development plan requirements (or, in some cases, local housing need calculated by the government's standard method) have been met over the last 3 years. The government's most recently published figure is for 2022, when the government's measurement for Camden was 69% - which means that Camden's development plan policies are treated as being out-of-date in relation to housing proposals, the presumption in favour of sustainable development in paragraph 11(d) of the NPPF is engaged, and there is a need to place great weight on the provision of housing in decision making. The NPPF indicates that applications should be granted unless their adverse impacts would significantly and demonstrably outweigh their benefits when assessed against NPPF policies as a whole.
- 8.2 London Plan Policy H1 (Maximising housing supply) and Table 4.1, set a 10-year housing target for Camden of 10,380 additional homes from 2019/20 to 2028/29.
- 8.3 Paragraph 70 of the NPPF 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 the NPPF says local planning authorities should seek opportunities to support small sites to come forward for community-led development for housing and self-build and custom-build housing. Local planning authorities should support the development of windfall sites through their policies and decisions.
- 8.4 The proposed 14 new dwellings within a sustainable location on brownfield land would contribute towards the strategic objectives of the CLP and contribute to the borough's housing, which must be given significant weight.

## **9. AFFORDABLE HOUSING AND MIX**

### ***Affordable housing requirements***

- 9.1 Camden Local Plan policy H4 and the Housing CPG seek provision of affordable housing where proposals involve one or more additional homes and 100 sqm or more of residential floorspace. Where the uplift in residential floorspace has the capacity for 10 or more new homes (assuming 100sqm per home on average), the council expects affordable housing to be provided on site, subject to viability. Where the capacity is for fewer than 10 homes (less than 950sqm when rounded), the policy accepts a payment instead of on-site affordable housing.
- 9.2 Policy H4 also provides a guideline mix for affordable housing types (60% social-affordable rent and 40% intermediate housing), while supporting



paragraph 3.105 indicates that the guideline will operate flexibly, and the Housing CPG indicates that the mix will be assessed based on floorspace. In addition, CLP policy H5 seeks to protect existing affordable housing floorspace, while paragraph 3.133 adds that social-affordable rented housing should replace any existing social-affordable rented housing.

- 9.3 The shadow S106 legal agreement associated with permission for demolition of the previous residential block (ref. 2020/2087/P) requires the replacement scheme to provide 50% floorspace as affordable housing, and all former social-affordable housing to be replaced. This is a material consideration.
- 9.4 The previous residential block contained three tenanted flats for social rent, with a total Net Internal Area (NIA) of approximately 132 sqm. The requirement for replacement social-affordable rented housing is therefore 132 sqm NIA. The block also contained three vacant flats (“voids” not subject to lease) with an NIA of approx 48 sqm, and eight leasehold market flats with an NIA of approx 253 sqm. In total, the floorspace in the previous block was approx 433 sqm NIA and 540 sqm Gross Internal Area (GIA).
- 9.5 These floorspace figures differ in some respects from those in the Committee Report for the demolition application (ref. 2020/2087/P). The updated floorspace figures arise from new more accurate measurements of the former housing undertaken by Community Investment Programme colleagues prior to demolition.
- 9.6 The proposed block would have a total floorspace of 1,260 sqm GIA (987 sqm NIA), an uplift of 720 sqm GIA compared with the demolished block. This would have a nominal capacity for 7 additional homes, and thus the additional affordable housing floorspace arising from CLP Policy H4 would be 14% of the uplift, equivalent to approx. 101 sqm GIA (77.5 sqm NIA).
- 9.7 In addition, Policy H5 seeks replacement of the former affordable housing floorspace – including the vacant flats – amounting to about 180.5 sqm NIA or 225 sqm GIA. Therefore, the overall policy requirement for affordable housing is 326 sqm GIA (258 sqm NIA) which represents 26% of the total GIA. However, the shadow S106 legal agreement associated with demolition goes further than policy requirements, seeking 50% of all floorspace in the replacement scheme as affordable, which would equate to 630 sqm GIA (493.5 sqm NIA).

#### ***Assessment of the affordable housing proposed***

- 9.8 The proposal would provide eight affordable homes, with a floor area of 634 sqm GIA (497 sqm NIA), 50.4% of the total. In terms of homes, the eight affordable homes represent 57% of the total. The overall affordable floorspace proposed would exceed the policy requirements for replacement affordable housing and additional affordable housing, and also exceed the 50% floorspace requirement in the shadow S106 legal agreement associated with demolition. This is set out in the table below:

Policy AH target	S106 AH target	Proposal AH
26%	50%	50.4%

*Table 1 - Affordable Housing (AH) targets*

- 9.9 The affordable homes would include two social-affordable rented flats with Net Internal Areas of 86 sqm (3b5p) and 79 sqm (2b3p wheelchair accessible), a social-affordable total of 156 sqm NIA/ 211 sqm GIA. This compares with existing social rented floor area of approximately 132 sqm NIA/ 156 sqm GIA. Therefore, the proposal would involve an uplift in social-affordable rented housing of 33 sqm NIA/ 46 sqm GIA.
- 9.10 The uplift of social-affordable rented housing represents approximately 43% of all additional affordable housing sought by CLP Policy H4, compared with the guideline proportion of 60% social-affordable rented housing. The shortfall in the uplift of social-affordable rented housing (compared with the guideline mix) amounts to around 13.5 sqm NIA (77.5 sqm NIA affordable target multiplied by 60% minus the proposed uplift of 33 sqm NIA). This 13.5 sqm shortfall is small and would not be sufficient to provide an additional flat for social-affordable rent and is considered acceptable in the context of the overall affordable housing percentage proposed (50.4% of total floor area), and the flexibility around the guideline mix set out in paragraph 3.105 of the Local Plan.
- 9.11 Furthermore, the proposed social-affordable rent units are Flat 02 on the lower ground floor (2b3p, wheelchair accessible with a private entrance) and Flat 05 on the upper ground floor (3b5p, accessed via the common lobby). Homes of these sizes are identified as high priority for social-affordable rented housing under the Dwelling Size Priorities indicated by Local Plan Policy H7 and Table 1 in the plan.
- 9.12 Attempting to incorporate the 13.5sqm into the two proposed flats would result in oversized flats which would compromise the overall layout of the building and so undermine housing mix or overall housing numbers. Attempting to split the floorspace into three homes would result in smaller units that do not meet the priority housing needs for the tenure, and would also fail to provide a wheelchair home which require more floorspace.
- 9.13 The remaining six affordable homes would be for discount market sale, which is a form of intermediate housing. The level of discount (compared with open market sale) would be maintained in perpetuity. The detailed eligibility and allocation arrangements for the discount market sale homes are still being finalised in conjunction with a bid for grant funding from the GLA (either from the Community Housing Fund or the Affordable Homes Programme). The applicant has indicated the following objectives for the discount market sale homes:

- all to be affordable at annual household incomes of no more than £90,000 gross, in line with London Plan requirements for intermediate homes;
- discounts to average around 50%, varying from unit to unit to achieve affordability at the £90,000 income cap;
- eligibility restricted to households who: are priced out of buying market homes in the local area (currently anticipated to be those parts of the borough in NW3 and adjacent postcodes); have gross annual incomes of no more than £90,000 gross; and who are not existing home owners (unless through shared ownership or joint ownership with another household);
- eligibility restricted to households that demonstrate an established connection to the local area e.g. residence or workplace in the local area for at least five of the last ten years; and
- purchasers and social rent occupiers are required to join NW3 CLT and to share its objectives.

9.14 The six intermediate homes provided for discount market sale on the application site would be flat 09 (2b4p) and flats 01, 03, 04, 07 and 10 (all 1b2p). One and two-bedroom homes are identified respectively as high and medium priority for intermediate housing under the Dwelling Size Priorities indicated by Local Plan Policy H7 and Table 1. The discount market sales flats would be spread across the lower ground to second floors and would be mixed with the social rented and market flats on these floors. This arrangement is possible because of the proposed CLT ownership, which should enable service charges to be set at a rate that is affordable to all occupiers.

9.15 Paragraph 3.104 of the Camden Local Plan encourages the provision of intermediate housing in the form of homes to rent due to the high cost of shared ownership in the borough, but also supports development of innovative intermediate housing products. Homes for discount market sale can have lower monthly costs for occupiers than homes for shared ownership since there is no unsold equity, and no rent to be paid, although occupiers will generally require a larger deposit for their purchase. The Council has previously supported the development of homes for discount market sale at Willingham Garages (a site acquired by Pocket Living from the Council, planning ref. 2013/7338/P, which provided 18 flats, all sold at a discount of at least 20% from open market value) and Oak Grove (a site acquired privately by Pocket Living, planning ref. 2014/1029/P, which provided 17 flats, of which four were sold on the open market and thirteen were sold at a discount of at least 20% from open market value).

9.16 The inclusion of homes for discount market sale is also consistent with paragraph 66 of the NPPF, which indicates that 10% of the homes in major developments involving housing provision should be available for affordable home ownership (as part of the overall affordable housing contribution from the site). Affordable home ownership is defined as housing that provides a route to

home ownership for those who could not achieve it through the market, and includes homes for sale at a price at least 20% below local market value.

- 9.17 The eight affordable homes would be secured by a shadow S106 legal agreement, along with detailed arrangements for the social-affordable rented homes and the discount market sale homes (including maintaining the level of discount in perpetuity). The details of eligibility and allocation arrangements for the discount market sale homes will be secured through the S106 Agreement.
- 9.18 Taking all these considerations into account and assessing the contribution to affordable housing across the entire development proposed (taking into account the details of the former residential block and the additional residential floor area), the proposal is considered to be in accordance with the development plan and to satisfy the requirements of the shadow S106 legal agreement associated with demolition of the previous residential block.

### ***First Homes***

- 9.19 The national First Homes policy applies to developments that trigger an affordable housing contribution. First Homes are a new type of discount housing for sale. National policy indicates that First Homes should form 25% of the affordable housing sought in a development, and that where a payment in lieu (PIL) is sought in place of affordable housing, 25% of the value should be used to deliver First Homes. However, the Council has adopted a Planning Statement on the Intermediate Housing Strategy and First Homes, which indicates that First Homes in Camden would not be affordable to median income residents, and consequently First Homes will not be sought in the borough. Having regard to the following key factors, the proposal for two homes for social-affordable rent and six homes for discount market sale is considered appropriate:
- national and local policies relating to First Homes
  - the Council's preferred affordable housing types identified by Local Plan Policy H4 and CPG Housing 2021
  - the replacement of approximately 132 sqm NIA of demolished social rented housing
  - the high overall proportion of affordable housing proposed, and
  - the community-led delivery of homes by a Community Land Trust.
- 9.20 The proposed homes for discount market sale share some characteristics with First Homes, since First Homes are also discount homes for sale. However, the Trust's objectives for the six discounted homes proposed by the application include setting a more significant level of discount than the 30% minimum set in the national policy for First Homes, and restricting eligibility to households that demonstrate an established connection to the local area (which is not a requirement of the national First Homes policy).

### ***Housing mix***

- 9.21 Policy H6 (Housing choice and mix) of the CLP seeks to secure a variety of housing suitable for existing and future households. Policy H7 (Large and small homes) seeks a range of homes of different sizes that will contribute to the creation of mixed, inclusive and sustainable communities, and reduce mismatches between housing needs and existing supply.
- 9.22 CLP Policy H7 requires proposals to comply with the Dwelling Size Priorities Table which states that for market and social-affordable rented housing, there is a high need for two- and three-bedroom homes within the Borough. One-bedroom/studio and four-bedroom homes have less priority. A breakdown of the bedrooms per dwelling has been set out below:

Size	Number of dwellings	Percentage
1 bed (2 persons)	5	35.71%
2 bed (3 persons)	4	28.57%
3 bed (5 persons)	5	35.71%
Total:	14	100%

*Table 2 - Percentage of dwellings according to size*

- 9.23 The housing mix proposed has been configured to meet the identified needs of the CLP and address the high demand for two- and three-bedroom dwellings. The proposed housing mix will provide for both individuals and families and meet the needs of various groups and the Council.

## **10. QUALITY OF PROPOSED HOUSING**

- 10.1 Local Plan Policy H6 is about housing choice and mix, and it aims to minimise social polarisation and create mixed, inclusive, and sustainable communities, by seeking high-quality accessible homes and a variety of housing suitable for Camden's existing and future households.
- 10.2 In line with LP policy D6 and CLP policies H6 and D1, housing should be high quality, provide adequately sized homes and rooms, and maximise the provision of dual-aspect dwellings. CLP policy A2 encourages opportunities to provide private amenity space which is reflected in a requirement to provide amenity space in LP policy D6. CLP policy A1 seeks to protect the amenity of occupiers in relation to several factors, including privacy, outlook, light, and noise. CLP policy A4 says suitable noise and vibration measures should be incorporated in new noise-sensitive development.

- 10.3 LP policy D5 says development should provide the highest standard of accessible and inclusive design, allowing them used safely, easily, and with dignity by all, also reflected in CLP policies D1, H6, and C6.

### ***Design and layout***

- 10.4 Part of the design-led approach to delivering effective high-density housing is about ensuring the development does not compromise the size and layouts of units, ensuring high quality homes across the scheme. CLP policy H6 confirms that new residential development should conform to the Nationally Described Space Standards, and this is reflected in LP policy D6 which sets the same minimum space standards in Table 3.1 of the London Plan 2021. The relevant excerpt from the table is reproduced below.

Type of dwelling		Minimum gross internal floor areas <sup>+</sup> and storage (square metres)			
Number of bedrooms (b)	Number of bed spaces (persons(p))	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *	N/A	N/A	1
	2p	50	58	N/A	1.5
2b	3p	61	70	N/A	2
	4p	70	79	N/A	2
3b	4p	74	84	90	2.5
	5p	86	93	99	2.5
	6p	95	102	108	2.5

*Table 3 - Minimum internal space standards (London Plan Table 3.1, Policy D6)*

- 10.5 All the residential units in the detailed scheme meet or exceed the minimum standards. The new units would have good ceiling floor to heights (over 2.5 metres) and good room sizes (which is an improvement over the previous accommodation on site (average 28sqm). They are well laid out with a simple and rational plan form. All flats have access to a balcony, terrace or ground-floor garden area and a communal terrace area at first-floor level. Each flat has a private balcony or courtyard of a minimum of 7 sqm, which exceeds the 5 sqm per 1-2 person dwelling and an extra 1 sqm for each additional occupant requirement. There is also access to a shared garden of approx. 100sqm.
- 10.6 The units all have their own secure front door. The main entrance is at the lower ground level, with a gently sloping path down from the street level. A residential core provides a staircase and lift. The cores provide access to secure lobbies leading to street and communal amenity space.



### ***Noise and vibration***

- 10.7 Adequate sound insulation would need to be provided between separate units to ensure future occupiers are protected from internal noise transfer and details of this are secured by condition 14.
- 10.8 Facade design specification criteria have been discussed and assessed in the acoustic submission and the applicant should ensure future occupants are protected against excessive external noise. An acoustic report has assessed the 4No. Air Source Heat Pumps (ASHP) are mounted on the 4th-floor roof.
- 10.9 The plant noise criteria have been adequately predicted taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building. Condition 15 controls the noise from the plant equipment to be lower than the typical existing background noise level by at least 10dBA, or by 15dBA where the source is tonal, as assessed according to BS4142:2014 Condition 16 requires anti-vibration isolators and fan monitors to be installed.

### ***Dual aspect units***

- 10.10 LP policy D6 says the number of dual-aspect homes should be optimised. The policy does however support a design-led approach where single aspect units are considered a more appropriate design solution to meet the requirements of Policy D3 - Optimising site capacity through the design-led approach. Single aspect homes can be acceptable where it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.
- 10.11 Most of the homes as dual aspect (10 units/ 72%) however there are 4 single aspect units (28%). This is considered acceptable given the national, regional and local policy aim to intensify and make the best use of land and provide higher density development on previously developed brownfield sites in sustainable locations.
- 10.12 The single aspect units provide different orientation of windows and views to different rooms, given the design of the building, which improves outlook and privacy. Ventilation and overheating will be dealt with via the proposed building fabric, openable windows and exhaust air source heat pump ventilation, as detailed within the Overheating Assessment, prepared by Create Consulting Engineers Ltd. The Assessment concludes that with the proposed ventilation and heating strategy, the units will not overheat.

### ***Daylight and sunlight***

#### **Methodology**

- 10.13 The internal daylight/sunlight report applies the relevant BRE guidelines to the proposed units. The leading industry guidelines on daylight and sunlight are published by the Building Research Establishment in BR209 'Site Layout

Planning for Daylight and Sunlight: A Guide to Good Practice' (third edition, 2022) (BRE). The development plan supports the use of the BRE guidance for assessment purposes, however, it should not be applied rigidly and should be used to make a balanced judgement.

- 10.14 Paragraph 129 of the NPPF supports making efficient use of land and says that authorities should take a flexible approach in applying policies or guidance relating to daylight/sunlight where they would otherwise inhibit making efficient use of a site if the resulting scheme would provide acceptable living standards.
- 10.15 The BRE guidance uses Climate Based Daylight Modelling (CBDM) to assess the light for proposed development. This methodology is a more complex simulation of actual daylight levels but has targets that are generally more difficult to achieve in an urban context than older BRE guidelines.
- 10.16 The recommended CBDM methodology is based on the British Standard 'Daylight in Buildings' (BS EN17037). The council supports use of Spatial Daylight Autonomy (sDA) to measure daylight, and Sunlight Exposure (SE) targets to measure sunlight. The British Standard contains guidance on interior daylighting for buildings across Europe but also has a UK National Annex with alternative sDA targets for dwellings in the UK. The council supports the use of these simpler alternative illuminance targets to take account of our denser context.
- 10.17 The submitted report uses the following metrics in its assessment of proposed accommodation in line with BRE guidance and British Standard:
- **Spatial Daylight Autonomy (sDA)** – A prediction of median illuminance levels (lux) in the room.
  - *The UK National Annex recommends the following median (average) illuminances should be exceeded over at least 50% of the room for at least half of the daylight hours for good daylighting: 100 lux in bedrooms, 150 lux in living rooms, and 200 lux in kitchens. Between 150 lux and 200 lux can be used for combined living/kitchen/dining room.*
  - **Sunlight Exposure (SE)** – A prediction of how many hours of sunlight the centre of a window receives on 21 March (spring equinox).
  - *The guidance says a habitable room in the home (preferably the main living space) should receive at least 1.5 hours of sunlight.*
  - **Annual Probable Sunlight Hours (APSH)** - A measure of the amount of sunlight that windows of main living spaces within 90 degrees of due south receive and a measure of the number of hours that direct sunlight reaches unobstructed ground across the whole year and also as a measure over the winter period. The main focus is on living rooms.
  - *The guidance considers 25% to be acceptable APSH, including at least 5% during the winter months.*

### Assessment

- 10.18 The report uses a mixture of the metrics and measures set out in the BRE guidance to assess impact. Most of the homes benefit from being south facing with dual or even triple aspect meaning lighting is very good.
- 10.19 The results show that almost all habitable residential rooms will meet or exceed the daylight requirements, when measured against Vertical Sky Component (VSC) as an initial indicator. This measures the amount of sky visible from the centre of a window. Those that don't meet it, were tested using the more complex CBDM test of sDA. They all exceed the minimum levels of sDA recommended by BRE and the UK National Annex, and so would offer very good daylight.
- 10.20 The report uses APSH rather than sunlight exposure (SE) as a test for the proposed units. Although SE is normally used for proposed accommodation the APSH test is still used within the BRE guidance as a prediction of sunlight to windows. Regarding APSH, 56% of windows meet the requirements and those that do not are living rooms, which are also served by south-facing windows that meet the criteria and should, therefore receive adequate sunlight. The worst affected are those in the northeast balconies which would be expected to have solar shading – partly to reduce any risk of over-heating. But as explained, these units and rooms already receive very good sunlight from the other windows serving them.
- 10.21 The homes have private balconies, and there is also a communal garden. The balconies have been orientated to have sun exposure at times of the day, with periods of shade to ensure they do not overheat or become overexposed. The communal gardens and grounds are to the south of the building so will receive good levels of sunlight, particularly in the afternoons.
- 10.22 Overall, the proposed accommodation will receive good levels of daylight and sunlight in accordance with the requirements of the development plan.

### ***Outlook and privacy***

- 10.23 The flats would have a high-quality outlook with acceptable separation distances, and variation of views. The angled plan helps direct views down the street, and diagonally across the shared garden to the rear of 31a, away from the neighbouring building. The top floor also steps away from the north and south facades, to mitigate overlooking of the neighbouring buildings.
- 10.24 The single aspect units provide different orientation of windows and views to different rooms, given the design of the building, which improves outlook and privacy.
- 10.25 These design measures mean that a reasonable sense of outlook and privacy can be maintained, even in a denser environment.

### ***External amenity space***

- 10.26 CLP policy A2 states developments should seek opportunities for providing private amenity space, and LP policy D6 says that 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.
- 10.27 The shared communal garden can be accessed by steps externally, or via the lift for level access at the upper ground.
- 10.28 The terraces and gardens range from 5sqm to 8sqm, depending on the unit size, and ensure a good depth and width of 1.5m or more, with all units meeting the LP policy requirements. In addition, roof terraces provide additional private amenity space for the Flat 13 duplex over fourth and third floor. The communal terrace is on upper ground floor.
- 10.29 Overall, the provision of amenity space, both private and publicly accessible, complies with policy and would result in a high-quality development and provision for future occupiers.

### ***Accessible units***

- 10.30 CLP policy H6 requires 90% of new-build homes to comply with M4(2) (accessible and adaptable dwellings) and a requirement for 10% of new build homes to comply with M4(3) (wheelchair user dwellings) and the flats have been designed to meet these requirements and offer a high standard of accessible and inclusive design. Para 3.153 of the CLP indicates that the percentage requirements will be rounded to the nearest whole number of dwellings. One flat (7%) will comply with M4(3) (Flat 02 on the lower ground floor), while the remaining 13 (93%) will comply with M4(2).
- 10.31 The M4(3) requirements refer collectively to "wheelchair user dwellings" which include both wheelchair adaptable dwellings under M4(3)(2)(a) (ones which can be easily adapted for a wheelchair user), and wheelchair accessible dwellings under M4(3)(2)(b) (ones which are fully adapted for a wheelchair user when constructed). Wheelchair accessible dwellings are only required where M4(3) applies to social-affordable rented homes and the Council can nominate the incoming tenants. In this case, the flat designed to comply with M4(3) is a social-affordable rented home (Flat 02 on the lower ground floor), so a condition will be used to secure full accessibility in compliance with M4(3)(2)(b) (see condition 6).
- 10.32 There is ramped access from the street to the main entrance on the lower ground floor, and level access within the proposed building, but there is stepped access from the street to the communal space to the rear/side. This is acceptable given that this communal space has level access from the secondary entrance at ground floor level and can be accessed by a lift from

lower ground floor; in addition, the M4(3) unit has a private entrance (with ramped access from the street) and a small private terrace.

- 10.33 The amount of accessible housing delivered by the scheme will have a notable positive impact on disabled residents and others with limited mobility like older occupiers (disability and age being protected characteristics – see note at the front of the committee pack on the Public Sector Equality Duty). It is a significant improvement on the building that previously existed on the site which was an adapted house with limited accessibility.
- 10.34 A condition would be attached to secure the provision of the accessible and adaptable dwellings and the wheelchair user dwelling (condition 6).

### ***Secure by design***

- 10.35 CLP Policy D1 requires development to be secure and designed to minimise crime and antisocial behaviour. The Metropolitan Design out Crime Office has been consulted and has worked with the applicant to ensure the development is implemented in accordance with Secure by Design principles including providing detail on security ratings. The scheme would minimise impact on security and safety and so comply with the aims of the development plan.

### ***Conclusion***

- 10.36 The proposed homes are high quality and well designed, and are considered acceptable in terms of aspect, outlook, noise, light, and amenity space and would provide an acceptable level of amenity. They would provide accessible homes for all, including provision of wheelchair units, allowing the buildings to house an inclusive community that can use them safely, easily and with dignity.

## **11. IMPACT ON NEIGHBOURING AMENITY**

- 11.1 CLP policies A1 and A4 and the Amenity CPG are all relevant with regards to the impact on the amenity of residential properties in the area, requiring careful consideration of the impacts of development on light, outlook, privacy and noise. Impact from construction works are also relevant but dealt with in the 'Transport' section. The thrust of the policies is that the quality of life of current and occupiers should be protected and development which causes an unacceptable level of harm to amenity should be refused.

### ***Daylight and sunlight***

- 11.2 A Daylight, Sunlight and Overshadowing Report, which details any impacts upon neighbouring properties, has been submitted as part of the application.
- 11.3 The Building Research Establishment publishes the leading industry guidelines on daylight and sunlight in BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (third edition, 2022) (BRE). The development plan supports using the BRE guidance for assessment purposes.

However, it should not be applied rigidly and used to quantify and understand the impact when making a balanced judgement.

- 11.4 Paragraph 129 of the NPPF supports making efficient use of land and says that authorities should take a flexible approach in applying policies or guidance relating to daylight/sunlight where they would otherwise inhibit making efficient use of a site if the resulting scheme would provide acceptable living standards.

#### Methodology

- 11.5 The methodology and criteria used for the assessment is based on the approach set out by BRE guidance. The report makes use of several standards in its assessment of surrounding buildings which are described in the BRE guidance:

- **Vertical Sky Component (VSC)** – This relates to daylight on the surface of a window. A measure of the amount of sky visible at the centre of a window.
- *The BRE considers that daylight may be adversely affected if, after development, the VSC is both less than 27% and less than 0.8 times (a reduction of more than 20%) its former value.*
- **No Sky Line (NSL)**, also known as Daylight Distribution (DD) – This relates to daylight penetration into a room. The area at desk level (“a working plane”) inside a room that will have a direct view of the sky.
- *The NSL figure can be reduced to 0.8 times its existing value (a reduction of more than 20%) before the daylight loss is noticeable.*
- **Annual Probable Sunlight Hours (APSH)** - A measure of the amount of sunlight that windows of main living spaces within 90 degrees of due south receive and a measure of the number of hours that direct sunlight reaches unobstructed ground across the whole year and also as a measure over the winter period. The main focus is on living rooms.
- The BRE considers 25% to be acceptable APSH, including at least 5% during the winter months. Impacts are noticeable if less than these targets, and sunlight hours are reduced by more than 4 percentage points, to less than 0.8 times their former value. It recommends testing living rooms and conservatories.
- The **overshadowing** of open spaces is assessed by considering any changes to surrounding outdoor amenity spaces. A Sun Hours on Ground assessment has been undertaken which uses the BRE methodology.
- The BRE recommends at least half (50%) of the area should receive at least two hours (120 mins) of sunlight on the 21st of March, and the area which can receive some sun on the 21st of March is less than 0.8 times its former value.

#### Assessment – buildings

- 11.6 A Daylight and Sunlight Assessment has been prepared. The only windows affected by the proposal are the windows located on the south elevation of

Gloucester House School annex which shares common boundary with the proposed building and have existing low levels of daylight. During a site visit the headmaster of the school confirmed that this annex is used as offices by a separate section of the NHS Foundation Trust and not for teaching purposes. The use is therefore less sensitive and as an office would not normally be tested as there is usually artificial lighting in offices. Despite this building being used as ancillary office space, it is noted that the windows already experience a low level of daylight/sunlight.

- 11.7 The VSC for the east facing windows was no less than 80% of their former value, which the BRE guidance states will not have a noticeable impact on daylight within the rooms served by these windows. The windows in the south elevation failed the VSC test, as they have an overall result of less than 27% and were also less than 80% the former value. These windows serve a single shallow office room at the end of the building. The VSC figures for the existing case, based on the condition when the original building was in place, were already low, with an average of about 16%. The revised figures with the proposed building have an average VSC of about 5% so very low.



*Figure 3 – photograph of the school annex from within the application site*

- 11.8 Due to the results, further analysis was carried out using the illuminance method which indicates that the room will still be well daylight, with lux levels well over the recommended 300 Lux across 50% of the floor area, which is recommended for school rooms. The VSC test does not consider the number of windows, or the size of the room being served. In this situation there is a large area of glazing serving a small room, and as shown by the illuminance test, the daylighting of this room will remain good if the proposed building is constructed, and if the room were used as part of the school.
- 11.9 This assessment is reinforced by the No Skyline check, which demonstrates that the No Skyline is approximately 1.8m into the room, and so about 90% of the room has a view of the sky at the working plane height. As such, the

assessment finds that the annex would receive adequate light in accordance with the development plan.

- 11.10 The ASPH assessment confirm that the majority of relevant windows in the neighbouring buildings pass the annual and winter sunlight hours criteria. The only windows that miss the recommended targets and were identified to be located in Gloucester House School. The south facing windows experience up to an 80% annual reduction and an 83% winter reduction. As mentioned before this annex is an elongated dual aspect building with each room having two outlooks. The annex is also not used for teaching as it is an ancillary office space.

31 Daleham Garden  
App I- Window Maps



Figure 03: Property Location

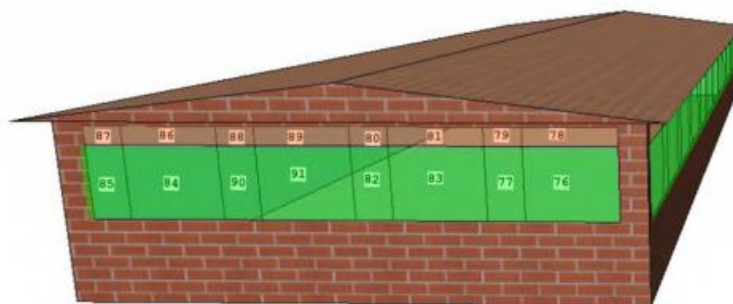


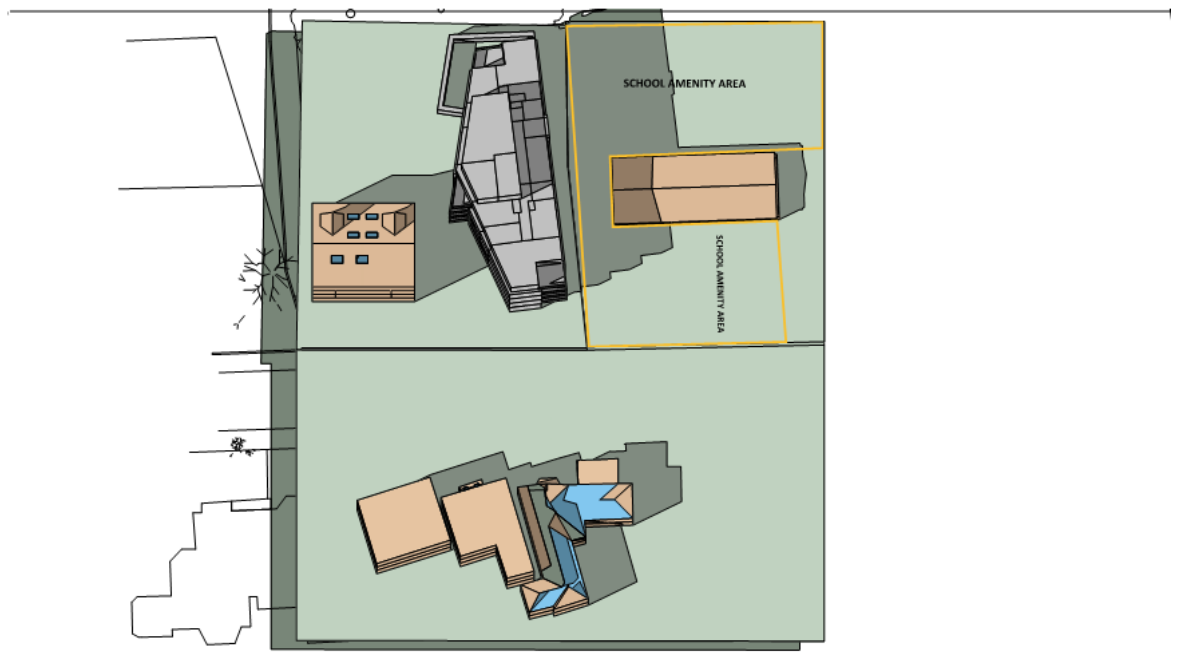
Figure 04: Window Maps of Gloucester School (South Elevation)

*Figure 4 – School annex in relation to the site*

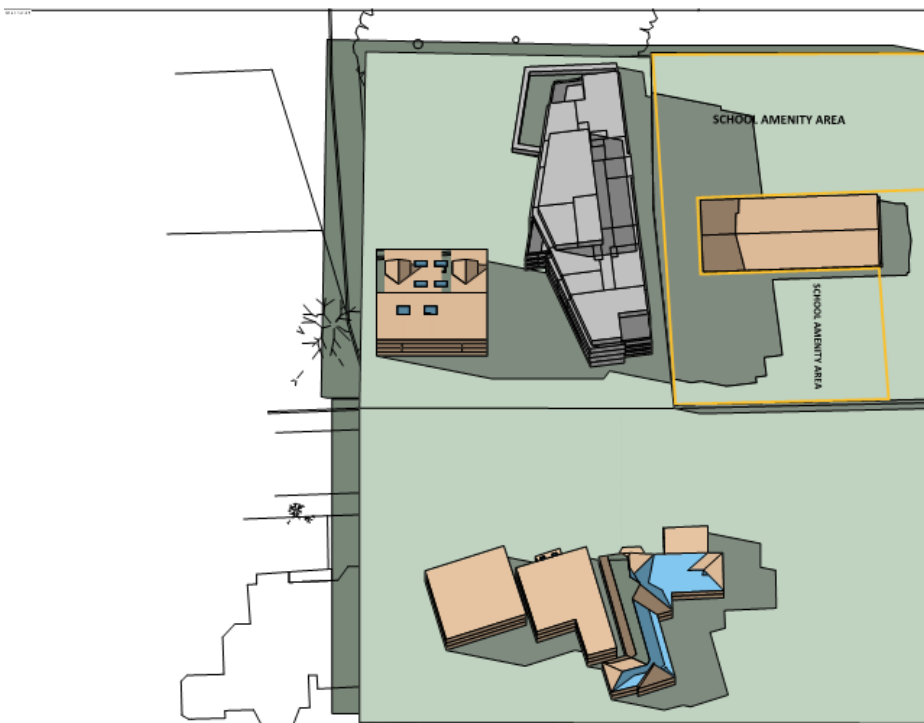


#### Assessment - overshadowing

- 11.11 The BRE guide recommends that at least half of the amenity areas should receive at least two hours of sunlight on 21 March. The amenity spaces for the school are on each side of the annex, directly to the north of the site, so there will be overshadowing. The proposed building will shade the area a maximum of approximately 14m into the Gloucester House site for some of the day on this date. This means that 46% of the external space will not be shaded by proposed building.
- 11.12 The outside space to the east of the single storey annex (below the annex in the image below – north is pointing to the right) will be mostly unshaded between 8am and 11am. The area to the west of the single storey annex will be mostly unshaded after 2pm. As such the outside area is unshaded by the proposed building for at least 3 hours, and 46% is unshaded at any time, on the specified date (note this analysis only considers the impact of the proposed building, not the existing trees). The proposal therefore passes the BRE requirement by a considerable margin.
- 11.13 After officer discussions with the school who raised concerns about potential overshadowing, an additional assessment has been carried out to review the overshadowing of these areas. The school use these areas for their breaks between 10:30-11:00am and 12:00-1:00pm. The images for this study are at 10:45 and 12:45. This provides a good indication of the overshadowing at break and lunch time. Over 50% of the outside areas will receive sun at the two equinoxes at around mid-day. This will reduce over the winter period until approximately three quarters of the area will be shaded at around mid-day on the winter solstice and increase over the summer period until it is mostly completely unshaded at around mid-day on the summer solstice.
- 11.14 Therefore, overall the proposals will have an acceptable impact on daylight and sunlight to the school and the other surrounding properties, in accordance with Policy A1 of the Camden Local Plan.



*Figure 5 - Solar shading images for Spring Equinox (21 March) at 10.45*



*Figure 6 - Solar shading images for Spring Equinox (21 March) at 12.45*

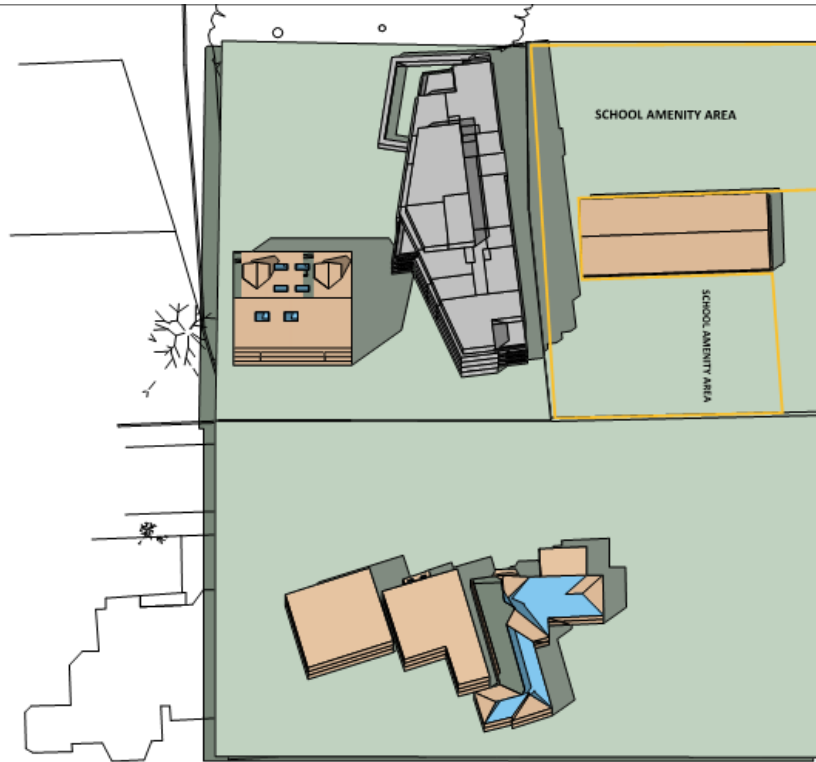


Figure 7 - Solar shading images for summer solstice (21 June) at 10.45

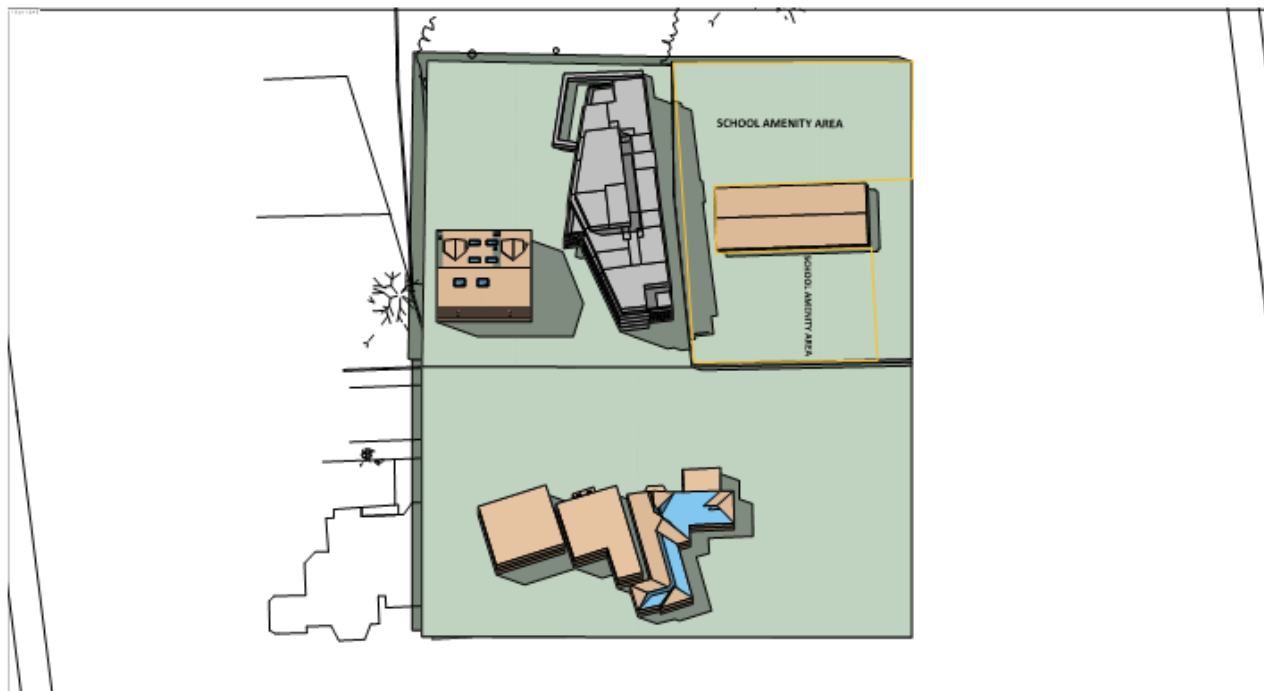


Figure 8 - Solar shading images for summer solstice (21 June) at 12.45

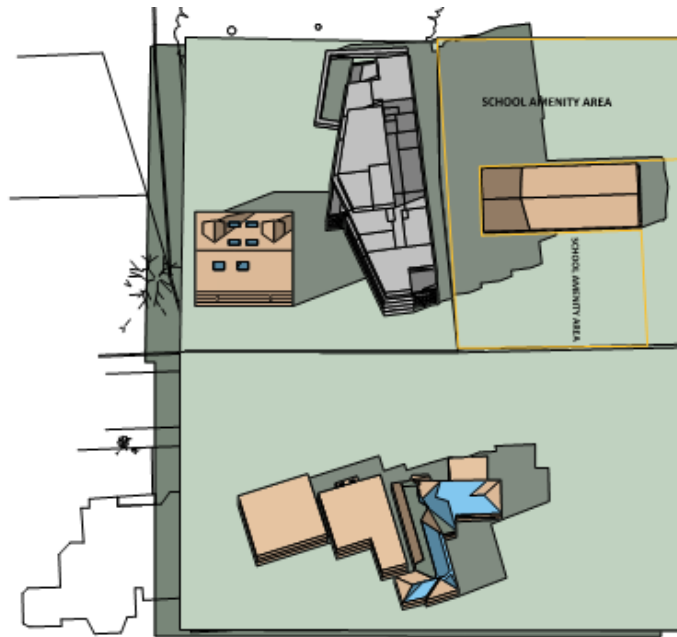


Figure 9 - Solar shading images for autumn equinox (21 September) at 10:45 am

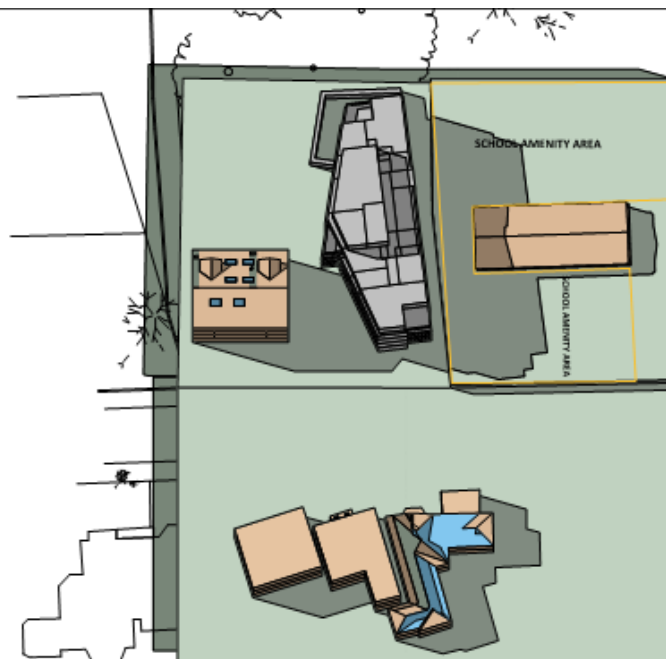


Figure 10 - Solar shading images for Autumn Equinox (21 September) at 12.45 pm



Figure 11 - Solar shading images for Winter Solstice (21 December) and 10.45am

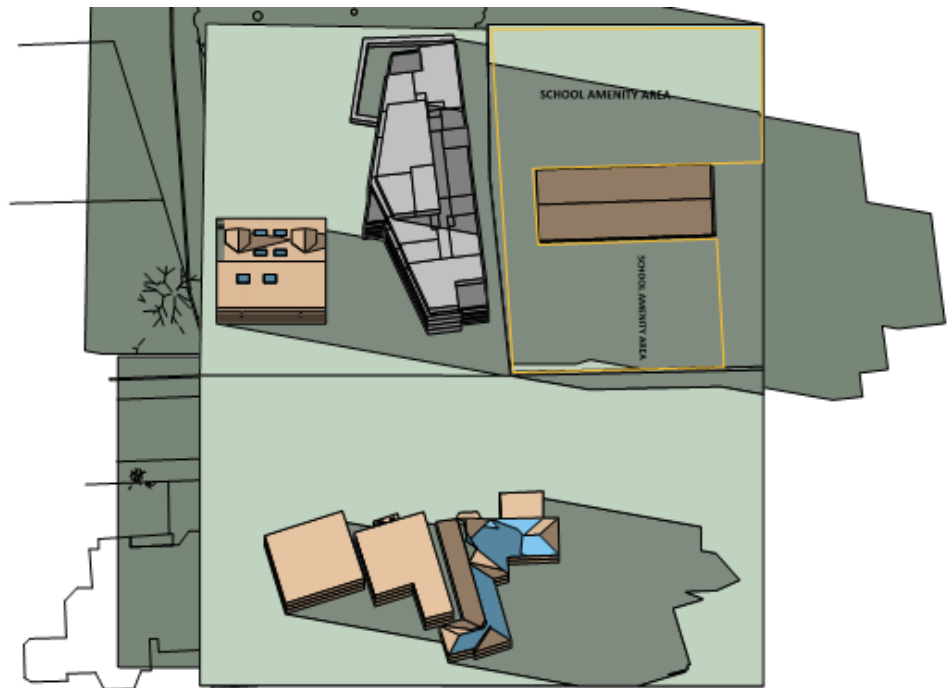


Figure 12 - Solar shading images for Winter Solstice (21 December) and 12.45pm

### **Overlooking**

- 11.15 The building has been orientated to angle units away from directly overlooking 31a Daleham Gardens units. Trees T8, T4 and T5 are not located on the site and are not proposed for removal, as such they will provide further natural screening. To provide additional screening, a new tree will be planted on the site, to the boundary with 31a Daleham Gardens. The proposed balconies are angled away from the building at 31a Daleham Gardens and towards the rear

shared garden. Most windows on the proposed buildings' southern elevation are bedroom windows which are less frequently occupied. The view towards the shared garden was intentional as there are longer-term aspirations to combine the communal outside areas of both properties potentially.

- 11.16 The separation distance of approximately 21m to 32A Daleham Gardens is acceptable. The top floor also steps away from the north and south facades, to mitigate overlooking of the neighbouring buildings. The 5th floor comprises a mansard roof, reducing the feeling of overbearing to 31a Daleham Gardens. The proposed balconies will include a balustrade which is largely solid to provide privacy and reduce overlooking.
- 11.17 Gloucester House School comprises a 2-storey main brick building and a newer single-storey timber annex building. Due to the height and orientation of the annex to the boundary of the application site and the significant distance from the main Gloucester House School building, it is not considered there will be direct overlooking.
- 11.18 The northern elevation of the proposed building will comprise smaller windows serving bedrooms, bathrooms and kitchens, most of which will be obscure glazed and bottom hung, to create a reduced impact on overlooking to Gloucester House School playground to the rear. There would also be balconies on the front elevation but would only allow oblique views into the front area of the school. There is substantial existing screening within the Gloucester House School site, comprising mature trees, which will not be impacted by development. Officers have sought additional changes in the design to further mitigate this impact, including cill levels and obscure glazing. All windows are obscure glazed other than bedroom windows (only 3 above ground floor) and the others are high level windows (3 above ground floor) which only provide light and not outlook. See Figures 13 and 14 for the arrangement of obscure glazed windows the north elevation and the plans showing the use of the rooms.
- 11.19 Despite mitigation measures, there could be perceived overlooking into the school and playground areas which could impact on the children, some of whom may suffer from greater sensitivity to this because of disability (a protected characteristic).

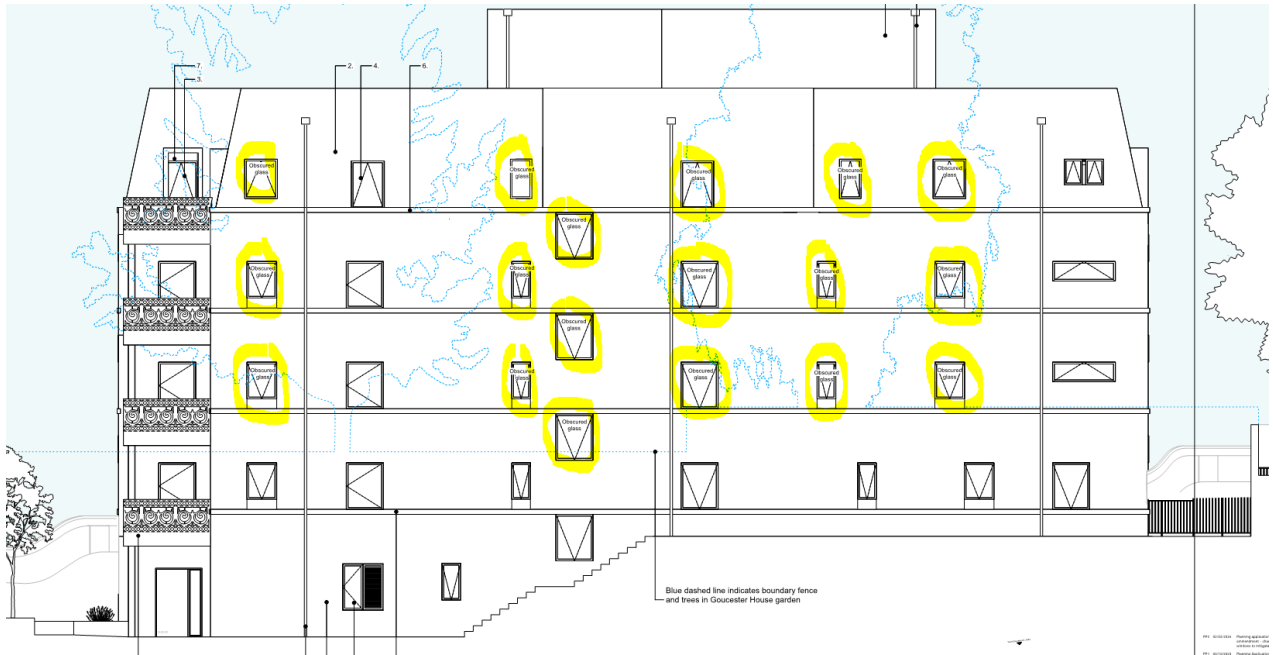


Figure 13 – Extract of the north elevation showing the obscure glazed windows in yellow with only bedroom windows and high level windows with clear glass

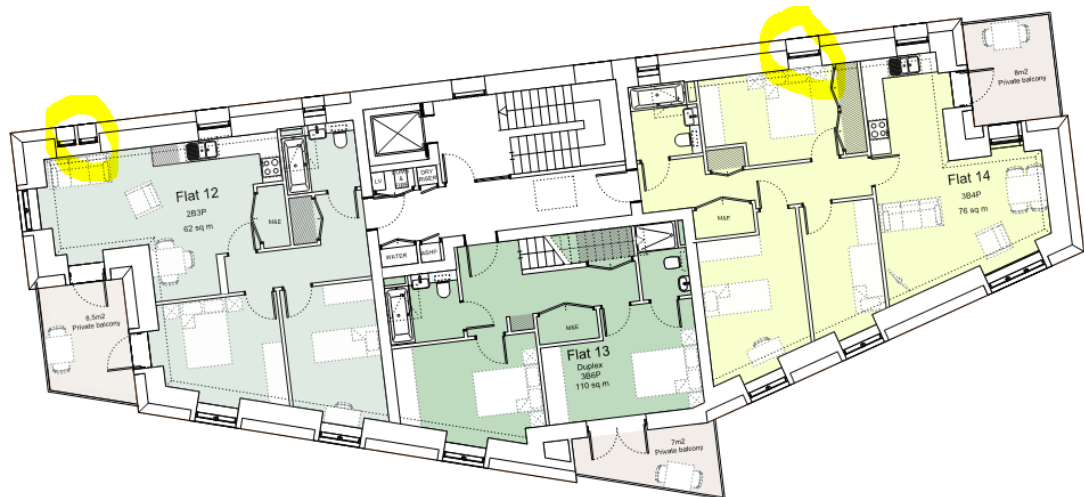


Figure 14 – Typical floor plan showing bedroom windows and high level windows with clear glass. All other windows are opaque or located at ground floor with no views into the school

## 12. HERITAGE

### ***Designated and non-designated heritage assets***

#### Significance of the conservation area (the designated asset)

- 12.1 The nearest listed buildings are more than 70m away, on Wedderburn Road, Fitzjohn's Avenue, and Belsize Crescent. The site does not affect their

significance or setting. The site is in the Fitzjohns/Netherhall Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area. This means great weight should be given to the designated asset's conservation. In this case, the designated asset is the conservation area, not the building itself.

- 12.2 The Fitzjohns/Netherhall Conservation Area was designated in 1984 and extended progressively to 2001. The area around this property, Daleham Gardens, was added in 1988. The conservation area sits on the southern slopes of Hampstead between Rosslyn Hill and Finchley Road. Overall, the urban grain shows large houses with generous gardens surrounded by the denser areas of Hampstead Village, Belsize Village and Finchley Road. The growth of urban London during the 19th century largely accounts for the development of the residential area of Fitzjohns/Netherhall.
- 12.3 The Conservation Area is predominantly residential, but several institutional and educational uses are located there. There has been some infill and demolition for private residential development and for the Council which is evident on Daleham Gardens.
- 12.4 The hills and their gradients are essential in determining the area's character. Within a context of broadly similar building types, but a mixture of architectural styles includes neo-Gothic, classical Italianate, Queen Anne, Jacobean, Domestic Revival, Arts and Craft/Norman Shaw. More modern interventions also exist. Various architectural details across the conservation area include extensive tiling and tile hanging, stone mullions to windows and bay windows. Roof forms are an important and noticeable element, with the most common type being gables of various designs often with dormers. Most properties are detached or semi-detached with few terraces. Small gaps between the buildings, provide views to the rear gardens and a rhythm to the frontage.
- 12.5 The significance of the conservation area in large part stems from this homogenous, affluent late 19th-century domestic red-brick character of large buildings in varying styles.
- 12.6 The Conservation Area Appraisal & Management Plan (2022) states that the general layout and character is green and leafy, and the streetscape is significant, including trees, vegetation, boundaries between private gardens and the street, and rear gardens. In relation to Daleham Gardens it states that "substantial sections of well-vegetated rear gardens" and "properties are set-back behind small front courts or gardens...hedges and mature front garden trees are an essential part of the character". In relation to materiality, front boundary walls are "a combination of red and Staffordshire blue bricks with matching blue copings interspersed with Portland stone blocks" and properties



have common features of “bay windows, pitched roof dormers and large gables, some with hanging tiles and pargeting”.

#### Contribution of 31 Daleham Gardens to the conservation area

- 12.7 The northern end of Daleham Gardens is acknowledged as having a less cohesive appearance than the rest of the street. There is often much consistency with the palette of materials and repeated details for front boundary treatments. Near No 31, at the junction of Daleham Gardens, Akenfield Road and Wedderburn Road, the overriding view and character is of large mature trees with the properties having brick enclosing walls to frontages.
- 12.8 The pre-existing building was noted in the conservation area statement as making a positive contribution to the conservation area. Horace Field designed it in the 1880s in a mixture of the Scotch Baronial and Arts-&-Crafts styles. Field contributed other work to the conservation area, notably in Wedderburn Road. Field was known for working in a variety of historical revival styles, particularly his Queen-Anne revival work for Lloyds Bank, which includes the branch in nearby Rossllyn Hill (listed at Grade II). Field's largest project was the Edwardian-Baroque offices of the North-eastern Railway in York of 1898 (listed at Grade II).
- 12.9 The pre-existing building was commissioned as a private house for Annie and Jane Ridley and named Stagshaw. Annie Ridley (1839–1923) was a Victorian novelist who wrote books regarding women's education and a science book for children. An early exponent of women's education and suffragist, Annie Field was a founding trustee and governor of the North London Collegiate Schools (which included Camden School for Girls).
- 12.10 The house originally had stone-bordered mullion-and-transom leaded-light windows, a curved timber door hood and brick front wall, but it was altered in the 1920s, 60s and 70s and turned into flats. The conservation comments relating to ref. 2020/2087/P noted the “inappropriate alterations”. A drawing of the original building from the end of the 19th Century is shown in Figure 15 - Original impression of 31 Daleham Gardens. The front boundary to 31 has long since been removed. Figure below.



Figure 15 - Original impression of 31 Daleham Gardens. The front boundary to 31 has long since been removed.

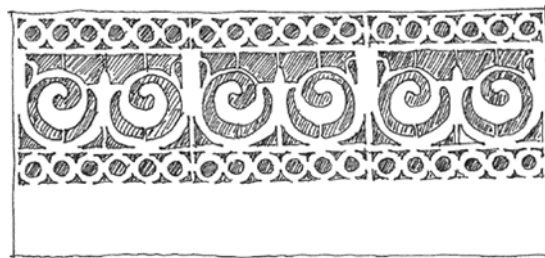
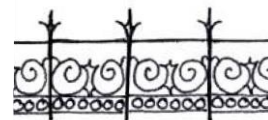
- 12.11 The house having burned down and been cleared, makes no positive contribution to the conservation area, but the open land is now neutral. A replacement is proposed, and this replacement needs to preserve or enhance the character and appearance of the conservation area.

#### Assessment of impact on heritage assets

- 12.12 The proposal represents an opportunity to make a positive contribution to the Conservation Area, replacing the original building, which had lost much of its original quality, with a new contemporary building respecting the character of the Conservation Area and surrounding buildings and drawing on specific materials, and detailing of other arts and craft houses in the location.
- 12.13 The proposal is built into the sloping site, with stepped gardens leading up to the higher-level communal garden. It is set back from the street to provide a generous planted front garden, contributing to the leafy character of Daleham Gardens and consistent with the area's character. The proposed building retains the asymmetry of the demolished building. It has an interesting plan form which was developed to optimise the site. The plan form presents a narrow elevation to the street which is visually pleasing and is a nod to the narrow pre-

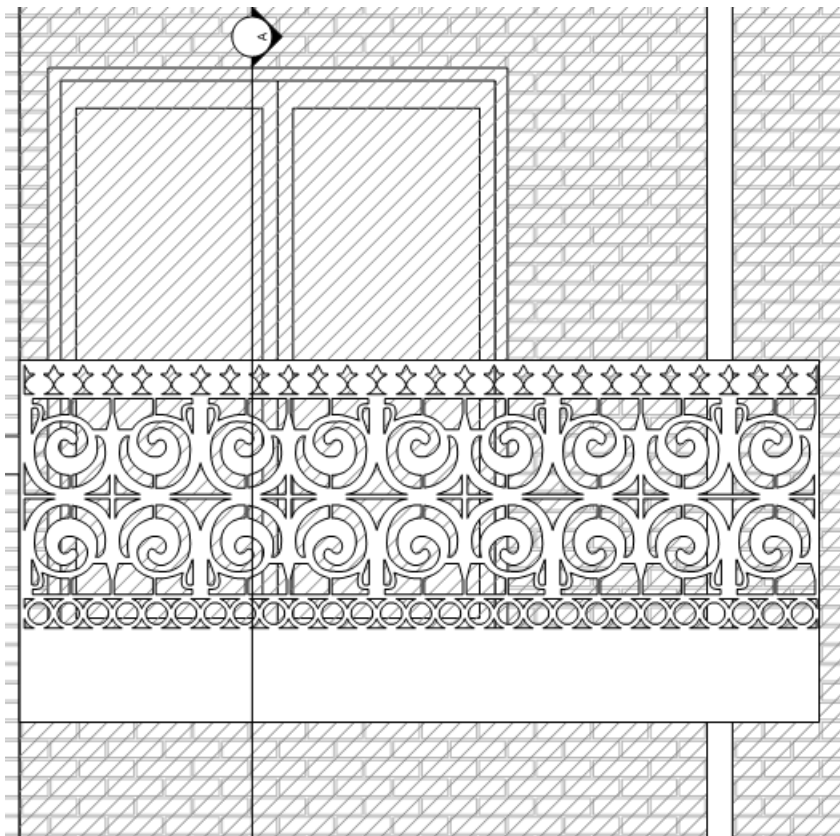
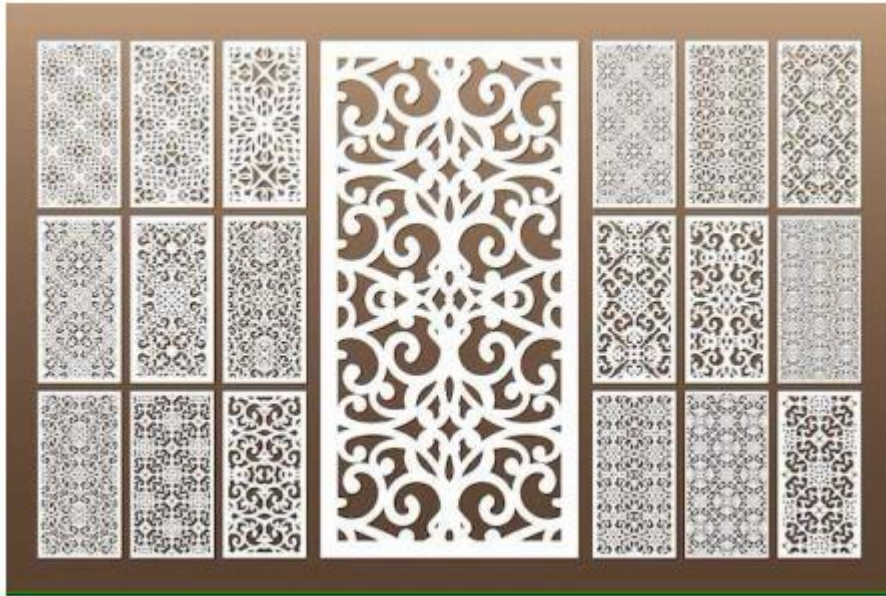
existing building. The plan form also provides space to the rear for a communal garden.

- 12.14 It is of the same general scale as the pre-existing, retaining its comparative tallness relative to its narrowness. Although it is 0.8m taller at the front, its northern wing is composed of open-sided balconies, reducing its overall bulk when viewed from the street. It stands away from its southern neighbour, returning some of the sense of spaciousness lost when 31a was built in the 1970s. The proposed shared garden to the southern and western boundaries will be well-vegetated using tiered planters and new trees. It is set back from the road and includes a front garden with tree planting, shrubs and planting. This garden and brick wall will re-establish some of the original character of the front boundary. The boundary walls will be built in red brick to match neighbouring boundary walls and complement local character.
- 12.15 The design of the building incorporates the materials and some common design features of surrounding buildings on Daleham Gardens and the character of the wider Conservation Area. The full top floor is a mansard roof with large, steeply pitched roofs. The top floor is set back from the parapet, breaking up the size of the roof. This partial top floor, containing a duplex apartment, is set back from the street so that the building reads as four storeys with a roof. The mansard reinforces the verticality of the façade however is a prominent roof form. There are other examples of prominent roof forms on historic buildings in the conservation area and the approach taken here is in keeping with the established character of the area.



*Figure 16 - Local details*

- 12.16 The above images show local details. The white window surrounds, and decorative balustrades were derived from the houses on Daleham Gardens. The pattern shown on the proposed drawings including the balcony detail drawing is only indicative and will be fully designed working with a fabricator during the technical design process with details secured by condition 5.



*Figure 17 – Details of balustrade to be secured by condition*

- 12.17 The façade is made from grey/brown brick with white window surrounds to match the predominant colour tone along Daleham Gardens. The windows are regular and aligned, with dormers to the windows in the roof, to emphasise the verticality of the building, particularly the narrow face onto the street. Again this is a feature of other historical buildings in the area.



- 12.18 There are horizontal bands and terracotta-coloured panels above windows, in reference to the decorative features on nearby houses. The banding creates a play between horizontality and verticality, a common characteristic of the different housing types in the conservation area.



*Figure 18 - Local details*



*Figure 19 – Visual of the proposal from Daleham Gardens*



*Figure 20 – Drawing on front elevation showing horizontal bands and terracotta-coloured panels above windows, in reference to the decorative features on nearby houses the references the design makes to local character*

- 12.19 Overall, the design of the scheme uses a proposed materiality and detail, with a proposed garden, trees and landscape, to produce a modern well-designed building which is complementary to the Conservation Area in accordance with Policy D1 and D2 of the Local Plan and the Conservation Area Appraisal. The Camden DRP has endorsed the approach taken subject to final details around materiality and detailing – these matters have been further development and conditioned in order to ensure a high-quality design that responds to the history of the site, are character of the area, and the demands of the previous Shadow S106 agreement, as well as the development plan.

### 13. BASEMENT

- 13.1 Camden Local Plan Policy A5 requires basement proposals to have a minimal impact on, and be subordinate to, the host building and property and the architectural character of the building. There is not existing “host” building on site, following the permitted demolition of the previous building.

#### ***Basement size limitations***

- 13.2 Policy A5 requires the siting, location, scale and design of basements to have minimal impact on and be subordinate to the host building and property. Policy A5 and CPG Basements Table 1 sets out criteria (f. to m.) regarding the size of basements. The criteria include not exceeding 50% of each garden within the property, being less than 1.5 x the footprint of the host building in the area, extending into the garden no further than 50% of the depth of the host building, and being set back from neighbouring property boundaries. The policy states that exceptions to f. to k. above may be made on large comprehensively planned sites. Criteria l. to m. requires basements to:
- l. be set back from neighbouring property boundaries where it extends beyond the footprint of the host building; and
  - m. avoid the loss of garden space or trees of townscape or amenity value.
- 13.3 The basement size would comply with both above however it would not comply with criteria h, j or k. These criteria essentially relate to the basement size in relation to the garden, and as such are intended for extensions to existing buildings. They are therefore not relevant to this new build development and as noted above, the policy accounts for exceptions to criteria f. to k. on large comprehensive sites.
- 13.4 As shown below, the ‘basement’ level is only a basement at the rear of the site where it cuts into the slope of the site. A large section of the building is at the established ground floor level as it is level with the street. Due to these changing levels on site, and location of the basement at the rear of the site it would not impact the character or amenity of the area.

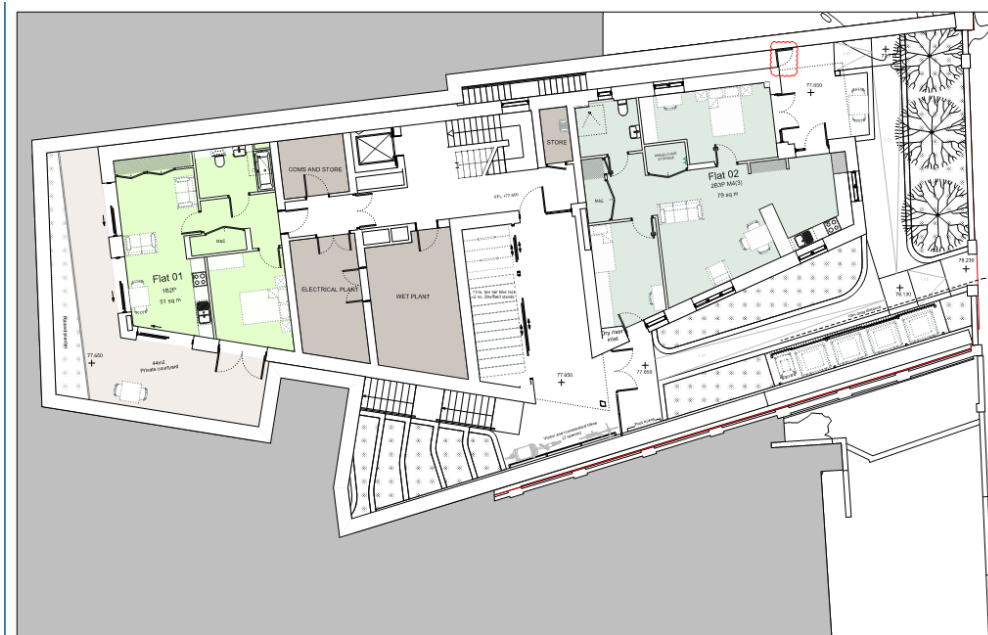


Figure 21 -Proposed lower ground floor with rear of plan set into the slope and front level with the street



Figure 22 - Proposed south elevation context showing slope at the rear of the site

### **Basement Impact Assessment (BIA)**

- 13.5 Policy A5 also requires basement development not to cause harm to neighbouring properties; structural, ground, or water conditions; character and amenity of the area; and significance of heritage assets. The applicant has submitted a BIA which has been subject to independent verification by Campbell Reith on in accordance with Policy A5 and CPG Basements. Campbell Reith issued their BIA audit report in January 2024 confirming that each stage of the BIA has been carried out by engineering professionals who hold qualifications relevant to the matters being considered; that risk of instability is minimal; that the hydrogeological/hydrological impact and risk of groundwater flooding, flooding from sewers and surface water is also minimal.



- 13.6 Campbell Reith confirm that in that the damages to neighbouring properties will be within the limits set by the CPG for basements. However, some elements of the construction methodology such as the sheet piled wall section to be used and the proposals to deal with localised deeper Made Ground at formation level have not been agreed at this stage yet. Those elements can influence the final outcome of the ground movement assessment (GMA). As such a Basement Construction Plan is to be produced at a later stage when the details of the design are known. This would be secured by the Shadow S106 agreement.
- 13.7 A condition is attached to require that the basement development is implemented in accordance with the approved BIA construction methods. A condition would require the appointed qualified engineer to inspect, approve, and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design to be checked and approved by a building control body. It is therefore considered the proposals are compliant with Policy A5.

#### **14. FIRE**

- 14.1 As the proposal provides more than 10 dwellings it requires a fire statement under the D13 London Plan prepared by a third-party suitably qualified assessor. The building is approximately 16m high and therefore is not classed as a relevant building requiring the Health and Safety Executive to be consulted. Nor does it require a second stair core for the purposes of the Building Regulations.
- 14.2 The basis of the fire strategy design is Approved Document B Fire Safety Vol 1: Dwellings (current edition - 2019 edition, incorporating 2020 & 2022 amendments). The Fire Statement details significant enhancements to the standard required for Building Regulations compliance; these include:
- All dwellings shall be provided with a mains-based Grade D1 LD1 fire alarm system.
  - The building construction is concrete frame with light-gauge steel infill. This has inherent fire resistant and is less likely to be compromised during construction and in- use.
  - The standard of fire resistance for elements of structure and for separation between the apartments and to the corridor walls is 60mins.
  - The External Wall System shall be either non-combustible (European Classification A1) or of limited combustibility (European Classification A2-s1, d0) where practicable, even though the legislation (SI 1230) and associated guidance would only require this in residential buildings over 18m.
- 14.3 As a result, the scheme complies with the requirements of the development plan and detailed fire provisions will be dealt with under the Building Regulations.

## 15. SUSTAINABILITY AND ENERGY

- 15.1 In November 2019, Camden Council formally declared a Climate and Ecological Emergency. The council adopted the Camden Climate Action Plan 2020-2025 which aims to achieve a net zero carbon Camden by 2030.
- 15.2 In line with London Plan (LP) policies, SI1, SI2, SI3, SI4, SI5 and SI7 and Camden Local Plan (CLP) policies CC1, CC2, CC3, and CC4, development should follow the core principles of sustainable development and circular economy, make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.

### ***Energy and carbon reductions***

- 15.3 To minimise operational carbon, development should follow the energy hierarchy set out in the London Plan (2021) Chapter 9 (particularly Policy SI2 and Figure 9.2) and major developments should meet the target for net zero carbon. The first stage of the energy hierarchy is to reduce demand (be lean), the second stage is to supply energy locally and efficiently (be clean), and the third step is to use renewable energy (be green). The final step is to monitor, verify and report on energy performance (be seen).
- 15.4 After carbon has been reduced as much as possible on-site, an offset fund payment can be made to achieve net zero carbon.

### Energy and carbon summary

- 15.5 The following summary table shows how the proposal performs against the policy targets for carbon reductions in major schemes, set out in the London Plan and Camden Local Plan.

Policy requirement (on site)	Min policy target	Proposal reductions
Total carbon reduction: LP policy SI2 and LP CC1	35%	68%
Be lean stage (low demand): LP policy SI2	10%	18%
Be green stage (renewables): CLP policy CC1	20%	50%

*Table 4 - Carbon saving targets (for majors) and the scheme results*

### Total carbon reductions

- 15.6 Reductions are measured against a baseline, the requirements set out in the Building Regulations. Major development should achieve an on-site reduction of at least 35% in regulated carbon emissions below the minimums set out in the building regulations (Part L of the Building Regulations 2021). The remainder of the carbon savings to 100% reduction (zero carbon) should be secured through a carbon offset payment. This is charged at £95/tonne CO<sub>2</sub>/yr

(over 30 years) which is spent on delivering carbon reduction measures in the borough.

- 15.7 Residential development should be exceeding the target now, so GLA guidance has introduced a more challenging aspirational target of 50% on-site total savings that residential development should aim to achieve.
- 15.8 In this case, the development significantly exceeds the policy target of 35% reduction, as well as the aspirational 50% target, achieving an overall on-site reduction of 68% below Part L requirements as shown in Table 4 above. **A carbon offset of £13,207 will be secured by Section 106 legal agreement to bring it to zero carbon**, in compliance with the development plan.

Be lean stage (reduce energy demand)

- 15.9 London Plan policy SI 2 sets a policy target of at least a 10% reduction through reduced energy demand at the first stage of the energy hierarchy.
- 15.10 In this case, the development significantly exceeds the policy target of 10% reducing emissions by 18% at this stage through energy-efficient design, in compliance with the development plan. The proposals involve high-performance insulation, low air permeability, efficient glazing, and address the requirements of the cooling hierarchy and overheating which can avoid active cooling in the development. The proposal includes energy-efficient measures like mechanical ventilation heat recovery (MVHR) and low-energy light fittings.

Be clean stage (decentralised energy supply)

- 15.11 London Plan Policy SI3 requires developers to prioritise connection to existing or planned decentralised energy networks, where feasible, for the second stage of the energy hierarchy. Camden Local Plan policy CC1 requires all major developments to assess the feasibility of connecting to an existing decentralised energy network or where this is not possible establishing a new network.
- 15.12 In this case an assessment of the existing London heat map has been made and demonstrated that there are no existing local networks present within a connectable range of the scheme.

Be green stage (renewables)

- 15.13 Camden Local Plan policy CC1 requires all developments to achieve a 20% reduction in CO2 emissions through renewable technologies (after savings at Be Lean and Be Clean), where feasible, for the third stage in the energy hierarchy.
- 15.14 In this case, the development significantly exceeds the policy target of 20%, reducing emissions by 50% at this stage through renewables, in compliance with the development plan. The proposal includes PV panels on the roof with full details secured by condition 8. The condition will secure a meter to monitor

the energy output from the approved renewable energy systems. The proposal includes low carbon heating like Air Source Heat Pumps (ASHPs) which are proposed on the roof of the building. These are restricted to only heating with active cooling removed by condition 23.

Be seen (energy monitoring)

- 15.15 The London Plan policy SI 2 requires monitoring energy demand and carbon emissions to ensure that planning commitments are being delivered. In this case, the development has committed to reporting. The proposal includes a proposed building management system/energy monitoring equipment. The Be Seen requirements to ensure the Development's operational energy performance is monitored and reported on in accordance with the Greater London Authority's 'Be Seen' Energy Monitoring Guidance (or successor guidance) is incorporated within the S106 energy obligations.

***Climate change adaption and sustainable design***

- 15.16 Local Plan policy CC2 expects non-residential development, and encourages residential development arising from conversion, extension or change of use, to meet BREEAM Excellent.
- 15.17 The proposal includes sustainable drainage. It has considered and mitigated overheating. A technical overheating analysis has been prepared. The applicant has applied the cooling hierarchy by using passive measures like deep window reveals, balconies, external shading, high performance glass, aspect to avoid active cooling (air con) in line with policy CC2.
- 15.18 Policy (CC2) is that developments should promote new appropriate green infrastructure (usually in the form of a green roof). There is 145.8 sqm of planting, including a green roof of 16.4 sqm on the bin store. This equates to 20% of the 702 sqm site having soft landscaping. A green roof has not been provided on the roof of the main building due to financial constraints. The green roof would create additional maintenance costs which would increase service charges for the affordable flats. Officers have accepted this justification put forward by the applicant team for not providing a green roof and it is noted that a blue roof is still proposed which achieves the requires water attenuation and water storage volume. Furthermore, the positive approach to landscaping secures a green development that further minimises any shortfall in this respect. As such, the proposal would still accord with the objectives of the development plan in terms of sustainability.
- 15.19 Condition 7 will secure water efficiency measures, ensuring a maximum internal water use of 105 litres per day (plus an additional 5 litres for external water use) for each home. Flood risk is covered in the 'Flood risk and drainage' section of this report.

### ***Flooding and sustainable urban drainage systems (SUDS)***

- 15.20 The development plan (CLP policy CC3 and LP policy SI12 and SI13) also seeks to ensure development does not increase flood risk, reducing the risk of flooding where possible. Development should incorporate sustainable drainage systems (SUDS) and water efficiency measures.
- 15.21 The site is located within Flood Zone 1 and within a Critical Drainage Area. There is no surface water sewer in proximity that can be used as the discharge point. The applicant has provided details of the SUDS which includes the storage volume of the raingardens. The storage volume of the blue roof is to be secured by condition 21. Details of the sustainable drainage system including an attenuation tank, blue roofs and raingardens providing in total a minimum attenuation volume of 20m<sup>3</sup> will be secured by condition 21

## **16. AIR QUALITY**

- 16.1 According to Policy CC4 (Air quality), the Council will ensure that the impact of development on air quality is mitigated and that exposure to poor air quality is reduced in the borough. The Council will consider the impact of air quality when assessing development proposals, by considering both the exposure of occupants to air pollution and the effect of the development on air quality.

### ***Operational impact of development on the local area***

- 16.2 The proposal is for heating through a non-combustion Heat Pump systems which is welcomed in this area of poor air quality. There is no emergency generator included in the development.

### ***AQ Neutral and impact on occupants***

- 16.3 The Heat pumps mean the building emissions are considered air quality neutral. There is no parking on site and the impact on traffic activity is expected to be negligible therefore the transport emissions are air quality neutral. Overall, the development is air quality neutral, which meets Local Plan Policy requirements.
- 16.4 The site is below the Air Quality objective for NO<sub>2</sub>; therefore impact on occupants is expected to be negligible.

### ***Construction Impacts Risk Assessment***

- 16.5 The area is highly sensitive to dust emissions due to local residential receptors. The earthworks phase will create a high risk from construction impacts therefore 4 AQ monitoring locations are secured by condition 12.
- 16.6 All measures relevant to the high dust risk for earthworks, construction and track-out should be incorporated in the CMP. This includes four real-time dust monitors secured by condition.

## 17. TRANSPORT

- 17.1 The proposal is car-free, in accordance with Local Plan Policy T2 and London Plan Policy T6.1. On-street disabled badge parking is available at Daleham Gardens and parking along Daleham Gardens is permit controlled via a Controlled Parking Zone. A planning obligation secured by Shadow s106 will restrict new residents from applying for a parking permit making the development car free.
- 17.2 The site is located within a highly sustainable area which reduces the need to travel by car and encourages walking, cycling and public transport usage. Local services and amenities located within walking distance at Swiss Cottage, Finchley Road and Belsize Park. The site has a good PTAL of 5 (1 being worst and 6b being best).
- 17.3 Given the previous use of the site for 14 residential units, the highly sustainable location and provision of cycle parking, the proposal will be unlikely to result in an increase in traffic or car parking compared to the previous use and local parking controls.
- 17.4 In line with Policy T1 of the Camden Local Plan, we expect cycle parking at developments to be provided in accordance with the standard set out in the London Plan. This gives an overall requirement for 26 cycle parking spaces. The submitted lower ground floor plan shows a cycle store within the building undercroft capable of accommodating 22 cycles in two tier racks and 2 Sheffield stands (4 spaces) with 2 spaces for visitors/non-standard cycles secured via a wall rail in the courtyard on the south side of the building. This meets the required standard however the design of tow tier racks does not comply with CPG recommended design as Sheffield standards are preferred due to ease of access. This is considered acceptable given the spatial constraints on providing Sheffield stands. The provision of the 26 long stay and 2 short stay cycle parking spaces would be secured by condition 9.
- 17.5 Given the increase in pedestrian and cyclist activity that the site will generate, it is recommended that the application be subject to a Pedestrian, Cycling and Environmental contribution of £28,000 to be secured by means of the Shadow Section 106 Agreement. This will be used towards providing improved pedestrian and cycling improvements in the vicinity of the area.

### ***Construction management plan (CMP) and Construction Working Group (CWG)***

- 17.6 Given the extent of excavation and construction works proposed in this predominantly residential area, it is recommended that the development be subject to a CMP and associated Implementation Support Contribution of £10,116 and Impact Bond of £16,000 to be secured by means of the Shadow Section 106 Agreement. This will help ensure that the proposed development is carried out without unduly affecting neighbouring amenity or the safe and

efficient operation of the local highway network, in accordance with Policies A1 and T4 of the Camden Local Plan.

- 17.7 The NHS Foundation Trust have objected to the scheme stating that there would be impact from the construction activities on the health and wellbeing of the students and staff at Gloucester House School. They point to a lack of consideration and proper assessment of construction impacts and the lack of a Construction Management Plan and assessment of construction impacts in the Noise Impact Assessment. There is a Public Sector Equalities Duty to consider the implications of the development on protected groups. There are children with special behaviour and mental health needs at the school. The noise and disturbance would need to be managed carefully to ensure there is as minimal impact on the normal day to day activities of the school. The children may be sensitive to noise and change. Officers have held a meeting with the school and the applicant to discuss parameters for a bespoke CMP which will limit the construction impacts as far as possible.
- 17.8 The detailed information required for the construction assessment will become available once a contractor is appointed. As the school is so close to the site, the contractor may be required to implement quiet periods for high impact activities. As demolition has taken place, this may involve 2 hours on/off for doing the foundations. The times would need to be agreed with the school. We may require a sound level meter at the school to monitor the noise levels. The contractor could try to carry out the high impact activities when the school is closed.
- 17.9 A Construction Working Group (CWG) will be incorporated as part of the S106 that explicitly mentions the neighbouring school operated by Tavistock and Portman NHS Foundation Trust to represent the needs of their service users. This will go beyond the standard liaison with neighbours prior to submission of the first draft. Specifically, it will expect information about how the applicant has made reasonable attempts to meet with the school (or Trust) and how they have responded to issues raised.
- 17.10 Given that the proposed excavation and construction is likely to lead to damage to the adjacent footway, the development is subject to a highways contribution of £10,538.60 for repaving the adjacent footway to be secured by means of the Shadow Section 106 Agreement.

## **18. WASTE**

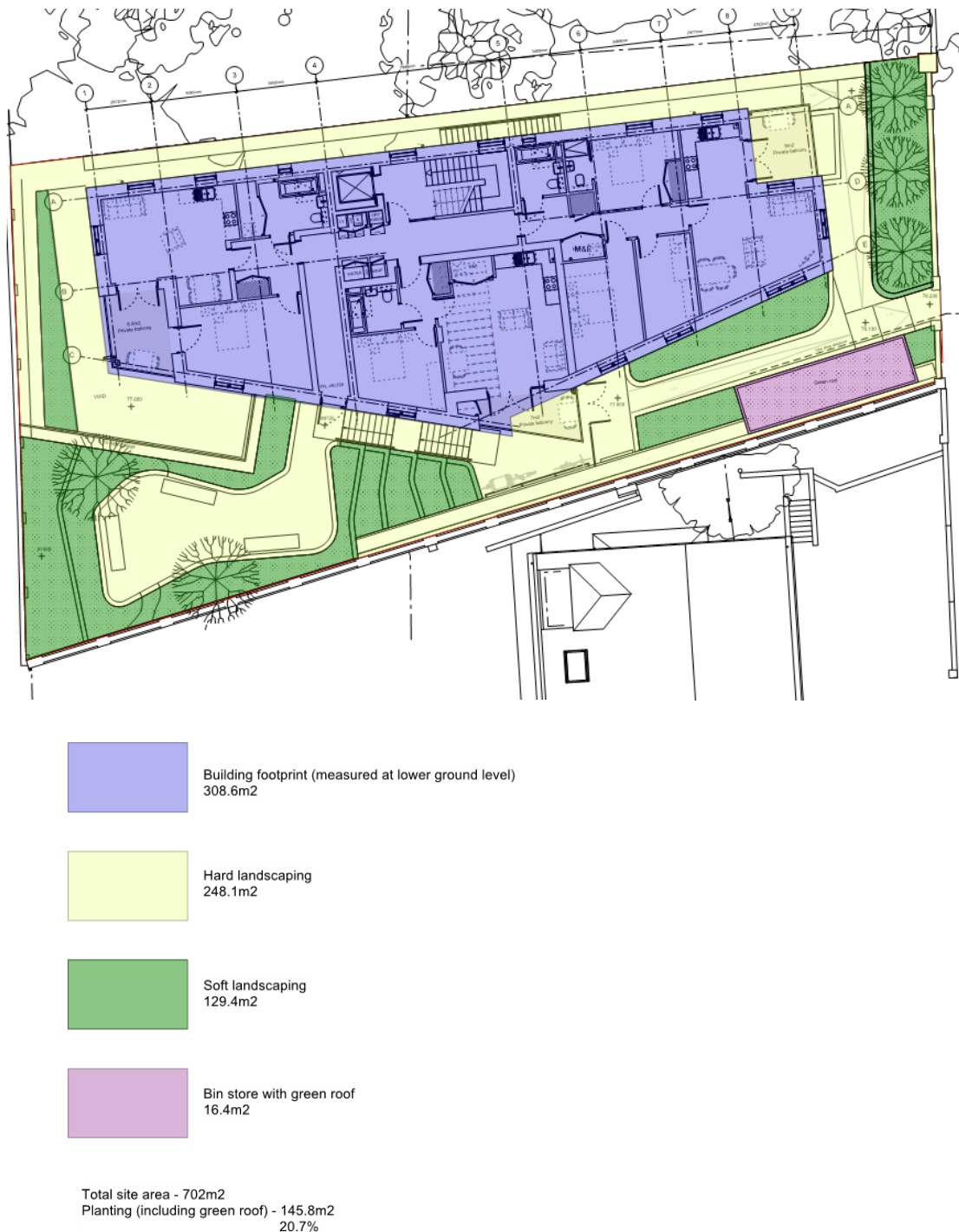
- 18.1 A secure communal bin store, with provision for sorting waste for recycling, is proposed next to the entrance to the site. This will contain two 1100L bins for general waste, two for recycling and one 360L bin for garden and food waste.

## **19. TREES AND LANDSCAPING**

- 19.1 Policy A3 (Biodiversity) states that the Council will protect and seek to secure additional trees and vegetation. The Council will resist the loss and harm of trees and vegetation of significant amenity, historic, cultural or ecological value. Retained trees and vegetation should be satisfactorily protected during the demolition and construction phase of development in line with BS5837:2012 'Trees in relation to Design, Demolition and Construction' and positively integrated as part of the site layout. The Council expects replacement trees or vegetation to be provided where justified and proposals to incorporate additional trees and vegetation wherever possible.
- 19.2 A Preliminary Arboricultural Report has been submitted and assessed by the Council's Tree and Landscaping Officer. It identified 13 trees that may be affected by the development; of these six are within the site and proposed for removal. The remaining seven are off-site and should not be affected due to a deep foundation in the boundary wall. Trial pits were dug, and there was no evidence of significant roots. Of the trees to be removed 1 is a category B (moderate quality) tree which has relatively low visibility outside of the site, 4 are category C (low quality) trees which are not significant and 1 is a category U tree (unsuitable for retention) which is in poor condition and should be removed anyway.
- 19.3 The category C trees are all low-quality trees with low visibility outside of the site, according to the British Standard BS5837 Trees in relation to design demolition and construction, they should not be considered a constraint on a planning application. Our Tree and Landscaping has queried why the Cat B tree has been given this classification as it is not a particularly noteworthy tree, while it is marginally better than the others, it has low to zero visibility outside of the site. It is not a tree that would be considered worthy of a tree preservation order due to low visibility.
- 19.4 The trees to be removed are screened from the street by the buildings and other surrounding trees. All of the trees have a relatively poor form due to growing in close proximity in a relatively unmanaged garden, while their loss does represent a loss of biodiversity in the short term, this can be ameliorated by replacement planting through the landscaping condition. Therefore, removing these trees is acceptable depending on higher quality replacement, which is proposed in the landscaping plan details and would be secured by condition 17.
- 19.5 Regarding the number of trees that can be planted and reduction in the total number, the existing site is relatively crowded and overgrown, replacing 6 trees with 5 would allow more room for these to develop full crowns.
- 19.6 The landscaping plan includes five replacement trees with adequate details of tree pits and soft landscaping. Condition 17 is a condition to secure these details.



- 19.7 Below is an excerpt of the plan and key showing the relative sqm of the building footprint, hard-landscaping, soft-landscaping and green roof.



*Figure 23 - Excerpt of the plan and key showing the relative sqm of the building footprint, hard-landscaping, soft-landscaping and green roof.*

- 19.8 A green roof is proposed on the bin store and details regarding the makeup, planting, and maintenance of these will be secured by condition 18.

## 20. OPEN SPACE

- 20.1 The Local Plan requires an 'appropriate contribution' to open space, prioritising publicly accessible open space. Policy A2 prioritises securing new public open space on-site, with the provision of space off-site near the development acceptable where on-site provision is not achievable. If there is no realistic means of direct provision, the Council may accept a financial contribution in lieu of provision. CPG Public Open Space states that developments exceeding 1,000m<sup>2</sup> in floorspace or involving 11 or more dwellings will be expected to contribute towards open space and play facilities. The main part of CPG makes no reference to additional dwellings, but the appendix does. The text discusses the importance of taking into account the specific characteristics of the development. In addition, Policy A2 states that the Council will use "planning obligations to address the additional impact of proposed schemes on public open space taking into account the scale of the proposal..." There were previously 11 occupied flats, and 14 are now proposed. A financial contribution would therefore be appropriate based on the increase in 3 dwellings towards providing, maintaining, and improving existing open space in the area.
- 20.2 Policy A2 part m applies 9m<sup>2</sup> per occupant for residential in terms of on-site provision. Occupation for this assessment is calculated based on the yield for the ward, which is contained within Appendix E of CPG Public open space. In this instance, the site is within the Belsize Ward, however it was in the Frognal and Fitzjohn's ward at the time of the CPG Open Space publication in 2012 which yields an average household size of 2.28 people and therefore this figure is used.

$9 \text{ sqm} \times 2.28 \times 3 \text{ dwellings} = 61.56 \text{ sqm}$  is the public open space requirement.

Capital costs  $(9 \text{ sqm} \times 2.28 \times 3) \times £200 = £12,312$

Maintenance costs at £7 per sqm over 10 years is  $61.56 \times £70 = £4,309$

The total sum payable for the residential component of the proposal = £16,621.2 This would be secured under the Shadow s106 legal agreement.

## 21. EMPLOYMENT

### ***Construction Phase***

- 21.1 Apprenticeships - as the build cost for this scheme are anticipated exceed £3 million the applicant must recruit 1 construction apprentice paid at least London Living Wage per £3million of build costs and pay the council a support fee of £1,700 per apprentice as per section 63 of the Employment sites and business premises CPG. The build costs are estimated at £6,009,817 and therefore 2 apprenticeships are likely to be required, although the final number will be decided once a more accurate figure has been agreed with the Planning

Obligations Team. Recruitment of construction apprentices should be conducted through the Council's King's Cross Construction Skills Centre.

- 21.2 Local Recruitment – our standard local recruitment target is 20%. The applicant should work with the Kings Cross Construction Skills Centre to recruit to vacancies, advertising with us for no less than a week before the roles are advertised more widely.
- 21.3 Local Procurement – The applicant must also sign up to the Camden Local Procurement Code, as per section 61 of the Employment sites and business premises CPG. Our local procurement code sets a target of 10% of the total value of the construction contract. In other words, if the total build cost is £6 million, we would expect £600,000 to be spent on local supplies/suppliers, sub-contractors, local spend and so on. While we do expect the developer or their contractor to be proactive in their own research on procurement or supplies within the borough, the Inclusive Economy Team will work with the applicant to deliver the outcomes. These above measures will be secured under the Shadow s106 agreement.

## **22. EQUALITIES IMPACTS**

- 22.1 Paragraph 4.34 of the CLP states that “some community facilities offer particular support and safe, welcoming environments for protected groups or communities which in turn contribute to Camden’s diversity and social and economic wellbeing. The sometimes-dispersed nature of minority groups means this benefit may extend far beyond Camden’s administrative boundary. Under the Equality Act 2010, we are required to assess the impact of policies and decisions against the ‘protected characteristics’ of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, sex/gender and sexual orientation.”
- 22.2 The Gloucester House School is a specialist school providing services to pupils who have social, emotional and mental health needs and their families in a safe and secure environment.
- 22.3 A Rapid Health Impact Assessment Matrix has been submitted with the application. This concludes that there is a neutral impact on school as a result of the development. As discussed above the construction related impacts would be controlled via the CMP which includes a construction working group. The group will explicitly incorporate the school so it can represent the needs of its students and mitigate and minimise any impacts on them which would include any needs arising from protected characteristics. The Council believe that the construction impacts would not be so severe that it would result in the school being unable to operate. The final impact of the scheme has been carefully considered and there have been several amendments, including reduction in scale and alterations to the north elevation to reduce perceived and actual

overlooking, all of which reduce the impact on the school and those pupils (and teachers) with protected characteristics.

- 22.4 In brief, the Public Sector Equality Duty requires decision makers to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations. More detail is provided at the front of the agenda pack. In this case, when exercising the duty the committee is asked to note that officers believe this decision is likely to have a negative impact on disabled people – specifically some pupils at the school. However, these impacts would be temporary and minimised in terms of construction and minimised in terms of the final development. There would also be positive impacts in terms of provision of a wheelchair home, provision of affordable housing (occupiers of which are more likely to be disabled), and a generally more accessible environment.

### **23. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 23.1 The CIL applies to all proposals which add 100m<sup>2</sup> of new floorspace or an extra dwelling. This includes bringing vacant buildings back into use. The amount to pay is the increase in floorspace (m<sup>2</sup>) multiplied by the rate in the CIL charging schedule.

### **24. CONCLUSION**

- 24.1 Prior to demolition in 2021, the previous building provided 14 units and 540 sqm GIA. The development provides 14no. units that meet or exceed the Nationally Described Space Standards (2015) and 1,260sqm GIA. The proposal meets the requirements of the shadow section S106 Agreement for Ref. 2020/2087/P and Policies H1 and H3 do not involve a net loss of residential floorspace or homes.
- 24.2 The proposal provides more than half of the development, by floorspace, as affordable housing. Of the 14 new homes to be provided, eight flats are affordable, comprising two social-affordable rent and six Discount Market Sale, and will be allocated respectively to households on the Camden housing register and to middle income households who are priced-out of purchase in the local market and have an established connection with the local area. The amount and tenure of affordable housing accords with the shadow S106 agreement and planning conditions of the demolition permission (ref. 2020/2087/P) and Policies H4 and H5 of the Camden Local Plan.
- 24.3 The design is a modern but contextual building which preserves the character of the Conservation Area.

### ***Public benefits***

24.4 No harm has been identified to heritage assets, but if the committee decides there is harm, there are several public benefits that could weigh against that harm.

- Community-development to bring vacant site back into use
- Delivery of 14 new homes
- 50.4% of the development, by floorspace, as affordable housing.
- Eight flats are affordable, comprising two social rent and six Discount Market Sale
- Building with high standards of energy performance and sustainability
- High-quality contextual design endorsed by the DRP
- Open space contribution
- PCE contribution for schemes in the area
- Local employment and procurement package

## **25. RECOMMENDATION**

25.1 Grant conditional Planning Permission subject to a Shadow Section 106 Legal Agreement with the following heads of terms:

### ***Land use***

- Affordable housing
- Open space contribution of £16,621.2

### ***Transport***

- CMP and Construction Working Group with associated Implementation Support Contribution of £10,116
- CMP Impact Bond of £16,000
- Pedestrian, Cycling and Environmental contribution of £28,000.
- Car free
- Highways contribution £10,538.60.

### ***Energy and sustainability***

- A carbon offset of £13,207.
- Carbon figure confirmed on GLA Carbon emissions spreadsheet
- Energy and sustainability plan

### ***Employment***

- 2 construction apprenticeships
- Local recruitment
- Local procurement

### ***Other***

- Basement Construction Plan

## **26. LEGAL COMMENTS**

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

## **27. CONDITIONS**

- 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 and documents-

Existing Drawings:

PL\_E\_010\_PP1, PL\_E\_201\_PP1

Proposed Drawings:

PL\_L\_100\_PP2, PL\_D\_6100\_PP1, PL\_D\_6101\_PP1, PL\_A\_999\_PP2, PL\_A\_1000\_PP2, PL\_A\_1001\_PP2, PL\_A\_1002\_PP2, PL\_A\_1003\_PP2, PL\_A\_1004\_PP1, PL\_A\_1005\_PP1, PL\_A\_2000\_PP1, PL\_A\_2001\_PP1, PL\_A\_3000\_PP1, PL\_A\_3001\_PP1, PL\_A\_3002\_PP2, PL\_A\_3003\_PP1, PL\_A\_3010\_PP1, PL\_C\_4000\_PP1, PL\_L\_500\_PP2, SMW-XX-XX-DR-C-001-S3-P4.

Documents:

Daylight and Sunlight Report dated September 2023, Flood Risk assessment S221215-SUB-99-XX-FRA-C-00001 April 2023, Structural and Drainage Report Stage 3 dated May 2023, Basement Impact Assessment dated 28.04.2023, Noise Report BD/CS/P23-2822/01 Rev A dated March 2023, MEP Report dated April 2023, Overheating Assessment MB/VL/P23-2822/04 Rev B, Preliminary Arboricultural Impact Assessment Ref. SHA 1198 Dated September 2021, Air Quality Assessment TR/VL/P23-2822/03

- 3 The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment Basement Impact Assessment dated 28.04.2023 and audited in January 2024 hereby, and the confirmation at the detailed design

stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 4 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2(if in CA) and A5 of the London Borough of Camden Local Plan 2017.

- 5 Before the relevant part of the work is begun, 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:

a) Before the brickwork is commenced, a sample panel of the typical detail demonstrating the window reveal, proposed colour, texture, face-bond and pointing shall be retained for inspection.

b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority).

c) detailed drawings and samples of the balconies

The relevant part of the works shall be carried out in accordance with the details thus approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 Flat 2, as indicated on the plan numbers PL\_A-1000\_PP1 and PL\_L\_500\_PP2 hereby approved shall be designed and constructed in accordance with Part

M4(3)(2)(b) for wheelchair accessible dwellings. All other flats will need to meet the requirements of Part M4(2) for accessible and adaptable dwellings

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy C6 of the Camden Local Plan 2017.

- 7 The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.

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

- 8 Prior to first occupation of the buildings, detailed plans showing the location and extent of photovoltaic cells to be installed on the building 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 prior to first occupation and permanently retained and maintained thereafter.

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

- 9 The secure and covered cycle storage area for 26 long stay and 2 short stay cycles as shown on the drawings hereby approved shall be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 10 Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be



submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details prior to the commencement of any works.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 11 No development shall take place until full details of hard and soft landscaping, including details of replacement trees and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, A5, D1, D2 of the London Borough of Camden Local Plan 2017.

- 12 Construction related impacts - Monitoring

Air quality monitoring should be implemented on site. No development shall take place until

a. prior to installing monitors, full details of the air quality monitors have been submitted to and approved by the local planning authority in writing. Such details shall include the location, number and specification of the monitors, including evidence of the fact that they will be installed in line with guidance outlined in the GLA's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance;

b. prior to commencement, evidence has been submitted demonstrating that the monitors have been in place for at least 3 months prior to the proposed implementation date.

The monitors shall be retained and maintained on site for the duration of the development works in accordance with the details thus approved.

Reason: To safeguard the amenity of adjoining premises and the area generally in accordance with the requirements of policies A1 and CC4 of the London Borough of Camden Local Plan Policies.

13 Non-road mobile machinery

No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

Reason: To ensure that air quality is not adversely affected by the development in accordance with policy CC4 of the Camden Local Plan 2017, and policy GG3 and SI 1 of the London Plan.

14 Prior to commencement of the development, details shall be submitted to and approved in writing by the Council, of an enhanced sound insulation value DnT,w and L'nT,w of at least 5dB above the Building Regulations value, for the floor/ceiling /wall structures separating different types of rooms/ uses in adjoining dwellings, namely [eg. living room and kitchen above bedroom of separate dwelling]. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site is not adversely affected by noise in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

15 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the typical existing background noise level by at least 10dBA, or by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

16 Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017

- 17 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development prior to the occupation for the permitted use of the development or any phase of the development, whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, A5, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 18 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include:
- i. a detailed scheme of maintenance
  - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used [for large areas of green roof add in : and showing a variation of substrate depth with peaks and troughs]
  - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

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, CC3, CC4, D1, D2 and A3 of the London Borough of Camden Local Plan 2017.

- 19 Piling method statement

No piling shall take place until a Piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure and piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

## 20 SuDS: Further details

Prior to commencement of development, full details of the sustainable drainage system including an attenuation tank, blue roofs and raingardens providing in total a minimum attenuation volume of 20m<sup>3</sup>, shall be submitted to and approved in writing by the local planning authority. Such a system should be designed to accommodate all storms up to and including a 1:100 year storm with a 40% provision for climate change such that flooding does not occur in any part of a building or in any utility plant susceptible to water, and shall demonstrate the run off rates approved by the Local Planning Authority (1l/s). A revised drainage statement, SuDS pro-forma and supporting evidence should be provided, which include:

- The proposed SuDS or drainage measures including storage capacities
- The proposed surface water discharge rates or volumes

Details shall include a lifetime maintenance plan, and systems shall thereafter be retained and maintained in accordance with the approved details.

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 CC2 and CC3 of the London Borough of Camden Local Plan Policies.

## 21 SuDS: Evidence of installation

Prior to occupation, evidence that the system has been implemented in accordance with the approved details as part of the development shall be submitted to the Local Planning 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 CC2 and CC3 of the London Borough of Camden Local Plan Policies

22      Obscure glazing

Prior to first use of the air source heat pump hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pump shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC1 and CC2 of the London Borough of Camden Local Plan 2017.

23      ASHP Active cooling disabled

Prior to first use of the air source heat pump hereby approved, the active cooling function shall be disabled on the factory setting and the air source heat pump shall be used for the purposes of heating only.

Reason: To ensure the proposal is energy efficient and sustainable in accordance with policy CC1 and CC2 of the London Borough of Camden Local Plan 2017.

24      \*\*Need for a legal agreement

In the event that any owners of the land have the legal locus to enter into a Section 106 Agreement no works shall be commenced on site until such time as they have entered into such an Agreement incorporating obligations in respect of the matters covered by conditions marked with \*\* in the planning permission granted on 16/02/2024 (Camden reference 2023/4241/P) and those obligations shall apply to all conditions below marked with \*\*.

Reason: In order to define the permission and to secure development in accordance with the objectives of the development plan.

25      \*\* Car free

The proposals will be car free. Future occupants will not be eligible for a parking permit.

Reason: In order to protect the pedestrian environment and the amenities of the area generally and to ensure the continued free flow of traffic in the area in accordance with policy T2 of the London Borough of Camden Local Plan 2017.

- 26     \*\*Construction Management Plan + Implementation support contribution + bond + Construction working group

Prior to commencement of development, including demolition, a Construction Management Plan (CMP) including an Air Quality Assessment) shall be submitted to and approved by the local planning authority.

The CMP shall set out all measures that the Owner will adopt in undertaking the demolition of the existing buildings and the construction of the Development using good site practices in accordance with the Council's Considerate Contractor Manual.

Such plan shall include measures for ensuring highway safety and managing transport, deliveries and waste (including recycling of materials) throughout the demolition and construction periods and which demonstrates consideration of and liaison with other local concurrent developments. The plan shall also include details of a community working group involving local residents and the Gloucester House school, a contractor complaints/call-line and measures to be carried out to mitigate the impact of the noise arising from construction and demolition activities on local residents and businesses, a waste management strategy and means of monitoring and reviewing the plan from time to time.

The measures contained in the Construction Management Plan shall at all times remain implemented during all works of construction and demolition. Where separate Construction Management Plans are submitted for the demolition and the construction phases the provisions of this condition will apply to both plans.

Reason: In order to protect the pedestrian environment and the amenities of the area generally and to ensure the continued free flow of traffic in the area in accordance with policy T1 of the Camden Local Plan 2017.

- 27     \*\* Pedestrian and Environmental Improvements contribution

On or prior to Implementation, confirmation that the necessary measures for the provision of pedestrian, cycling, environmental and public realm

improvements in the vicinity of the Development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the pedestrian environment and public realm is maintained and improved in accordance with policy T1 of the Camden Local Plan 2017.

28     \*\* Highways works

On or prior to the Implementation Date, confirmation that the necessary measures to secure highways improvements around the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the pedestrian environment and public realm is maintained and improved in accordance with policy T1 of the Camden Local Plan 2017.

29     \*\*Carbon offset contribution

On or prior to Implementation, confirmation that the necessary measures for the provision for carbon offsetting including GLA carbon emissions spreadsheets shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the pedestrian environment and public realm is maintained and improved in accordance with policies CC1 and CC2 of the Camden Local Plan 2017.

30     \*\* Local employment

Prior to commencement the applicant and/or developer shall:

- work to CITB benchmarks for local employment when recruiting for construction-related jobs as per clause 8.28 of CPG8.
- advertise all construction vacancies and work placement opportunities exclusively with the King's Cross Construction Skills Centre for a period of 1 week before marketing more widely.
- Recruit 2 construction or non-construction apprentices, and pay the council a support fee of £1,700 per apprentice as per clause 8.17 of

CPG8. Recruitment of construction apprentices should be conducted through the Council's King's Cross Construction Skills Centre.

- If the value of the scheme exceeds £1 million, the applicant and/or developer must also sign up to the Camden Local Procurement Code, as per section 8.19 of CPG8.
- The applicant and/or developer shall provide a local employment, skills and local supply plan setting out their plan for delivering the above requirements in advance of commencing on site.

Reason: To ensure the development provides sufficient employment and training in line with the requirements of policy E1 of the Camden Local Plan 2017.

31      \*\*Affordable Housing Plan

The development hereby approved shall provide 14 residential units (Class C3) consisting of 6 market units, 2 social affordable rent and 6 discount market sale.

The affordable housing shall be provided in accordance with the conditions and approved documents as set out in this decision. All affordable housing units shall be constructed and fitted out as units which are suitable for occupation as affordable housing and shall only be occupied and shall be retained in perpetuity for no purpose other than for the provision of social rented and intermediate housing in accordance with the targets set by the Regulator; not disposing of any interest in the Affordable Housing Units (except by way of mortgage) other than to any other Registered Social Landlord registered with the Regulator or any other body organisation or company registered with the Charity Commissioners for England and Wales and approved by the Homes and communities Agency or the Regulator or the Council. The total cost of rent and service and management charges for the affordable housing shall meet targets for Social Rented Housing set by the regulator.

The DMS flats shall be:

- sold at a minimum initial discount of 30% below open market value
- initial discount to be maintained for initial and future purchasers in perpetuity (or the lifetime of development - whichever expression is in vogue)
- eligibility to be limited to households with a gross income not exceeding £90,000 per annum, or such other income cap as may be included in the London Plan 2021 and successor policies or included the government's planning practice guidance *for housing of this type*



Reason: To secure the maximum reasonable and viable provision of affordable housing on the site of the development hereby permitted in accordance with the requirements of policies H4 and H5 of the London Borough of Camden Local Plan 2017 and policies H4, H5 and H8 of the London Plan 2021.

32      \*\*Open space contribution

On or prior to Implementation, confirmation that the necessary measures for the provision of open space improvements in the vicinity of the Development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the pedestrian environment and public realm is maintained and improved in accordance with policy T1 of the Camden Local Plan 2017.

33      \*\*Basement Construction Plan

Prior to Implementation, a Basement Construction Plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

34      \*\*Energy and sustainability plans

On or prior to Implementation, the submission of an energy and sustainability plan demonstrating how the cooling hierarchy has been applied to achieve a 68% carbon reduction with 18% at Be lean and 50% at Be Green stages.

Reason: To ensure that the pedestrian environment and public realm is maintained and improved in accordance with policies CC1 and CC2 of the Camden Local Plan 2017.

## **28. INFORMATIVES**

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This proposal may be liable for the Mayor of London's Community Infrastructure Levy (CIL) and the Camden CIL. Both CILs are collected by Camden Council after a liable scheme has started, and could be subject to surcharges for failure to assume liability or submit a commencement notice PRIOR to commencement. We issue formal CIL liability notices setting out how much you may have to pay once a liable party has been established. CIL payments will be subject to indexation in line with construction costs index. You can visit our planning website at [www.camden.gov.uk/cil](http://www.camden.gov.uk/cil) for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.
- 3 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.
- 4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at [www.camden.gov.uk](http://www.camden.gov.uk)) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays

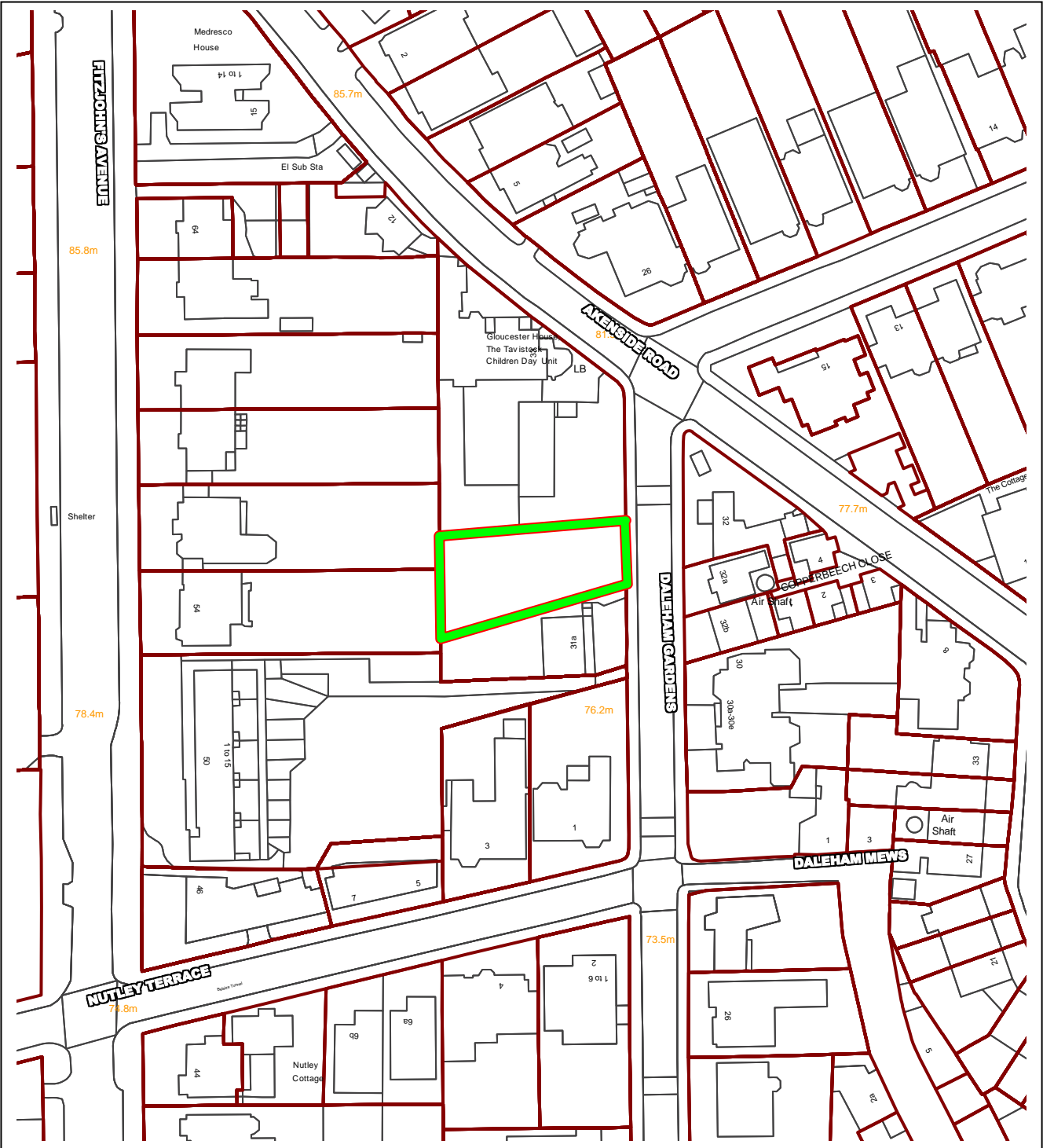
and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

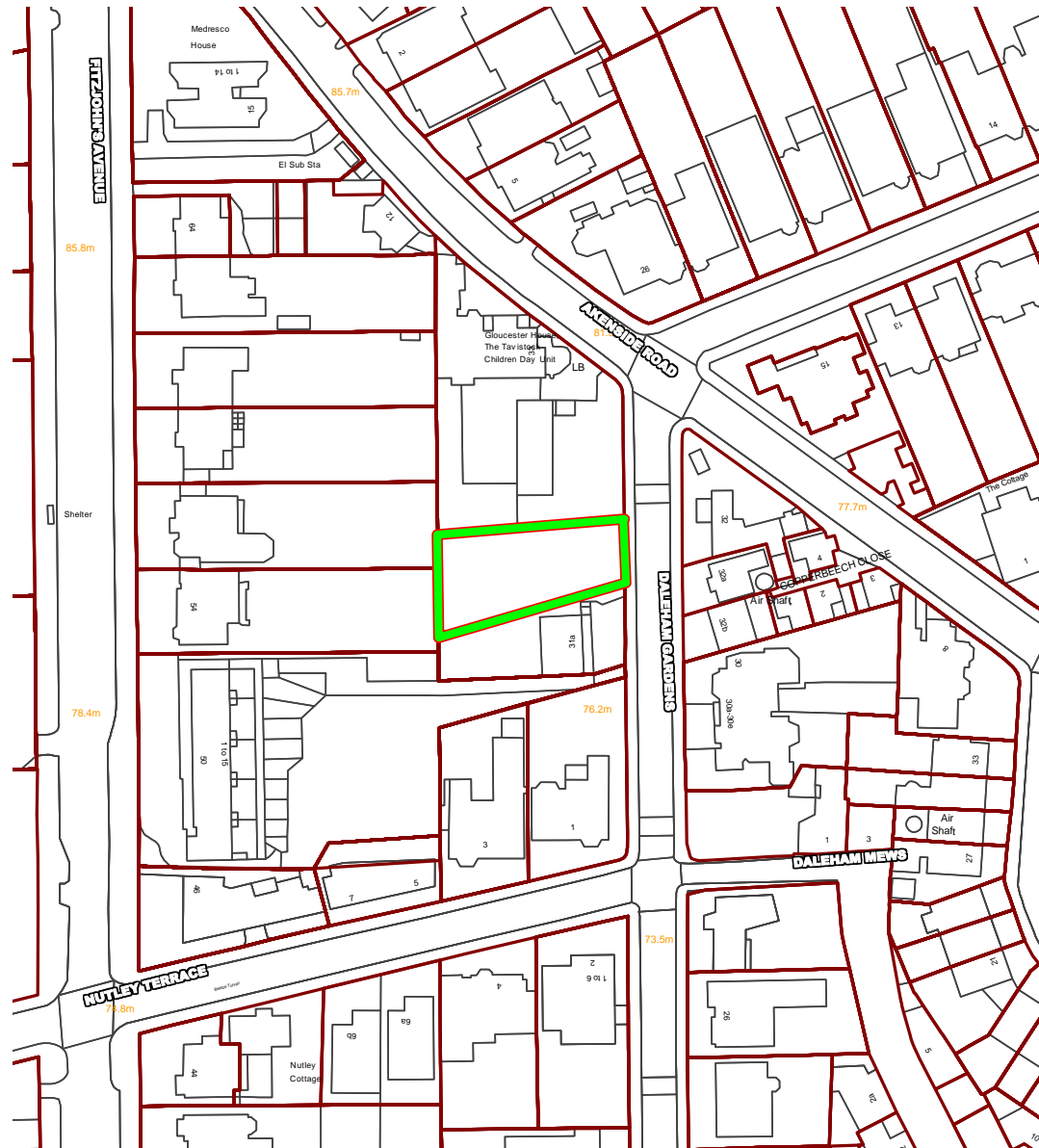
- 5 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 6 Mitigation measures to control construction-related air quality impacts should be secured within the Construction Management Plan as per the standard CMP Pro-Forma. The applicant will be required to complete the checklist and demonstrate that all mitigation measures relevant to the level of identified risk are being included.
- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 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.
- 8 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) . Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 9 Conditions marked with \*\*

The matters covered by conditions marked with an \*\* are matters which would usually be incorporated into a Section 106 Agreement. On Council own schemes because the Council cannot enter into an agreement with itself the usual practice would for the permission to reference the Section 106 requirements for information.

If the Council retains ownership of the application site although the reference to Section 106 requirements would not be legally binding they would act as a record of the requirements the Council as planning authority expects the Council as landowner to comply with. If the Council disposes of a relevant interest in the Application Site (which for the avoidance of doubt will not include disposals to individual tenants and occupiers) the incoming owner will be required to enter into a Section 106 giving effect to those requirements which will then become a legally binding document.

# 2023/4241/P – Site Plan 31 Daleham Gardens









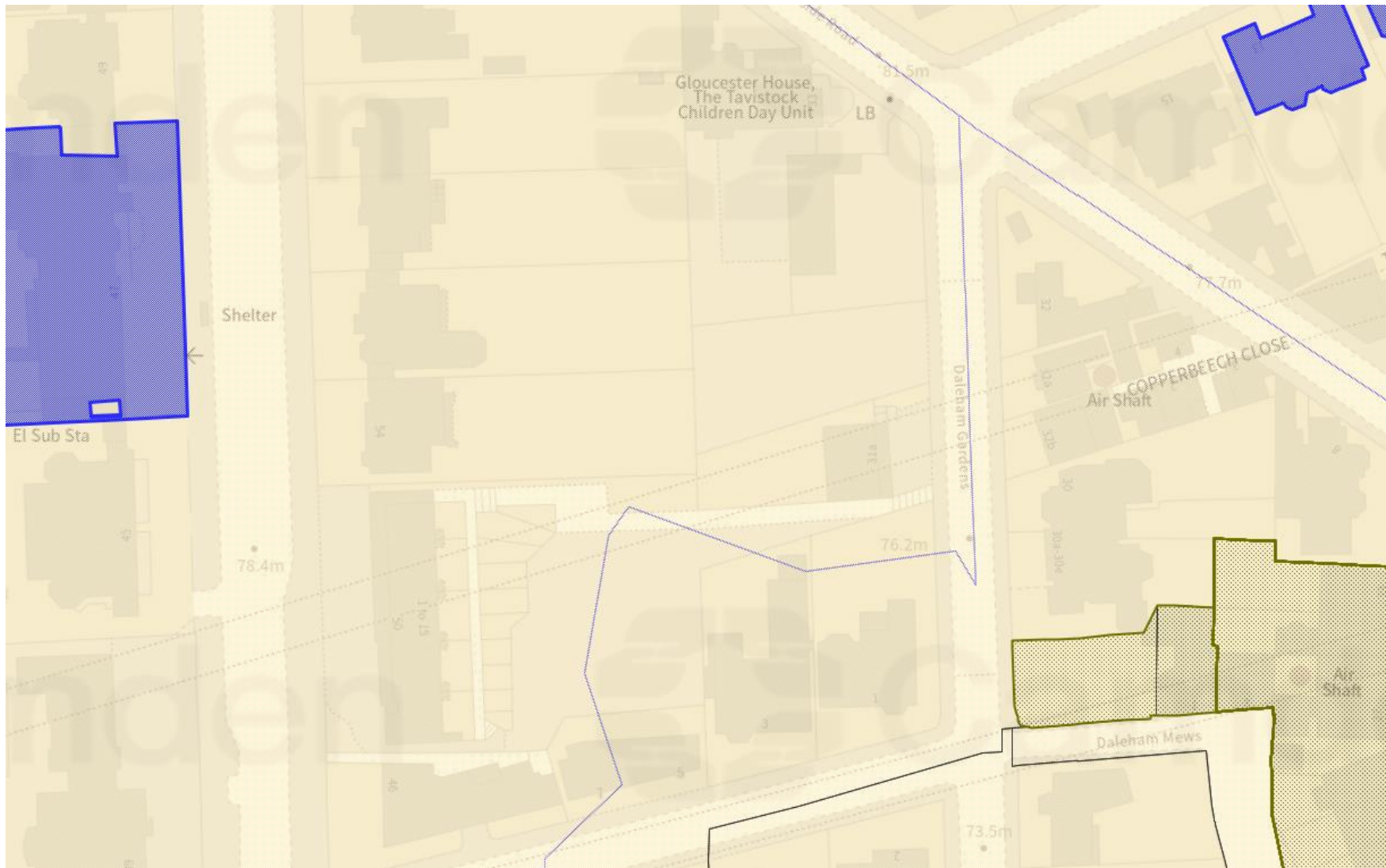


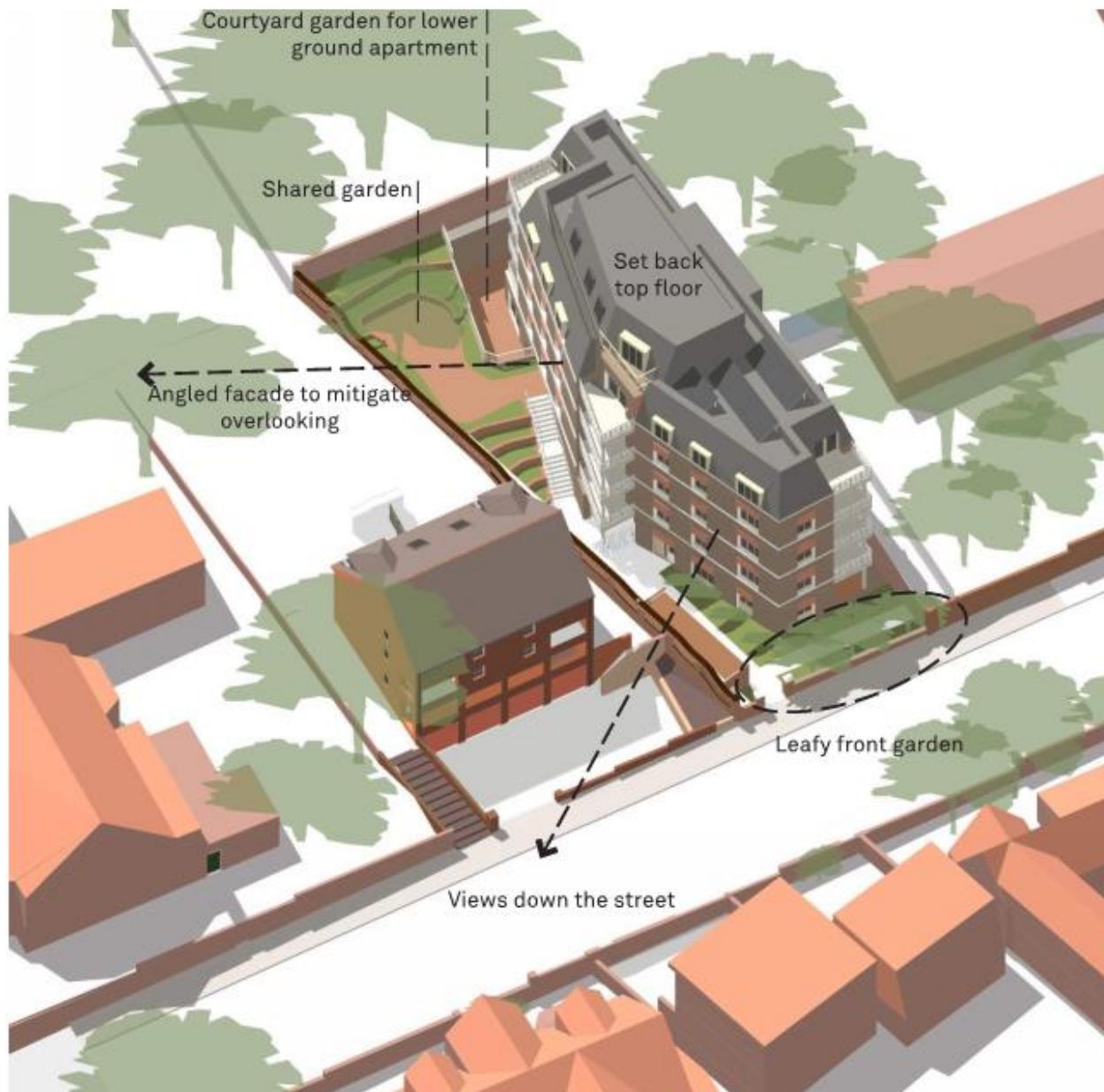


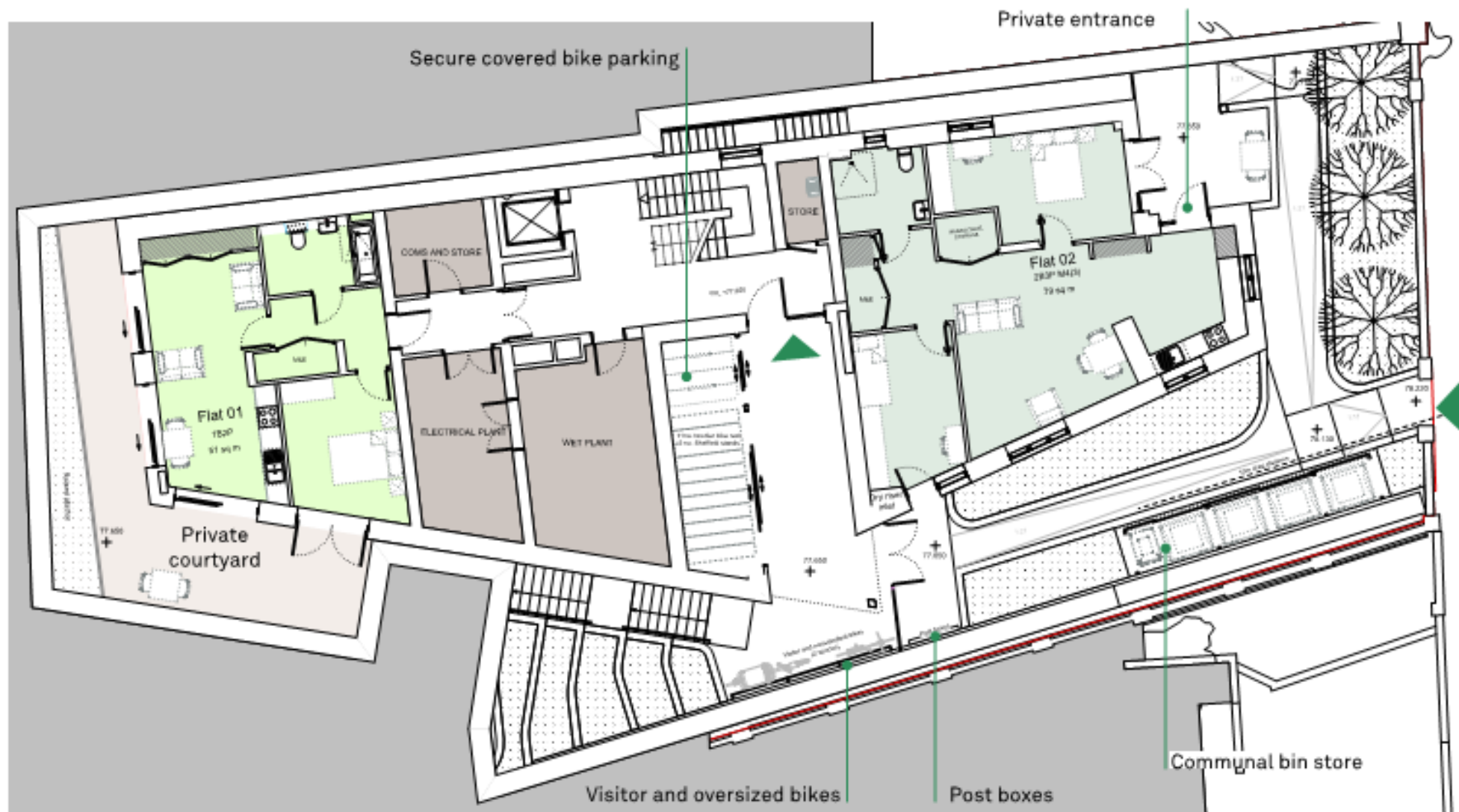






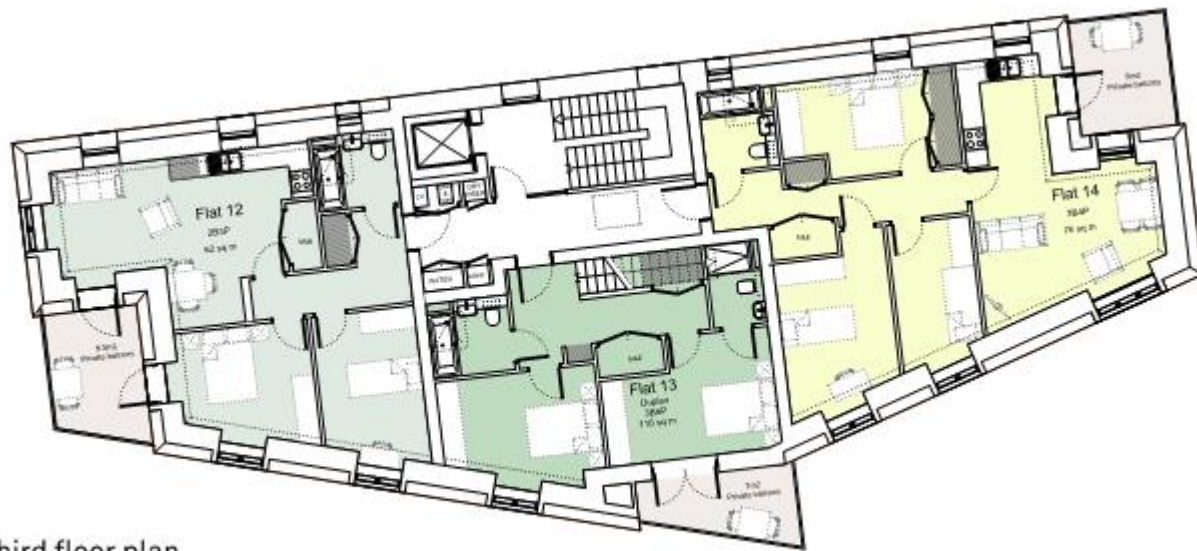








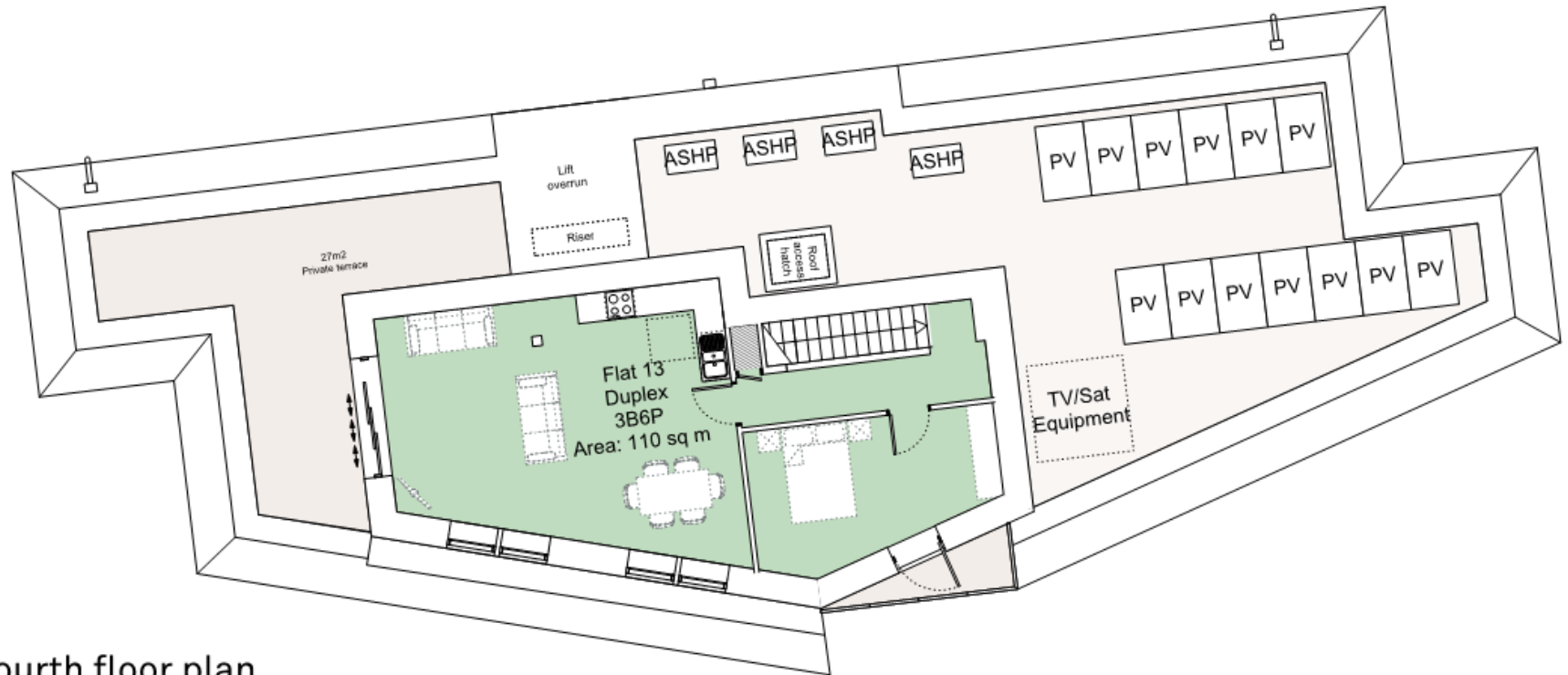




Third floor plan



First and Second Floor Plan



Fourth floor plan









#### Roof

Large, steeply pitched mansard roofs with dormer windows

#### Asymmetry and verticality

Tall bays, often with a gable roof, emphasise verticality. Windows are vertical in format, and sometimes arranged in pairs or threes

#### Material palate

Grey brick with contrasting details, and terracotta coloured panels above windows. Grey pantile roof

#### Horizontal Banding

A common decorative feature, particularly on the larger buildings in the area. The contrasting precast concrete bands break up the facade

#### Decorative details

The patterned balcony balustrades are derived from one of the railing details on Daleham Gardens. The balconies also reference the white decorated panels often used below bay windows in the area.









Proposed Scheme



Demolished building



Proposed Scheme



Demolished building

















