

Address:	104A Finchley Road London NW3 5EY		2
Application Number(s):	2022/3553/P	Officer: Sofie Fieldsend	
Ward:	Belsize		
Date Received:	31/08/2022		
Proposal:	Demolition of existing petrol filling station and associated convenience store (sui generis), and erection of a six-storey building (plus plant) comprising ground floor commercial space (Class E) and flexible commercial/educational space for UCS Pre-Prep (Class E/F1), and 31 flats (Class C3) (15x 1-beds, 13x 2-beds and 3x 3-beds) above.		

Background Papers, Supporting Documents and Drawing Numbers:

Existing:

Site Location Plan A12003F0001.rev I1; Block plan existing A12003F0002.rev I1; LGF plan existing A12003F0099.rev I1; UGF plan existing A12003F0100.rev I1; Roof plan existing A12003F0110.rev I1; Elevation 1 existing A12003F0201.rev I1; Elevation 2 existing A12003F0202.rev I1; Elevation 3 existing A12003F0203.rev I1;

Proposed:

Block plan proposed A12003D0002.rev I1; LGF plan proposed A12003D0099.rev I2; LGF plan proposed "Alternative use" A12003D1099.rev I1; UGF plan proposed A12003D0100.rev I5; UGF plan proposed "Alternative use" A12003D1100.rev I1; 1F plan proposed A12003D0101.rev I4; 2F plan proposed A12003D0102.rev I4; 3F plan proposed A12003D0103.rev I4; 4F plan proposed A12003D0104.rev I3; Roof plan proposed A12003D0110.rev I3; Context elevation 1 proposed A12003D0201.rev I3; Context elevation 2 proposed A12003D0202.rev I3; Context elevation 3 proposed A12003D0203.rev I3; Context elevation 4 proposed A12003D0204.rev I3; Context elevation 5 proposed A12003D0205.rev I3; Material elevation 1 proposed A12003D0211.rev I3; Material elevation 2 proposed A12003D0212.rev I3; Material elevation 3 proposed A12003D0213.rev I3; Detail (part) elevation 1 proposed A12003D0221.rev I3; Detail (part) elevation 2 proposed A12003D0222.rev I3; Detail (part) elevation 3 proposed A12003D0223.rev I3; Illustrative view from SW A12003D0500.rev I1;

Documents:

Phase One Environmental Assessment (Enhanced) (02641 CL 004, June 2022); Biodiversity Net Gain Report (June 2022); Ecological Appraisal Report (June 2022); Internal Daylight and Sunlight Report (February 2024); Neighbouring Daylight and Sunlight Report (09/08/2022); Air Quality Assessment by AQC, BP Finchley Road, 31/08/2023, Rev 00; Flood Risk Assessment – Revision 01 (October 2022); Energy Statement – Revision 02 (August 2022); Circular Economy Statement – Revision (August 2022); BREEAM Pre-assessment – Revision 01 (August 2022); Viability Report (June 2022) and update letters 11 November 2022, 5 December 2022, 3 March 2023 and 10 January 2024; Overheating Risk Assessment (August 2022); Structural Feasibility Report (August 2022); Planning and Heritage Statement (August 2022); Archaeological Desk Based Assessment (February 2018); Residential Noise Assessment (August 2022); London Plan Fire Statement (July 2022); Fuel Station Analysis (August 2022); Rapid Health Impact Assessment Matrix (August 2022); Arboricultural Implications Assessment and Preliminary Method Statement (March 2018); Transport Statement and Travel Plan (June 2022); Outline Delivery and Servicing Management Plan

(June 2022); Construction Management Plan (June 2022); Design and Access Statement (August 2022).

RECOMMENDATION SUMMARY:

Grant conditional planning permission subject to a Section 106 Legal Agreement

Applicant:

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Surrey

Agent:

TP Bennett LLP
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ANALYSIS INFORMATION

Land use floorspaces				
Use Class	Description	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
Sui generis	Petrol Filling Station (PFS)	140	0	- 140
C3	Dwellings (flats)	0	2,827	+ 2,827
E/F1 (flexible)	Commercial or Education (school) flexible use	0	448	+ 448
E	Commercial (retail or café)	0	211	+ 211
	Total	140	3,486	+ 3,346

Proposed housing mix and tenure						
Tenure	Studio	1 bed	2 bed	3 bed	4 bed	Total
Market	0	15	13	3	0	31
Social-affordable rent	0	0	0	0	0	0
Intermediate rent	0	0	0	0	0	0
Total units	0	15	13	3	0	31

Parking details				
Type	Existing spaces	Proposed long stay	Proposed short stay	Difference
Car	0	0	0	0
Residential Cycle parking	0	58	2	+ 60
Commercial cycle parking	0	2	10	+ 12

EXECUTIVE SUMMARY

- i) The site is a Petrol Filling Station (PFS) with a petrol forecourt and a small two-storey retail unit with ancillary office. It is not in a Conservation Area but is close to Fitzjohns/Netherhall Conservation Area which is to the North. The Draft Camden Local Plan identifies the site as a draft site allocation for commercial and permanent self-contained homes, with an indicative capacity for 30 additional homes.
- ii) The proposal would remove the PFS from the site, with local provision for fuel still adequate in the area while supporting a general move to more sustainable modes of transport. The new building would provide commercial floorspace on the ground floor, together with some flexible floorspace intended as education floorspace for the adjacent school (UCS Pre-Prep), but without an increase in pupil numbers minimising transport impact. It would also provide 31 new homes as market housing. It is not viable to provide affordable housing on site, so a review mechanism would secure the potential for a deferred late-stage payment for up to £7,067,500. Given the emphasis on maximising housing supply in Local Plan Policy H1 and the NPPF, and Camden's current Housing Delivery, the provision of housing on this site is positive and should be given significant weight.
- iii) The scheme is a simple and well-designed building which makes the optimum use of a currently underused site. It would repair the gap in the street-scene and preserve nearby designated heritage assets. The limited impacts on neighbouring amenity are acceptable, especially given several mitigation measures including noise controls, no expansion of the school's pupil numbers, and construction management.
- iv) As well as supporting environmental improvements through car-free development, the proposal also exceeds key energy and carbon reduction targets through a sustainable development. Greening and sustainable drainage measures reduce the risk of flooding in the area while supporting biodiversity.
- v) The scheme provides residential growth in a Town Centre, along with commercial floorspace and the economic impacts of development and construction itself, further investing in the Camden economy through local procurement, apprenticeships, and placements during construction.
- vi) The scheme complies with the development plan as a whole and is recommended for approval subject to a s106 agreement.

OFFICER REPORT

Reason for Referral to Committee: Major development involving the provision of more than 10 new dwellings or more than 1,000 sqm of non-residential floorspace (Clause 3(i))

1. SITE AND BACKGROUND

Designations

1.1 The following are the most relevant designations or constraints:

Designation	Details
Town Centre (TC)	Finchley Road / Swiss Cottage
Town Centres frontages	Secondary retail frontage
PTAL (Public transport accessibility)	6b (Excellent accessibility)
TLRN (TfL Road Network)	Finchley Road (A41)
CMP Priority Area	Frognaal and Fitzjohns
Underground development constraints and considerations	<ul style="list-style-type: none">- Historically flooded street (Finchley Rd)- Surface water flow and flooding- Slope stability- TfL zone of interest (tunnel asset)

Table 1 - Site designations and constraints

Description

1.2 The site is bounded to the south by Finchley Road, to the west and north by College Crescent. No.36 College Crescent is next door to the east.

1.3 The application site is a petrol filling station (*sui generis*), located on the north-eastern side of Finchley Road, at the junction with College Crescent. The petrol filling station (PFS) includes a forecourt and canopy with a shop building to the north-east of the site.



Figure 1 - Existing Petrol Filling Station (PFS) at the site

- 1.4 There is a small part of the adjacent site school site at 36 College Crescent included within the red line, but this is limited to the side access area and part of the flank wall. This is because the proposal includes the possibility of a connection into the neighbouring school.



Figure 2 - Map of the site

- 1.5 The site is in the Finchley Road/ Swiss Cottage Town Centre and is a secondary retail frontage. The area has a busy commercial character and is a major high street with the primary shopping generally focussed on the opposite side of the road. The mixed-use commercial character includes residential accommodation across several storeys, above ground floor commercial units. Some buildings include office on upper floors.
- 1.6 There are a wide range of building styles in the area and a wide range in building heights, generally ranging from three to seven storeys. The area to the north of the site is mainly residential comprising Victorian Villas. The site is not in a conservation area, but the north side of College Crescent is within the Fitzjohns/Netherhall Conservation Area.
- 1.7 The building at 36 College Crescent (the UCS site next door) is locally listed, as is the North Star Public House on the northwest corner of Finchley Road and College Crescent. The large John Barnes Waitrose building, further along Finchley Road to the northwest, is also locally listed, along with a parade opposite which has a closer visual relationship to the site. There are no listed buildings in the immediate setting and none that are impacted by the proposal.
- 1.8 There are underground development constraints for the site, notably flood risks and the rail tunnel infrastructure which runs under the front part of the

site and pavement. The tunnel is a London Underground tunnel so below-ground works can have an impact on TfL infrastructure.

- 1.9 The site is on the A41, Finchley Road, which forms part of the Transport for London Road Network (TLRN) and Transport for London (TfL) is the highway authority. The PTAL for the site is 6b which means an excellent level of public transport accessibility. The closest tube stations are Finchley Road at 322m and Swiss Cottage at 483m away. There are also several bus stops close by with six bus routes operating on this part of Finchley Road (13, 113, 187, 268, C11, N113) and more routes in the wider area.
- 1.10 Finchley Road is a Red Route with double red-line road markings, which prohibit stopping at any time apart from servicing bays.

2. THE PROPOSAL

- 2.1 Planning permission is sought to demolish the existing PFS (*Sui Generis*) and erect a six-storey building (plus plant enclosure) consisting of a total of 31 flats (Class C3) at upper ground and above, accessed from College Crescent. At lower ground, accessed from Finchley Road, the building would provide commercial (Class E) and flexible commercial and educational space (Classes E/F1) intended for the adjoining UCS pre-prep school.
- 2.2 The 31 flats would provide 15x 1-bed homes, 13x 2-bed homes and 3x 3-bed homes with private amenity space and a communal roof terrace at fourth floor. The flats would have level access from College Crescent as the road rises to the rear of the site to be around a storey higher than the Finchley Road elevation. The proposed cycle and waste storage for the residential units would also be at upper ground level with level access and a lift would access all residential floors.
- 2.3 There is an adaptable commercial unit (Class E) proposed on the corner of Finchley Road and College Crescent, provided behind two shopfronts which provide level access to the lower ground from Finchley Road. This unit has been designed to be easily adaptable into two units, each with their own separate shopfront, or as one larger unit.
- 2.4 A larger area of the lower ground provides a flexible space which could be used either as additional accommodation for UCS Pre-Prep next door (which is the preferred option), or alternatively as more commercial space. This space has three shopfronts fronting Finchley Road and again is easily adaptable to provide a range of flexible spaces. If in use as a school, the shopfront access points on Finchley Road would only be used for emergencies or disabled access to those spaces, with children and staff usually accessing the space from College Crescent through the existing school building. A new level access entrance for the school is proposed on College Crescent and this would be provided regardless of whether the school took the internal space at the lower ground.

2.5 If the school did not take the internal space, then the internal connection would not be provided into the school, and so the space would be self-contained commercial and accessed from Finchley Road only. Both options are set out in the plans.

2.6 The rest of the ground floor is given over to plant and a UKPN substation which must be re-provided on the site on the Finchley Road frontage.

Revisions:

2.7 Revisions and additional information were provided during the application including:

- Iterations and revisions on viability information.
- Alternative housing mix and layouts, with accessible units.
- Updated Energy and Sustainability data
- Alternative floorplan layouts provided to show adaptability between commercial and educational use for the areas subject to flexible use.

3. RELEVANT HISTORY

The site

3.1 2021/4622/PRE - Demolition of existing petrol filling station and associated convenience store (sui generis), for a replacement 6-storey mixed-use development comprising a lower ground floor commercial unit (Class E) (approx. 210sqm) and school use (Class F1) (approx. 400sqm), and 31 x residential apartments (11 x 1B, 16 x 2B, 3 x 3B and 1 x 4B) above. – Issued 11/2/22

3.2 8803912 - Erection of a two-storey building for use ancillary to petrol filling station in replacement of the existing single-storey sales building and the extension of the existing canopy- Granted 03/08/1988.

3.3 9100317 - Redevelopment of petrol filling station with new two storey sales building forecourt canopy and underground storage tanks and all associated works - Granted 07/01/1992.

The area

3.4 The most relevant planning history for the wider area is the hybrid (detail and outline) permission granted for the O2 Masterplan Site on 20 December 2023 (2022/0528/P).

3.5 This granted permission for around 1,800 homes and a range of other uses including healthcare, community, and commercial uses. The site is about 270m to the northwest, along Finchley Road. That site is in the West Hampstead Interchange which is identified as a growth area in the development plan.

4. CONSULTATION

Statutory consultees

Lead Local Flood Authority (LLFA - Camden)

- No objections subject to conditions in relation to green/blue roofs, Sustainable Drainage Systems, and flood resilience measures.

Officer response:

- *The requested conditions would be attached.*

Other consultees

Environment Agency

- No objection subject to detailed considerations of contamination at the site.
- Endorse increased water efficiency measures and use of BREEAM.

Officer response:

- *A condition is recommended securing detailed land contamination investigation and remediation strategies.*
- *The scheme achieves BREEAM Excellent, and a condition is attached requiring reduced water consumption.*

TFL (Transport)

- Do not support **unless** the following points are addressed (officers consider them addressed).

Construction

- The council should secure a Construction Management Plan (CMP).
- The trimming of the existing street tree requires permission from TfL, and an Arboriculture impact assessment should be provided.
- The applicant should enter into a s278 agreement for repair of the highway and removal of the dropped kerbs.

Officer response:

- *A CMP would be secured by s106 agreement, along with a bond and support contribution.*
- *Planning permission does not over-ride the need for TfL consent for tree works, and a tree report was provided. A tree protection condition is recommended.*
- *A s278 agreement with TfL would be secured by s106 agreement.*

Parking

- Support car-free but consider disabled users.

- Support residential cycle parking provision, however additional cycle parking may be required if the school space becomes commercial space.
- Short-stay commercial provision should be on site rather than on Finchley Road to maintain full foot path width.
- Provision for scooter parking for the school should be considered.

Officer response:

- *The site is secured as car-free. Disabled parking bays are available in the wider area but there is no on-site capacity for blue badge parking without undermining the scheme layout.*
- *The cycle parking is secured by condition, including future requirements for additional commercial spaces.*
- *Short stay provision on-site would erode much of the ground floor space and there is significant space on the footpath to allow for additional cycle parking which then also support the other Town Centre uses.*
- *Limited space for scooter parking, but final details of short stay spaces are reserved by condition in any event.*

Uses

- The school entrance should be away from Finchley Road.
- The council should secure a Travel Plan and detailed Delivery and Servicing Plan (DSP).

Officer responses:

- *The school entrance is away from Finchley Road and conditions controlling this are recommended.*
- *A Travel Plan and a DSP would be secured by s106 agreement.*

TFL (Infrastructure)

- No objection in principle, providing there is no detrimental effect on tunnels and structures, subject to a condition and informative.

Officer response:

- *The requested condition requiring TfL infrastructure protection and the informative are attached.*

Thames Water

- No objection subject to a series of informatives, and condition requiring full details of piling in consultation with Thames Water.

Officer response:

- *The requested informatives and condition are attached.*

Adjoining occupiers, local residents and businesses

- 4.1 Six site notices were displayed, in the area, including to the front and rear of the site. The notices were displayed on 02/09/2022 until 26/09/2022. The application was advertised in the local paper on 30/05/2024 (expiring 23/06/2024).
- 4.2 The council received **three responses**, consisting of **two objections** and **one comment**. A letter of support from the school (UCS) was provided with the application. The responses are summarised below:

Objections

- One objection related to scale being larger than the existing site, and the resultant impact on light and outlook (on 36 College Crescent).
- One objection related to loss of the PFS.

Officer response:

- *The scale is appropriate for the context, and the impacts on light are limited and considered acceptable.*
- *Only one objection related to loss of the PFS – the objector lives less than 1 mile from an alternative PFS on Haverstock Hill.*

Comments

- One comment noted that development should provide public benefits.

Officer response:

- *The proposal includes several public benefits outlined throughout the report with the most significant summarised at the end of the report.*

Letter of support

- One letter of support related to improvement to internal circulation and escape, improved accommodation for school, improved air quality for the pupils.

Officer response:

- *The improvements to the school accommodation are fully supported.*

5. 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 2021 \(LP\)](#)

[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 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 C2 Community facilities](#)

[Policy C5 Safety and security](#)

[Policy C6 Access for all](#)

[Policy E1 Economic development](#)

[Policy E2 Employment premises and sites](#)

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

[Policy A2 Open space](#)

[Policy A3 Biodiversity](#)

[Policy A4 Noise and vibration](#)

[Policy D1 Design](#)

[Policy D2 Heritage](#)

[Policy D3 Shopfronts](#)

[Policy D4 Advertisements](#)

[Policy CC1 Climate change mitigation](#)

[Policy CC2 Adapting to climate change](#)

[Policy CC3 Water and flooding](#)

[Policy CC4 Air quality](#)

[Policy CC5 Waste](#)

[Policy TC1 Quantity and location of retail development](#)

[Policy TC2 Camden's centres and other shopping areas](#)

[Policy TC4 Town centre uses](#)

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

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

[Policy T3 Transport infrastructure](#)

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

[Policy DM1 Delivery and monitoring](#)

Supplementary Planning Documents and Guidance

Most relevant Camden Planning Guidance (CPGs):

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

[Air Quality - January 2021](#)

[Amenity - January 2021](#)

[Biodiversity CPG - March 2018](#)

[Design - January 2021](#)

[Developer Contribution CPG - March 2019](#)

[Digital Infrastructure CPG - March 2018](#)

[Employment sites and business premises - January 2021](#)

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

[Housing - January 2021](#)
[Planning for health and wellbeing - January 2021](#)
[Public open space - January 2021](#)
[Town centres and retail - 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 Character 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).

DCLP Draft Site Allocation – W9 (IDS20h)

The DCLP identifies the site as a draft site allocation. It is allocated for mixed use with commercial and permanent self-contained homes. The indicative capacity in the draft allocation is 30 additional homes.

6. ASSESSMENT

6.1 The main material considerations are set out in the following sections:

7.	LAND USE
8.	LAND CONTAMINATION
9.	AFFORDABLE HOUSING AND VIABILITY
10.	HOUSING MIX
11.	QUALITY OF PROPOSED HOUSING
12.	IMPACT ON NEIGHBOURING AMENITY
13.	DESIGN AND HERITAGE
14.	WASTE AND RECYCLING
15.	SAFETY AND SECURITY
16.	SUSTAINABILITY AND ENERGY
17.	AIR QUALITY
18.	FLOODING
19.	TREES, GREENING, AND BIODIVERSITY
20.	TRANSPORT
21.	PUBLIC OPEN SPACE

22.	EMPLOYMENT AND TRAINING OPPORTUNITIES
23.	COMMUNITY INFRASTRUCTURE LEVY (CIL)
24.	FINANCIAL CONTRIBUTIONS
25.	CONCLUSION

7. LAND USE

Loss of Petrol Filling Station (PFS)

- 7.1 The Petrol Filling Station (PFS) would not fall in a use class and so is a *sui generis* use. There is no protection for these types of *sui generis* uses within the policies of the CLP. Policies T1 and T2 promote a shift from private motor vehicles, and towards more sustainable modes of transport, policy CC1 tries to ensure the mix of uses minimises the need to travel by car, and CC4 aims to reduce exposure to poor air quality.
- 7.2 The Transport CPG strongly supports car-free development in light of these policies but recognises that existing petrol stations may have a transitional role to play moving people from petrol and diesel private vehicles towards low emission and electric private vehicles, or more sustainable transport modes. The CPG expects development that results in the loss of a PFS to examine the impact on the road network (for example, vehicle miles travelled) and the Borough's residents.
- 7.3 Within the borough (within 3 miles) there are two other PFSs. The closest is at 215 Haverstock Road, less than a mile away (or a 4-minute drive). The second is at 196 Camden Road about 2.5 miles away (or a 16-minute drive). There are several others close by, although outside the borough. For example, 21-41 Wellington Road (1.5 miles away or a 6-minute drive), 115 Sunderland Avenue (1.8 miles away or a 10-minute drive), 409 Kilburn High Road (2.1 miles or a 15-minute drive), and 383-393 Edgware Road (2.3 miles away or a 12-minute drive).
- 7.4 Further afield, but within 4.1 miles, are 109-113 York Way (3.1 miles away), 219 Caledonian Way (4.1 miles away), 104-116 Holloway Road (4 miles away) and 213-217 Hornsey Road (4.1 miles away).
- 7.5 The site is in the Fitzjohns & Royal Free [Middle Layer Super Output Area](#) (MSOA) where 59% of households have no car or van. Although car ownership increases to the north in Frognaal MSOA (40.5% of households with no car or van) and Hampstead Town MSOA (46.5 % of households with no car or van), the other MSOAs in the area (particularly to the south) have levels around 60% to 70% of households with no car or van.
- 7.6 These low levels of local car ownership reflect the low level of objection to loss of the petrol station in the consultation for the application (one objection).

7.7 Indicators such as consultation responses, car ownership levels, and available alternative PFSs, support the proposal to remove the petrol station from the site. Its loss would have minimal impact and be in line with the objectives of the development plan such as improving air quality, shifting to more sustainable modes of transport, and moving towards a low carbon future most notably set out in CLP policies T1, T2, CC1, and CC4.

Mix of uses proposed and draft site allocation W9 (IDS20h)

7.8 The London Plan identifies this Town Centre as a District Town Centre with a low potential for commercial growth and a high potential for residential growth (Ref 87 in [Table A1,1 of the London Plan](#)). LP policy SD8 says District Centres should focus on convenience retailing and social infrastructure, while securing opportunities to for higher-density mixed-use residential development.

7.9 The site is not an adopted site allocation but is included as a draft allocation in the DCLP (under [site allocation reference W9](#)).

7.10 The now superseded Draft Site Allocations Local Plan 2020 (SALP 2020 - under site reference [IDS20h](#)) allocated the site for self-contained homes and offices. In response to the two rounds of consultation for the SALP 2020, the allocated uses were amended for the new DCLP to self-contained homes and commercial uses in general (rather than offices), better reflecting the site’s town-centre location and reflecting its LP classification.

7.11 The [new draft site allocation in the DCLP](#) allocates the site as follows:

Reference	Site Name	Proposed uses	Indicative Capacity
W9	BP Petrol Station, 104A Finchley Road	Self-contained homes, commercial	30 homes

Table 2 - Draft site allocation (2024) W9

7.12 Whilst the DCLP has limited weight at this stage, that weight can increase as the plan progresses towards adoption. Given the early stage of the DCLP, officers have given it only limited weight as a planning consideration.

7.13 Nonetheless, the proposal strongly aligns with draft site allocation W9, providing 31 self-contained homes which is an appropriate capacity for the site. It focusses the growth on residential rather than commercial in line with the LP designation and provides commercial uses and a flexible commercial/educational use which reflect the town-centre location and potential for social infrastructure. This proposal reflects the adopted policies in the development plan which envision denser mixed residential and commercial schemes in town-centres such as this, as set out in LP policy SD8 and CLP policies TC1, TC2, TC4, H1 and H2.

Residential

- 7.14 As set out above, the proposed 31 homes are strongly supported under CLP policy H1 as well as H2 which expects at least 50% of additional floorspace in developments in this Town Centre to be residential. This is also supported by draft site allocation W9 in the DCLP.
- 7.15 [London Plan Policy H1 and Table 4.1](#), set a 10-year housing target for Camden of 10,380 additional homes from 2019/20 to 2028/29.
- 7.16 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 provision.
- 7.17 The presumption in favour of sustainable development in paragraph 11(d) of the NPPF is engaged, and great weight should be given to 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.
- 7.18 The proposed 31 new homes within a sustainable location on brownfield land would contribute towards the strategic objectives of the development plan and contribute to the borough's housing supply. This housing provision complies with the development plan and the NPPF in land-use terms and has been given significant weight.

Commercial (Use class E)

- 7.19 On the corner of Finchley Road and College Crescent a commercial unit is proposed to help support the functions of the town centre. While not annotated on the plans, the design and access statement outlines that this unit is intended to be used as a replacement for the ancillary retail function of the PFS.
- 7.20 This unit could provide a retail, or a café/restaurant use, with active street frontage along Finchley Road, supporting the secondary retail frontage of the Town Centre. It has been designed with two shopfronts with integrated advert fascia boards, and a flexible floorplate that could be subdivided into two units if necessary. The image below shows the Finchley Road elevation with the commercial unit on the left.

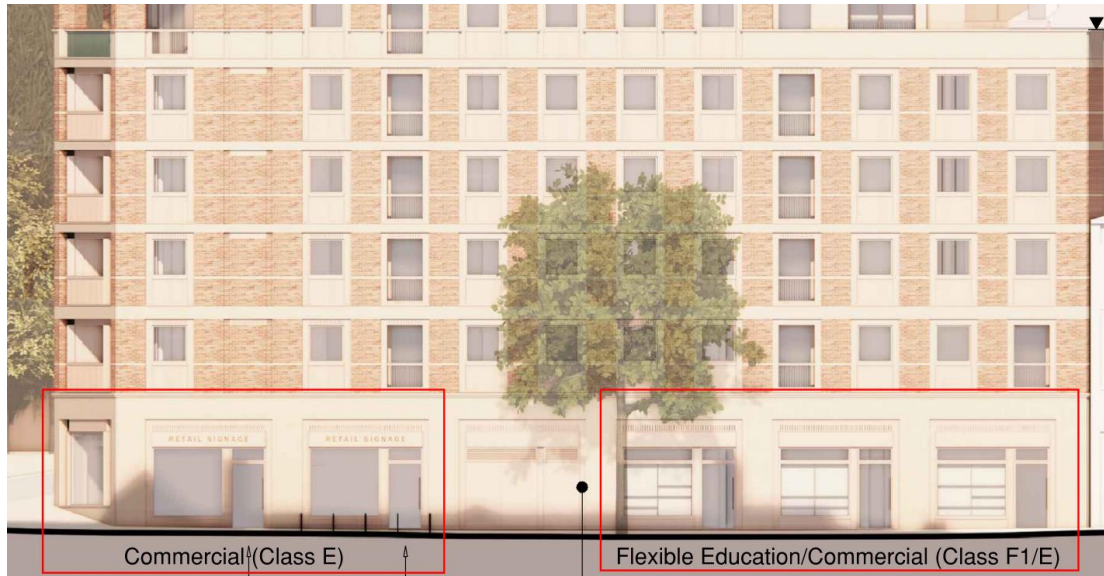


Figure 3 - Finchley Road elevation showing ground floor units

7.21 Both suggested uses a retail or a café would be acceptable within a secondary retail frontage within a town centre and would fall within Class E: (a) Sale of food and drink for consumption (mostly) on the premises and (b) Display or retail sale of goods, other than hot food. The other uses in class E tend to focus on commercial provision for visiting members of the public, along with office and research. Allowing the full range of commercial uses in the scope of us class E, with ability to adapt the size of units, would help support the diversification and long-term viability and vitality of this secondary frontage, in accordance with the aims and objectives of LP policy SD7 and SD8, and CLP policy TC1 and TC2. Given the town centre location and the scope of uses under Class E, no condition is recommended limiting hours of operation. However, a condition would be attached preventing and hot food preparation on site unless full details of fume extraction systems have first been approved (condition 18).

Flexible use – Educational or commercial (Use class F1/E)

7.22 As with the above section, the provision of adaptable Class E commercial units here are supported, but part of the site proposes a more flexible approach. Flexible options for uses can be important in delivering viable and sustainable uses within developments, allowing a period of flexibility. Permission for a flexible use allows a landowner to implement a range of options for the first use, improving chances of finding tenants and minimising the chances of vacancy. Flexibility is provided by the Town and Country Planning (General Permitted Development) Order 2015. Class V of Part 3 of the Order allows changes between the permitted uses (in this case commercial and education) for a period of ten years after the grant of planning permission, subject to any relevant conditions on the permission.

7.23 This application proposes flexible commercial or educational space across the lower ground floor of the building occupying part of the Finchley Road frontage, with small areas of the upper ground floor given over to circulation

space. The space has been designed with a continuation of the commercial shopfronts (a replacement substation sits in between). The shopfronts are adaptable, providing internal displays for the school (but maintaining privacy) while allowing a full commercial shopfront for any commercial use. The image above in Figure 3 shows the flexible space with adaptable shopfronts to the right.

- 7.24 The intention is to use this as educational floorspace for UCS Pre-Prep (Use Class F1), and the scheme has been developed in collaboration with the school, with their specific needs in mind. The commercial option provides a fallback in a town centre location if the school later decides not to take the space.
- 7.25 The UCS Pre-Prep school is the site's current neighbour at 36 College Crescent and has an existing pre-prep school at ground floor (there are flats on the upper floors). The school also occupies the 1st and 2nd floors of the site's other immediate neighbour at New College Parade on Finchley Road. There is a lightweight octagonal pavilion between the two. The development proposes to extend the existing school to occupy part of the lower and upper ground floors. The new floor space is proposed to be used for a dedicated space for group dining, gym, music, and other communal activities.
- 7.26 CLP policy C2 supports the investment plans of community facilities, including educational bodies, to expand and enhance their operations, taking account of the social and economic benefits they generate. In this sense, the support for the existing school clearly aligns with the development plan. The policy qualifies this by stating that the council will also balance the impact proposals may have on residential amenity and transport infrastructure.
- 7.27 When expansion of schools involves an increase in pupil numbers, this can have knock-on impacts on amenity and transport infrastructure. However, in this case the number of pupils enrolled at the school will not increase and will remain at 108 pupils (18 per class). Instead, this proposal expands on the current indoor and outdoor facilities available to the current cohort and their teaching staff. This would provide additional accommodation for what is currently quite a restricted space for the pre-prep school. For example, pupils often eat at their desks due to lack of a sufficient communal dining space.
- 7.28 The current building also has convoluted circulation space at upper-ground level with difficulty providing level access. This disadvantages those with limited mobility, whether pupils, parents, or staff. In the context of the school these are most likely to be disabled people – a protected characteristic under the Public Sector Equality Duty.
- 7.29 The proposal would provide a more welcoming entrance for the pupils and parents, with a new improved circulation space at upper ground level which has improved level access. From there, an improved stair core, drops down to lower ground where a simple, clear, and adaptable layout provides the

additional accommodation for the school. The rearranged circulation spaces mean the lightweight octagonal pavilion between the two current buildings could be removed, freeing up the courtyard to provide additional outdoor space for the children.

- 7.30 Whilst no internal lift access is provided for the school, the spaces are general more accessible, with fewer internal stairs and wider corridors within the circulation spaces which now allows more level access into more rooms, benefitting those with protected characteristics. Level access could be achieved, when necessary, by using the secondary access points on Finchley Road, however this would only be for emergency or disabled access, with the primary access remaining on College Crescent.
- 7.31 Given the pupil numbers are not increasing, and the entrance to the school remains in the same location, but with a much-improved presence, any negative impacts on the amenity of existing occupiers in the area will be negligible to none. Similarly, there would be no notable impact on the transport infrastructure for the area. A condition would be attached (condition 26) ensuring that the proposed space could only be used for the existing pupil numbers (108 pupils) ensuring it would not facilitate increased enrolment numbers.
- 7.32 The impact of the school on surrounding properties would be minimal given it already exists on the next-door sites. The impact on the proposed new homes would be managed by ensuring adequate protection between uses (see HOUSING MIX
- 7.33 Policy H7 seeks a mix of large and small homes in each development (where large homes are defined as those with 3 bedrooms or more) and expects developments to contribute to the priorities set out in the Dwelling Size Priorities Table.

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

Table 4 - Dwelling Size Priorities (Local Plan Table 1)

- 7.34 The scheme only provides market homes and as shown in the table above, the higher priorities are for 2 and 3-bed homes. More than half the homes proposed in the scheme are 2 and 3-bed homes (52%), with the remainder being 1-bed homes. This is set out in the table below, showing a balanced mix that contributes to the LP priorities.

Home size	Number proposed	Proportion of homes
1-bed	15	48%

2-bed	13	42%
3-bed	3	10%
Total	31	100%

Table 5 - Dwelling mix summary for the proposal

- 7.35 Officers and the applicant explored options to increase the proportion of larger homes (2 and 3-beds) but the triangular plot layout and need to provide additional floorspace in wheelchair homes (see section below) limited these opportunities. Overall, the scheme provides a balanced mix of homes, suitable to the location and making a contribution to the identified needs in the development plan, in accordance with CLP policy H7.
- 7.36 QUALITY OF PROPOSED HOUSING section).
- 7.37 The lift for the residential homes on the upper floors goes all the way down into the lower ground floor to access back-of-house maintenance areas like comms rooms, sprinkler tanks, and risers. There would be access control to prevent general access to this level via a key or code. This means the small, shared lobby space with the school would be protected and only accessible for arranged maintenance.
- 7.38 The applicant has provided alternative layouts for the lower and upper ground floors, showing how they would be laid out if the flexible space were occupied by commercial uses rather than education. The layouts would be secured by condition depending on the use (condition 27).
- 7.39 In recognition of the fact that other Class F1 uses, such as places of worship, could potentially create noise and disturbance to local residents and could add pressure to the local transport network, condition 28 would be attached to any permission to restrict the proposed F1 use to education use only, in order to protect the amenity of adjoining occupiers and the transport network.
- 7.40 With these controls in place, the flexible use would comply with the development plan, supporting the improvement of school infrastructure, and also providing the flexibility to promote commercial uses with active frontages in a key Town Centre. The land uses proposed are in accordance with the development plan as a whole.
- 8. LAND CONTAMINATION**
- 8.1 Local Plan policy A1 seeks to protect the quality of life of occupiers and neighbours, taking account of contaminated land, with CLP policy C1 expecting development to provide healthy and safe communities. The site has been occupied by a petrol filling station for many years with the operational fuel tanks installed in around 1992, with five double skinned underground storage tanks (2 diesel, 3 petrol) of varying capacity identified on site.

- 8.2 There have been a series of previous site investigations, in 2002, 2013, and 2018, and the preliminary report provided with the application, prepared in 2022, builds on those further reports. There are numerous sensitive receptors in the area, both existing and resulting from the proposal, including residential occupiers, workers in commercial units, and the pupils and staff in the school.
- 8.3 As with any PFS, the existing fuel infrastructure is a potential source of (hydrocarbon) contamination. However, there are no records of any significant leaks or spillages at the site and the previous environmental (borehole) investigations identified no significant contamination issues.
- 8.4 Further testing was recommended within the environmental report, following removal of the petroleum infrastructure. The report confirmed asbestos was not tested for on site. As such, the council's contaminated land officer raised no objection but recommended a condition which includes a site investigation, validation testing below the petroleum infrastructure, and screening for asbestos in made ground soils encountered on site. If unacceptable concentrations are reported, then a remediation strategy will be required and a subsequent validation report on completion of remedial works (condition 3).
- 8.5 Subject to the above condition, the proposal will comply with the development plan.

9. AFFORDABLE HOUSING AND VIABILITY

Affordable housing requirements

- 9.1 Camden Local Plan policy H4 and the Housing CPG seek provision of affordable housing. 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) then the policy accepts a payment instead of on-site affordable housing.
- 9.2 The scheme provides for 2,827 sqm of residential floorspace which equates to capacity for 28 homes (2,827/100sqm home), meaning the policy expects on site provision in this case, unless this is unviable.
- 9.3 Policy H4 sets a 50% target for affordable housing in terms of floorspace for developments with a capacity of 25 homes or more. This means a floorspace target of 1,413.5 sqm of affordable housing (50% of 2,827 sqm).
- 9.4 Whilst officers explored options for on-site affordable housing at the site with access controls for units lower in the building, the policy makes clear, as does the NPPF, that affordable housing provision should be dependent on

the viability of the scheme. In this case, the applicant has demonstrated that it is not financially viable to provide affordable housing.

Viability

- 9.5 The following sets out a summary of the viability position, as advised by BPS who are the council's independent viability consultants.

Viability summary	BPS Values
Affordable housing floorspace (%)	0%
Benchmark Land Value (BLV)	£ 2,950,000
Gross development value (GDV)	£ 24,218,004
Construction Costs	£ 11,103,431
Developer profit – blended (% of GDV)	17.2%
Surplus for affordable housing (RLV-BLV)	£ 20,064

Table 3 - Financial viability summary

- 9.6 There are still several points of disagreement between BPS and JRB (the applicant's viability consultant). BPS have advised that based on their above assumptions, there would only be around a £20k surplus available for any up-front payment, although it would clearly be insufficient for on-site affordable housing provision.
- 9.7 The applicant's position remains that the scheme is around £1.9mill in deficit which would significantly erode their profits. Despite the disagreements on many of the inputs and values, BPS have acknowledged that the nominal £20k surplus effectively represents a breakeven position. However, given the sensitivities around construction period and finance in the current climate, as well as professional fees, such increases in costs – indeed any drops in values - could easily wipe out the nominal £20k with only minor shifts. For example, only a 1% increase in costs would put the scheme into more than £100k deficit. Furthermore, additional financial contributions from the scheme, such as those for public open space and public realm improvements, have been identified since the BPS review and these significantly exceed the £20k surplus. This means the surplus is entirely eroded by other s106 contributions and as such, any up-front payment would not be viable.
- 9.8 BPS have advised that in positions such as these, a late-stage viability review should be secured. This means the council can seek a deferred financial contribution for affordable housing which would be assessed under a **late-stage review mechanism secured by s106 legal agreement**.
- 9.9 The deferred affordable housing contribution (DAHC) is not certain, and the ability to secure it will depend on viability improving, for example, because

construction costs fall, or development values increase. If the viability improves when real inputs (like the actual costs and values of the scheme) are used, and a surplus is then identified, 60% of that surplus will be paid to the council, with 40% retained by the developer as an incentive to improve the viability, in line with the Housing CPG. The total amount to be paid to the council under the DAHC is capped at the maximum policy requirement – in this case £7,067,500. This is calculated at a rate of £5,000 per sqm of affordable housing (1,413.5sqm x £5,000).

9.10 The national First Homes policy has now come into effect for 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 national and local policies relating to First Homes, any funds arising from PIL and deferred affordable housing contributions are expected to contribute to the Council's preferred affordable housing types identified by Local Plan Policy H4 and CPG Housing 2021, namely social-affordable and intermediate rented housing.

10. HOUSING MIX

10.1 Policy H7 seeks a mix of large and small homes in each development (where large homes are defined as those with 3 bedrooms or more) and expects developments to contribute to the priorities set out in the Dwelling Size Priorities Table.

	1-bedroom (or studio)	2-bedroom	3-bedroom	4-bedroom (or more)
Social-affordable rented	lower	high	high	medium
Intermediate affordable	high	medium	lower	lower
Market	lower	high	high	lower

Table 4 - Dwelling Size Priorities (Local Plan Table 1)

10.2 The scheme only provides market homes and as shown in the table above, the higher priorities are for 2 and 3-bed homes. More than half the homes proposed in the scheme are 2 and 3-bed homes (52%), with the remainder being 1-bed homes. This is set out in the table below, showing a balanced mix that contributes to the LP priorities.

Home size	Number proposed	Proportion of homes
1-bed	15	48%

2-bed	13	42%
3-bed	3	10%
Total	31	100%

Table 5 - Dwelling mix summary for the proposal

10.3 Officers and the applicant explored options to increase the proportion of larger homes (2 and 3-beds) but the triangular plot layout and need to provide additional floorspace in wheelchair homes (see section below) limited these opportunities. Overall, the scheme provides a balanced mix of homes, suitable to the location and making a contribution to the identified needs in the development plan, in accordance with CLP policy H7.

11. QUALITY OF PROPOSED HOUSING

11.1 CLP 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.

11.2 In line with LP policy D6 and CLP policies H6 and D1, housing should be high quality and 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 a number of factors, including privacy, outlook, light, and noise. CLP policy A4 says suitable noise and vibration measures should be incorporated in new noise sensitive development.

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

Design and layout

11.4 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* 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 6 - Minimum internal space standards (London Plan Table 3.1, Policy D6)

- 11.5 All the homes in the scheme meet or exceed the minimum standards. The new homes would have good ceiling floor to heights and good room sizes. They are well laid out with a simple and rational plan form. The triangular plot makes some of the layouts more complex than could be achieved in a square or rectangular plot, but the internal spaces have been well designed considering these constraints. All flats have a balcony and access to private communal amenity space.
- 11.6 The homes are accessed from College Crescent into a secure residential core with a staircase and single lift (the height of the building means there is no requirement for a second staircase). This provides stepped and level access to all the flats, each with their own front door, and to the communal amenity space.
- 11.7 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.
- 11.8 The balconies range from 5sqm to 12sqm, 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, a communal roof terrace of 52sqm provides additional private amenity space for the building's occupants.
- 11.9 Overall, the proposed homes and amenity space comply with policy and would result in a high-quality development and provision for future occupiers.
- Noise and vibration**
- 11.10 The new homes are in a fairly central London location in a busy Town Centre on the A41, so there would be an expected level of noise and disturbance. That said, the wide range of commercial uses in the area, and within the

development itself, mean that adequate noise insulation has been recommended by the council's environmental health officer to comply with CLP policies A1 and A4.

- 11.11 Noise from plant within and on top of buildings would be conditioned in terms of noise levels, and there would be a requirement for anti-vibration mounts (conditions 22 and 23). There is also a condition to protect future residential occupiers from external noise sources, like those coming from the ground floor school and commercial uses, and the traffic from the busy roads (condition 24). The Metropolitan line runs under the front part of the site at a shallow depth, and the scheme has been designed to cantilever over this. The design of the piles and cantilevered structure will need to mitigate any vibration from the rail line, and a condition has been recommended that would minimise vibration from the railway lines to acceptable levels (condition 25).
- 11.12 The dwellings will be constructed to a high standard that would ensure that the occupiers are not unduly impacted by noise from inside the block, or outside the block in accordance with the development plan.

Dual aspect units

- 11.13 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. It can be acceptable where it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.
- 11.14 Design officers worked carefully with the applicant to find the right balance between optimum use of the site, external design, internal layout, and quality of accommodation including aspect.
- 11.15 Most of the homes (61%) would be dual aspect. The overall planform optimises opportunities for dual aspect apartments while maintaining the optimum use of the triangular site with significant land level changes. It is the lower ground level and the fourth floor with setbacks that have the lower proportion of dual aspect homes. The middle floors (1 to 3) have more than 70% dual aspect homes.
- 11.16 The building corner maximises aspect by providing triple aspect 2-bed homes, which is also where the wheelchair homes are located. Where possible cores and communal access corridors include windows to take advantage of natural light and ventilation.
- 11.17 All two- and three-bed homes are dual aspect. The one bed homes that are single aspect have good light levels and outlook, as well as private outdoor amenity space.

- 11.18 A concern of single aspect homes can be the potential to overheat. An overheating analysis has been done to test the risk of overheating in hotter weather, in or to be resilient to climate change. Inset balconies on the south elevation help to provide some external shading to reduce the chances of overheating in main living spaces. In addition, mechanical ventilation for these homes helps for added ventilation which addresses both overheating risks and air quality concerns (see AIR QUALITY section below).

Daylight and sunlight

Methodology

- 11.19 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.
- 11.20 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.
- 11.21 The BRE guidance uses Climate Based Daylight Modelling (CBDM) to assess the light for proposed development. This 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.
- 11.22 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 median (average) illuminances that should be exceeded for at least 50% of the room for at least half the daylight hours. A target of 100 lux is used for bedrooms. Between 150 lux and 200 lux can be used for combined living/kitchen/dining room spaces (LKDs). A target of 150 lux has been used for such rooms in this case.*
 - **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.*

Assessment

- 11.23 The results show most of the 81 habitable residential rooms (65%) will meet or exceed the normal BRE targets for sDA. Some of the shortfalls are small however - a further five rooms achieve the 150 lux target to LKDs within 20% of guidance (150 lux median at more than 40% of the room) which is 72% of the rooms tested. The sunlight results show reasonable levels of compliance with 19 (73%) of the proposed habitable rooms meeting or exceeding the 1.5 hours of Sunlight Exposure.
- 11.24 The inset balconies provide outdoor amenity space and shading to main living spaces which helps to limit risk of overheating. However, this in turn limits light, and this is often a trade-off to be considered when providing housing in dense urban areas which provide acceptable levels of amenity, while also being resilient to climate change.
- 11.25 As set out within the BRE guidelines and the NPPF, daylight and sunlight availability are one of several considerations in site layout design. A balance between the various design factors needs to be made to ensure an overall high quality of housing. Other issues, such as provision of amenity space and shading to reduce solar gain, need to be considered together. Overall, whilst achieving this balance, the daylight and sunlight assessment results show an acceptable level of compliance while making the most of the site's potential to deliver housing.

Outlook and privacy

- 11.26 The outlook from the proposed housing is excellent, with views out across Finchley Road and College Crescent, with good separation distances.
- 11.27 There are smaller separation distances to the east of the site where the outlook is towards 36 College Crescent, but these are generally secondary areas of outlook for dual aspect homes which still retain good primary outlook across the roads at the front and rear of the site. Outlook from these secondary windows is generally directed towards the gap between the two school buildings, also improving the outlook.
- 11.28 The main living space of the Living/Kitchen/Diner (LKD) for the homes in the northeast of the site (homes 2.07, 3.07, and 4.05) have primary outlook to the north, across the road and their balconies and terraces. They have secondary windows facing east to 36 College Crescent, rather than the gap between buildings. The tighter relationship, with a separation distance of around 5m, means the outlook is reduced from these windows, but as secondary windows this is less important anyway. The primary issue with these windows is one of privacy. The image below shows the relationship between these LKD windows (marked A) and the neighbour.

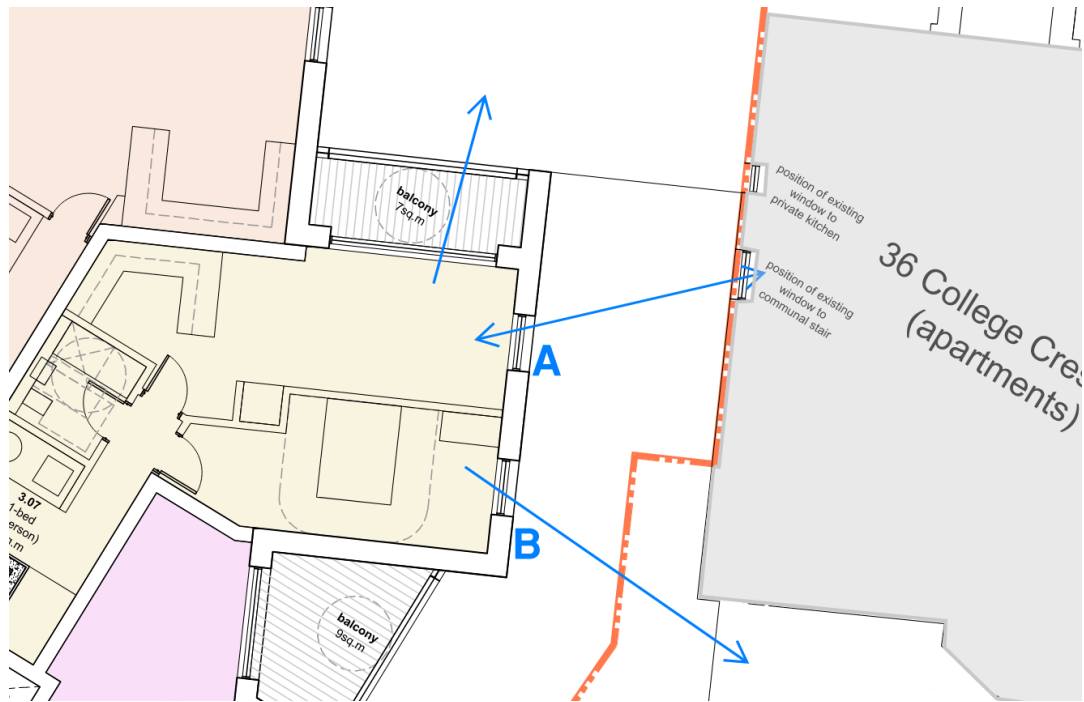


Figure 4 - Privacy and outlook from proposed homes

- 11.29 The bedroom windows (marked B) are at a much more oblique angle to neighbouring windows and have outlook into the gap behind the neighbouring building, so privacy is maintained at an acceptable level. The impact on the neighbour is dealt with under the section later in the report, but the impact on overlooking and privacy is two-way, so to protect the privacy of future occupiers, and those in 36 College Crescent, a condition is recommended that requires the east facing LKD windows on the north east homes to have mitigation measures submitted and installed before occupation – this could be obscure glazing for example (condition 19).
- 11.30 These design measures and the recommended condition mean that a reasonable sense of outlook and privacy can be maintained while allowing adequate light, even in a denser environment.

Accessible homes

- 11.31 The flats have been designed to a high standard of accessible and inclusive design in accordance with the requirements of CLP policy C6. 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 homes).
- 11.32 The M4(3) standard refers collectively to "Wheelchair User Dwellings". This includes Wheelchair Adaptable Dwellings under M4(3)(2)(a) (ones which can be easily adapted for a wheelchair user). As these are market homes, the wheelchair homes will be provided as Wheelchair Adaptable homes, rather than fully adapted "Wheelchair Accessible Dwellings under M4(3)(2)(b) which are only required on social-affordable (Low Cost) rented homes.

- 11.33 The proposed homes have been designed to accommodate more than 10% as M4(3) of the Building Regulations (four homes rather than the required three homes). The remaining homes would meet M4(2) with level access to all homes and the communal roof terrace.
- 11.34 These wheelchair homes are provided on the corner of Finchley Road and College Crescent, in the triple aspect 2-bed 3 person homes. Exceeding the policy requirement, the amount of accessible housing delivered by the scheme could have a notable positive impact on disabled residents and older residents with limited mobility (disability and age being protected characteristics – see note at the front of the committee pack on the Public Sector Equality Duty). This would provide a more accessible, sustainable, and inclusive environment in accordance with CLP policies H6 and C6.
- 11.35 A condition would be attached to secure the provision of the accessible and wheelchair dwellings (condition 32).

Conclusion

- 11.36 The proposed homes are 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 homes that exceeds policy requirements, allowing the buildings to house an inclusive community that can use them safely, easily and with dignity.

12. IMPACT ON NEIGHBOURING AMENITY

- 12.1 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. These are reflected in CLP policy D1 which requires good design. 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.
- 12.2 The Amenity CPG, and the BRE Guidelines focus on impacts to residential properties with protection of their amenity being given greater weight. Paragraph 3.7 of the CPG states:
- “Although it is normally only residential uses that are assessed, there may also be non-residential uses, existing nearby or proposed as part of the application, that are particularly sensitive to light and so justify a report.”*
- 12.3 In this case there are several non-residential uses in the area but the most sensitive of these in terms of amenity are the schools – UCS directly to the east and, on the other side of College Crescent, Holy Trinity Church of

England Primary School to the north and South Hampstead High School to the northeast.

- 12.4 The impacts on these are fairly limited with the schools to the north backing on to College Crescent and sat at high ground level due to the road sloping up to the north, away from Finchley Road. UCS is to the east, at ground floor on college crescent, and upper floors on Finchley Road. The school has collaborated with the applicant and the proposal includes notable improvements to this school which would more than outweigh any minor impacts. The key impacts are therefore on the surrounding residential uses.

Daylight and sunlight

- 12.5 A Daylight and Sunlight Report has been submitted as part of the application which details any impacts upon neighbouring properties.
- 12.6 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 quantify and understand impact when making a balanced judgement.
- 12.7 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, as long as the resulting scheme would provide acceptable living standards.

Methodology

- 12.8 The methodology and criteria used for the assessment is based on the approach set out by BRE guidance. The report makes use of several metrics in its assessment of surrounding buildings which are described in the BRE guidance:
- **Vertical Sky Component (VSC)** – The daylight on the surface of a window. A measure of the amount of sky visible at the centre of a window.
 - *The BRE considers 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)** – The daylight penetration into a room. It measures 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)** - 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. If below this, 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.*
- **Sun-hours on Ground (SoG)**, also known as **Overshadowing** – The amount of direct sunlight received by open spaces.
- *The BRE recommends at least half (50%) of the area should receive at least two hours (120 mins) of sunlight on 21 March (spring equinox), and the area which can receive some sun on 21 March is less than 0.8 times its former value.*

Categorising impacts and alternative targets

12.9 The BRE guidance targets are based on a model which is meant to apply broadly across the whole country, so it does not tend to account for much denser urban settings like London, major town centres, or Growth Areas. As a result, it recommends setting alternative targets which take account of relevant local context.

12.10 Table F1 of the BRE guidance indicates suggested alternative VSC targets based on street width to building height ratios, and a flexible approach to targets is supported by London Plan Guidance for Housing which states:

The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.

12.11 In these relatively dense urban locations, a retained VSC value of 15-20% VSC can often be considered an acceptable level of retained daylight. Although this site is in a Town Centre, the area to the north is slightly lower density so a target in the upper middle of this range is more appropriate – a target of 18% VSC and 50% room area for NSL. The targets are also consistent with those that have been applied to other schemes in Camden.

Assessment

12.12 The report shows the vast majority of the windows and rooms tested were compliant, with 96% of the 246 windows tested and 98% of rooms tested meeting the standard BRE targets. This indicates an overall negligible impact which is not harmful.

12.13 Where there were impacts exceeding the normal BRE guidelines, these are restricted to only a few windows and internal spaces. Of the 15 surrounding properties assessed only three didn't meet the full BRE targets. These are:

- 36 College Crescent (flats above UCS)
- 13-16 New College Parade
- 104 Finchley Road (above the North Star PH)

36 College Crescent (flats above UCS)

12.14 The school itself only operates from the ground floor which already has very restricted access to light on the west elevation, facing the development. These windows serve the access space which is being improved as part of this proposal, and the main teaching spaces are unaffected. As such the primary impact is on the flats above.

12.15 An objection was received from the occupier of Flat 1 which is on the upper ground floor of the property. This is a quadruple aspect flat covering the whole floorplate of the building, so as a home it has excellent access to light. There are however two west facing windows which face towards the proposed development. There are also affected windows on the first and second floor. These can be seen in red and yellow in the image below.

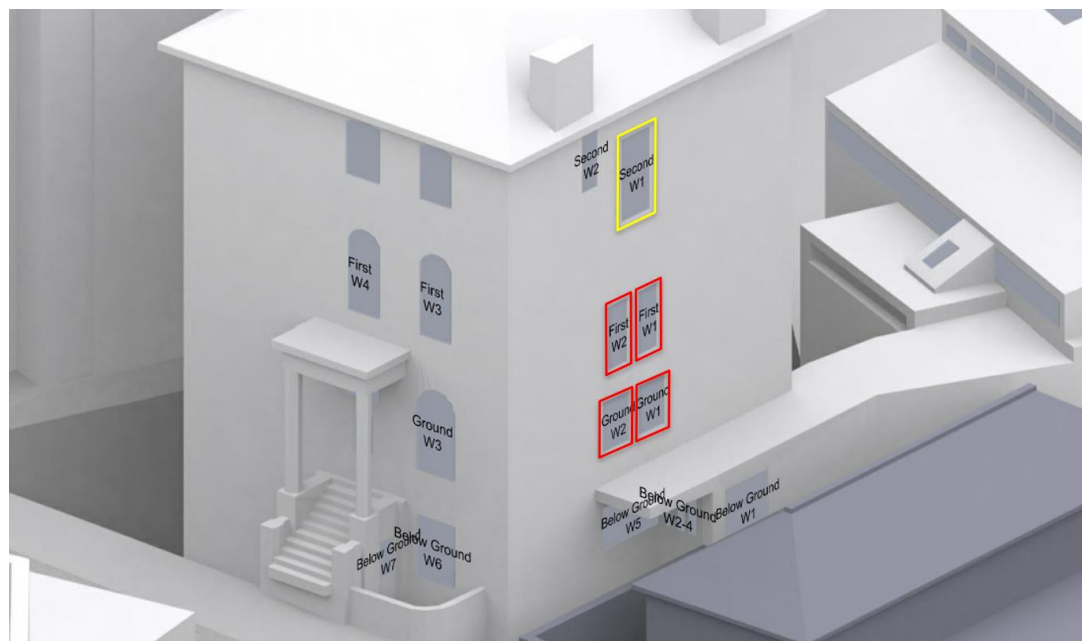


Figure 5 - 36 College Crescent flats and windows with affected light

12.16 Windows W1 and W2 on the upper ground floor suffer significant impacts, and the retained levels drop to 10.3% and 12.5% VSC respectively. However, historical records indicate these serve circulation space leading into a bathroom which is served by W3 on the front elevation and this window is unaffected. Whilst there would be a notable impact on these windows and the space they serve, this does not appear to be important habitable living space, and in any event, the remaining three aspects of the flat would continue to receive excellent light from other windows.

- 12.17 Windows W1 and W2 directly above, on the first-floor, appear to serve a stairwell that leads to flats 2 and 3. Whilst the impacts on light are similar to the windows on the upper ground floor, they do not serve a home or habitable space, so the impact is minor.
- 12.18 Finally, the impact on W1 on the second-floor, only just falls short of the BRE guidelines, and exceeds the 18% alternative VSC target, with retained VSC of 25.3%. Furthermore, this also appears to serve the communal staircase.
- 12.19 Therefore, whilst there are some shortfalls, these are in limited areas with minimal impact, so the living accommodation would overall continue to be acceptable. These windows are not within 90 degrees of due south so were not tested for sunlight. However, the south facing windows to these flats fully pass the BRE targets for sunlight.

13-16 New College Parade

- 12.20 This building is further along Finchley Road to the east of the site. There is a column of small windows (reference W2) that face west towards the application site, and they are in a corner which means much of the light they receive is dependent on the area to the northwest (where the application site is). The windows on first and second floor level have reductions in excess of the BRE targets, but they are from fairly low starting points which means the absolute reduction (rather than relative reduction) is low. For example, on the first-floor window W2, the VSC is BRE compliant and the NSL only experiences a 2.5sqm reduction in daylight distribution in the room. Similarly, at second floor, window W2 has an absolute reduction of less than 5 percentage points VSC, retaining 15% VSC, and the NSL only experiences a 1.74sqm reduction in daylight distribution in the room. The other floors are BRE compliant.
- 12.21 With these shortfalls being relatively minor in context, and to only two windows, the impacts would be acceptable. These were not tested for sunlight because they are not within 90 degrees of due south.

104 Finchley Road (above the North Star PH)

- 12.22 The windows on the second floor serve a flat above the pub. Two of the windows (which are double windows, separated by a mullion) face east towards the site. Whilst the relative reductions to VSC exceed the BRE target (0.8 times the former value), the shortfalls are minor ranging from 0.72 to 0.78 the former values. Furthermore, the retained levels are very good for this context ranging from 22% to 25.8% VSC, well over the 18% alternative VSC target. The rooms also meet the BRE targets for NSL reduction. The impact would therefore be negligible overall for the property.

Overshadowing of school amenity space

- 12.23 Overshadowing analysis was also carried out to the outdoor areas of the two schools to the north of the site - Holy Trinity Church of England Primary School and South Hampstead High School. Both areas fully met the BRE

targets, with no change to either school amenity area. Both would continue to receive more than two hours of direct sunlight on the spring equinox for more than 80% of the area.

Conclusion

- 12.24 Whilst there are some localised impacts, these are focussed on only a few windows and generally have very limited impact when considered in the round and looking at the affected properties as a whole. As such, the impact on light would be acceptable.

Outlook and privacy

- 12.25 The outlook most of the properties in the area, particularly the housing, is excellent with views out across Finchley Road and College Crescent, with good separation distances. Where there are smaller separation distances, they tend to be pre-existing situations with properties backing on to one another.
- 12.26 There would be some level of overlooking of the school areas to the north of the site, but these areas can already be seen by many other residential flats in the area. In addition, the primary school in particular benefits from tree screening along the boundary. The schools have raised no safeguarding concerns and the privacy afforded in this particular urban context is acceptable.
- 12.27 The biggest impact on outlook and privacy are for the residential properties that look out across the current open and low scale PFS site. These impacts on outlook and privacy are reflected in the more notable impacts on light as discussed above.
- 12.28 The accommodation above the pub at 104 Finchley Road would have a new building introduced with windows facing it on the opposite side of College Crescent. However, this is not directly face to face, and as well as being at an oblique angle, is around 12m to 15m away. This would preserve a sense of privacy and outlook for the occupiers of the pub accommodation.
- 12.29 The tightest relationship introduced is for the flats in 36 College Crescent. The new building will introduce a much more restricted outlook from these windows with a separation distance of around 5m. However, these windows that face west towards the site are generally circulation spaces or windows to secondary areas of outlook for quadruple aspect homes which still retain good primary outlook to the front and rear. The primary issue with these windows is one of privacy. The image below shows the relationship between the flats in 36 College Crescent and the new homes proposed.
- 12.30 The two windows on the flank of 36 are generally circulation space – internal to the flat in the case of flat 1 (upper ground) and a communal staircase in the case of flat 2 (first floor). For flat 3 (second floor) window A marked on the plan below serves a kitchen as a secondary window, and window B

serves the communal staircase. The primary privacy concern therefore is in relation to the internal flat areas for flat 1 and flat 3.

- 12.31 The windows to the proposed bedroom units are further south on the new building and are at a much more oblique angle to the neighbouring windows at number 36, so privacy is maintained at an acceptable level. However, the LKD spaces are further north on the flank wall and so are closer and more head-on to the neighbouring windows (marked A and B). Although these windows do not appear to serve main habitable spaces, there could still be a perceived impact on privacy, and so to limit this impact, a condition is recommended that requires the east facing LKD windows on the north east homes to have privacy measures installed before occupation, which could be obscure glazing for example (condition 19).

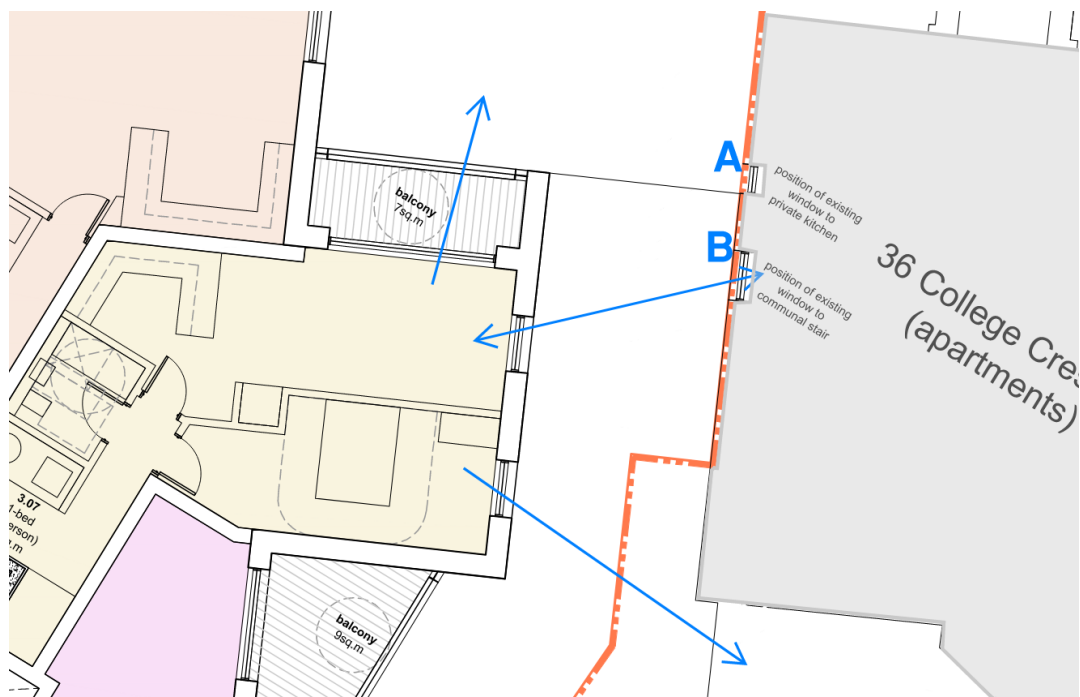


Figure 6 - Privacy and outlook from neighbouring homes

- 12.32 The other east facing windows have either been positioned behind cut outs in the building form to create privacy (the purple flat in the bottom of the image above) or sit around 10m away (the orange flat in the top of the image above). Therefore, a condition is not considered necessary to cover these flats given the areas served by windows A and B. These design measures and the recommended condition mean that a reasonable sense of outlook and privacy can be maintained while allowing adequate light to neighbours in compliance with CLP policy D1 and A1, even in a denser environment.

Noise and smell

- 12.33 The uses are appropriate for the town centre location, with new residential, commercial, and educational accommodation for an existing school.
- 12.34 There is an existing level of noise and disturbance in this busy Town Centre on the A41, and the introduction of these new uses is not expected to

contribute significantly towards this. Class E commercial uses have a wide range of activities, but as a significant Town Centre, it is not appropriate to add additional controls on these units. Planning controls should not seek to duplicate other controls or regulatory regimes, and Licensing powers and Environmental Health controls are more appropriate tools to manage any uses which are likely to have the greatest impact, such as a restaurant. Nonetheless, a condition has been recommended preventing preparation of hot food in the ground floor units until appropriate details of extraction plant have been approved first (condition 18).

- 12.35 The proposal includes installation of plant equipment a lower ground level towards the back of the site (below the ground level of College Crescent) and also at roof level where the air source heat pumps (ASHPs) will be sited.
- 12.36 This means the plant can be enclosed inside the building or within the proposed plan enclosure on the roof of the building, mitigating any noise and vibration from the plant. Furthermore, the council's noise officer has supported the application, recommending noise from plant within and on top of buildings be conditioned in terms of noise levels and vibration mounts (conditions 22 and 23).
- 12.37 Overall, these measures would protect residential uses from noise and smell in accordance with CLP policies A1 and A4.

13. DESIGN AND HERITAGE

- 13.1 The NPPF and development plan seeks to achieve the highest standard of design in all developments. CLP policy D1 requires development to be of the highest architectural and urban design quality. CLP policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and locally listed buildings.
- 13.2 An earlier revision of the proposal was presented to the Camden Design Review Panel (DRP) at the end of September 2023. The panel recommended improvements could be made to architecture and layouts to enhance the character of the area and deliver good quality accommodation. It recommended additional height, and a more coherent design with greater distinction between the base, middle and upper storeys. Other recommendations included rethinking location of balconies on the corner element, and on Finchley Road.
- 13.3 Since the DRP, some minor amendments were made to the scheme to improve layouts and detailed design, improving the overall design in response to the panel input.

Layout

- 13.4 The form and layout of the proposal follow the surrounding building lines to repair the gap in streetscape caused by the current PFS. The elevation facing Finchley Road aligns to the eastern neighbour to provide a continuity of the street frontage. This line of frontage is continued to the west, where it meets the end of College Crescent. Here the corner is turned, including a chamfered end, which picks up the angle of College Crescent whilst achieving a slight widening of the pavement compared to the current condition. As the building extends further up College Crescent, the frontage line cranks again, so as to align with no.36 College Crescent, the direct neighbour to the east. This also gives over some additional space to pavement while making optimal use of site that responds successfully to neighbouring buildings in accordance with CLP policy D1.
- 13.5 The primary entrances for the residential and the education uses are from College Crescent on upper ground floor where other residential and school uses are found. The commercial frontages (and the flexible units if used for the commercial Class E option) are from Finchley Road, on the Town Centre side. The DRP raised concern about the impact of the substation on the Finchley Road frontage. The applicant confirmed that the substation is required and that the location and specification have been agreed with UKPN who require direct level access from a road. Minor amendments have been made to improve proposed cycle parking in the pavement close to this location. The layout of the various uses on the site is effective and rational in accordance with policy D1.
- 13.6 The DRP questioned the internal layouts and location of the balconies. The applicant has made some revisions to these, but officers acknowledge the challenging nature of the site and consider that the current proposal achieves acceptable design solutions for residential layouts. Officers are confident the layouts now represent the right balance of amenity space and internal space.
- 13.7 The communal entrance to the housing is clearly and securely located with a covered porch. The entrance is accessible for a range of occupiers, including those with wheelchairs or pushchairs. Refuse and cycle storage is provided close to the entrance, making these easily accessible to encourage usage. An internal hallway provides access to the homes with the inclusion of a rooflight above the communal stair which also includes the lift landing.
- 13.8 The commercial and school entrances are also level access, providing an accessible and inclusive building.

Massing

- 13.9 The building is six-storeys on Finchley Road, stepping down to 5 storeys to the east where it meets the lower neighbour. A plant enclosure is set back on the roof. These heights sit comfortably within this context, and the

relationship with the lower neighbour is typical of the pattern of development found further east along Finchley Road.

- 13.10 With the ground level rising on College Crescent, the relative height of the building reduces from this side. By the eastern end, the ground has risen by approximately one storey, so that the upper ground floor entrances are at external ground level. Where it neighbours 36 College Crescent, the proposal presents itself with a four-storey elevation and set back fifth floor above. The height of this four-storey frontage aligns closely with the eaves level of the neighbour.
- 13.11 At roof level, a plant enclosure screens the equipment located here to provide an integrated design, which is substantially set in from the edges of the roof to minimise visibility.



Figure 7 - Street elevation along Finchley Road

- 13.12 The DRP thought the height of the building could be increased, but this would have triggered additional fire safety requirements which would then have impacted on an already constrained layout, so the applicant has not increased the height.
- 13.13 The bulk and height combined means the scale of the building presents as a contextual modern mansion block successfully integrating into the townscape.

Detailed design

- 13.14 The Council requires that development *comprises details and materials that are of high quality and complement the local character* in accordance with Policy D1.
- 13.15 The DRP thought the building lacked a clear sense of identity and hierarchy. In response the applicant made changes to the elevations and the materiality to provide detailing, contrast, and a clear hierarchy for the overall building. The proposal now includes a red multi-stock facing brick for upper storeys above a lower ground floor base of reconstituted stone. This is complemented by reconstituted stone bands at floor levels, which is a nod to

the detailing found on St John's Court, a locally listed residential building further west on Finchley Road. The tops of the elevations are capped with an expressed parapet in reconstituted stone. Window openings are celebrated in light pink painted metal, which is utilised for the frame of the glazing, a decorative panel beneath the window and window surrounds. On inset elevations at upper levels, this materiality is continued with light pink painted sheet metal that achieves a recessive character. The plant screen is also finished in light pink to ensure it achieves integration with the rest of the building.

- 13.16 The DRP was not convinced the design and materials for the corner treatment on Finchley Road and College Crescent was the right approach. Officers explored several options, including removing the balconies from here, however this had other negative knock-on design impacts internally and externally, or would have removed the amenity spaces for those flats (several of which are accessible homes).
- 13.17 At the chamfered corner and ground floor entrance to the school, a green glazed terracotta brings a sense of richness and interest, used selectively on areas of the building that have the most visual prominence.
- 13.18 At street level the reconstituted stone continues the character of a strong base to buildings found on ground floors within the context. This frames metal windows and doors that have been designed to suit educational or commercial usage, employing stall risers as found on local retail.
- 13.19 All the proposed materials are high quality and provide a suitable response to those found locally. A condition is recommended requiring detailed drawings or samples where required of all windows, doors, facing materials, railings, balustrades and decorative features to be submitted, ensuring quality of the final build (condition 8).
- 13.20 Overall, the proposed development respects and responds to the local context and streetscape, providing a well-designed building on an awkward and difficult plot in accordance with CLP policy D1.

Impact on heritage assets in the area

- 13.21 The site is not in a conservation area, but it is in the setting of the nearby Fitzjohns/Netherhall Conservation Area which is on the northern side of College Crescent. This is a designated heritage asset and is shown in yellow in the image below.
- 13.22 The site is not in the setting of any listed buildings but is near to several locally listed buildings which are non-designated heritage assets. These are shown in green on the image below. Closest are the North Star public house at 104 Finchley Road (A), 36 College crescent (B), 1-15 College Court (C), and Fairfax Mansions (D).

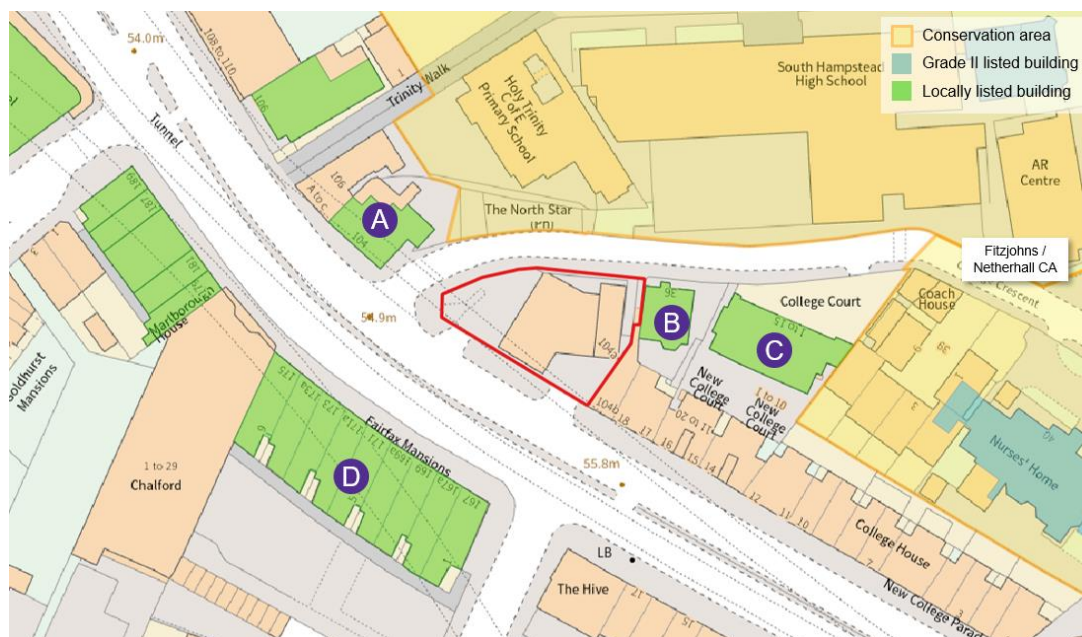


Figure 8 - Heritage assets in the area

13.23 There are some other listed buildings and locally listed buildings slightly further away, but their settings, insofar as they contribute to any significance, are not impacted by the proposal on the site.

13.24 The current site itself is an open PFS plot which has no merit in terms of townscape, or heritage. Therefore, the principle of removing it and redeveloping the plot with a replacement building is acceptable, and the following assesses the impact of this redevelopment on nearby heritage assets.

Fitzjohns / Netherhall Conservation Area (CA) – no harm

13.25 The adjacent Fitzjohns / Netherhall Conservation Area (CA) is a different character to the high street area along Finchley Road. It has a more residential character and, whilst it has some very large buildings, they tend to be sat in garden plots with the conservation area statement confirming that the spacing of built forms exhibits a suburban rather than urban townscape character. As such, the application site and this part of the CA's setting do not contribute to the significance of the CA.

13.26 This wider context of Finchley Road is characterised by large mansion blocks of flats over commercial ground floors. These vary in height up to around seven storeys, typically in red brick with stone detailing. This leads to a dense commercial and urban character at odds with the nearby CA, with some lower three-storey buildings tending to stand out as anomalies. The materials in the CA, like brick and tiles, and the architectural features, like bays, open porches, and varied roof forms, carries through into the High Street's townscape. Nonetheless, the relationship between the site and the CA, and the scale and design of the proposal, means that it has no impact on the setting of the CA (or that of Belsize CA further away to the east), preserving its significance.

Locally listed buildings – no harm

- 13.27 To the northwest, the North Star pub, marked (A) on Figure 8, is a prominent mid-19th century public house. Its robust and elaborately decorated appearance, and its corner location, results in a significant contribution to the townscape. The copious stucco decoration with smaller sections of red brick contrast with some simpler brick buildings in the area, emphasising its presence. The detailing, including pedimented window architraves, parapet cornice, ornate balcony railings, and richly decorated brackets, further emphasise its presence in the high street. Its setting contributes by providing this contrast with simpler brick and stone buildings. The proposal also uses a simpler brick building, with faience and reconstituted stone banding and detailing, preserving this setting and the building's significance.
- 13.28 To the northeast, 36 College Crescent (B) and College Court (C), shown in Figure 8, are visually linked by many features in common including materials, features, and scale. Together they form a high-quality pair which marks the turn in the road. Their settings contribute to their significance insofar as their relationship to one another, and the proposal will not interrupt this relationship, nor undermine their presence in the street. As such it will preserve their significance.
- 13.29 On the other side of Finchley Road, to the southwest of the site, Fairfax Mansions, a late 19th century mansion block in stone and marked (D) on Figure 8 above. The block contributes to the townscape by the continuity with which it edges this varied street and providing a high-quality presence in longer views. Its setting contributes by providing the high street context. The proposal repairs a gap in this high street, also providing a longer frontage of continuity directly opposite Fairfax Mansions and so somewhat enhancing the mansion block's significance.

Overall heritage impact

- 13.30 Overall, the proposal preserves the significance of both designated and non-designated heritage assets in the area, in accordance with the NPPF and CLP policy D2.

14. WASTE AND RECYCLING

- 14.1 The scheme would provide adequate provision for storage of waste and recycling, as required by CLP policy CC5. There is an internal residential refuse and recycling store located at the rear of the site at upper ground floor accessed off College Crescent. The walk route between the bin store and gate is step-free and close to the highway. It provides space for at least eight 1,100l bins, four for general waste and four for recyclables, as per the Design CPG and the council's technical guidance. It also contains space for bulky waste items. The waste arrangements for the school would remain as existing, and the commercial units can store waste within the units and make arrangements under contract with a waste collector as appropriate. Condition

16 is attached to ensure that the bin store is installed prior to occupation of the units.

15. SAFETY AND SECURITY

- 15.1 CLP policy C5 requires that development incorporate design principles which contribute to community safety and security. LP policy D8 requires public realm to be well-designed, safe, accessible and inclusive. LP policy D11 requires schemes to design and maintain a safe and secure environment that reduces fear of crime. Fearing crime or the chances of being a victim of crime vary notably across age, gender, and race and these discrepancies mean that if the environment is not perceived as a safe public space for all users, certain groups are likely to be excluded or suffer greater impact, contrary therefore not only to CLP policy C5 but also CLP policy C6 which aims to secure access for all.
- 15.2 The current site is open but with a large retaining wall to the rear. It does not provide a welcoming or comfortable street environment and the lack of an active frontage means that the sense of surveillance is minimal despite the openness of the site.
- 15.3 The proposal aims to design out crime through passive measures. It does this by using methods like a clear ground floor interaction on both sides, with improved access to the school.
- 15.4 The mixture of uses throughout the site would provide natural surveillance day and night. There would be natural surveillance and active frontages along Finchley Road, and spaces to the rear would be activated with a residential entrance and more generous entrance for the school. Condition 10 would require the developer to provide confirmation the plans can be in line with the standards required for Secured by Design accreditation. This gives greater assurance of the security of the building without committing the developer to a particular accreditation system.
- 15.5 Given the above, the proposals will improve the safety and security of the existing situation and provide a safe and secure environment in accordance with the policies of the development plan.

16. SUSTAINABILITY AND ENERGY

- 16.1 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.
- 16.2 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.

Redevelopment strategy

- 16.3 The development plan promotes circular economy principles and local plan policy CC1 and London Plan policy SI7 require proposals involving substantial demolition to demonstrate that it is not possible to retain and improve the existing building and to optimise resource efficiency.
- 16.4 The proposal includes substantial demolition of the current structures on the site, rather than refurbishment or extension. Clearly the opportunity to re-purpose a petrol station canopy through refurb or extension is very limited, and the building containing the shop and ancillary office above is a small structure in the corner of the site which would severely limit the ability to plan the site effectively and comprehensively. Furthermore, the current use as a PFS and the risk of contamination means that site clearance and decontamination of the site are preferred to lower the risk of contaminants passing to future occupiers.
- 16.5 Demolition and new build in this case is a sensible approach to optimising the development potential of the plot and contribute to the housing growth in this significant Town Centre. Nonetheless, the applicant submitted a Circular Economy Statement in line with the requirements in the CLP and guidance and this explored opportunities for material reuse.
- 16.6 The pre-demolition audit concluded that reuse of the materials on site in any realistic way is unlikely. The existing structures (like a PFS canopy and pumps) cannot be reasonably incorporated into the new design and contamination from petrochemicals will also further inhibit the reuse of the various materials on site.
- 16.7 To ensure greater resource efficiency through recycling and reuse of materials, the council normally expects 95% of construction and demolition waste to be reused, recycled, or recovered, and 95% of excavation waste to be put to beneficial use. However, given the risk of contamination in this instance, it is recommended not to require this.
- 16.8 Where demolition is justified, as in this case, a Whole Life Carbon (WLC) assessment is required to show that any replacement building has considered the carbon impact of the construction and use of the building over its lifetime. This should be in line with the GLA WLC assessment guidance and benchmarks.

Whole Life Carbon

- 16.9 The Whole-Life Carbon (WLC) emissions are the total carbon emissions resulting from the construction and the use of a building over its entire life (this is assessed as 60 years), and it includes its demolition and disposal. This is split into modules that assess each stage of the building's life.

- 16.10 The A-Modules concentrate on the emissions from the building materials (A1-A3 extraction, supply, transport and manufacture) and the construction stages (A4-A5 transport, construction and installation).
- 16.11 The B-Modules concentrate on the use stage of the building (B1-B5 use, maintenance, repair, replacement, refurbishment), but the modules that deal with operational energy and water use are excluded (B6-B7). This is because they are “regulated emissions” and so are considered separately and in detail in relation to the zero-carbon target (see the “Energy and carbon reductions” section below).
- 16.12 The C-Modules deal with the end-of-life stage of the building (C1-C4 deconstruction demolition, transport to disposal, waste processing for reuse, recovery or recycling, disposal).
- 16.13 The GLA WLC assessment guidance sets out minimum benchmarks for different building typologies per square meter of gross internal area in kilograms of carbon equivalent ($\text{kgCO}_2\text{e}/\text{m}^2$ GIA). It also encourages development to aim for more ambitious aspirational benchmarks. The WLC assessment assesses the building as a whole and is a preliminary assessment – the residential benchmarks have been used for comparison as this is most of the building fabric, and residential benchmarks generally sit between those for commercial space and those for schools.
- 16.14 The development would be below the minimum benchmarks, in line with policy, with the total carbon being $668.85 \text{ kgCO}_2\text{e}/\text{m}^2$ against the minimum benchmark of $<1200 \text{ kgCO}_2\text{e}/\text{m}^2$. It is also below to the lower aspirational benchmark of $<800 \text{ kgCO}_2\text{e}/\text{m}^2$.
- 16.15 With a significant amount of steel and concrete required for the cantilever structure to protect the rail assets, the overall WLC figure will likely be higher. However, opportunities to reduce embodied carbon through material replacement, optimisations in the design, and use of materials with a percentage of recycled content could make further improvements to the embodied carbon. These options will be explored as the detailed design develops.
- 16.16 In this case, the development surpasses the benchmarks looking at preliminary assessment. Condition 20 is attached to make sure a post construction assessment of WLC is completed and provided for monitoring and compliance.

Operational energy and carbon reductions

- 16.17 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).

- 16.18 Reductions are measured against the baseline which are the requirements set out in the Building Regulations. Major development should aim to 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). 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

- 16.19 The following summary table shows how the site wide proposal (residential and commercial together) performs against the policy targets for operational carbon reductions in major schemes, set out in the London Plan and Camden Local Plan.

Policy requirement (on site)	Min policy target	Proposed reductions
Be lean stage (low demand): LP policy SI2	10% residential 15% commercial	22%
Be green stage (renewables): CLP policy CC1	20%	61%
Total carbon reduction: LP policy SI2 and LP CC1	35%	82%

Table 7 - Site-wide carbon savings against targets for majors

- 16.20 The operational carbon savings, and measures set out below will be secured under an **Energy and Sustainability Strategy secured by s106 agreement** which includes monitoring, in compliance with the development plan.

Be lean stage (low energy demand)

- 16.21 London Plan policy SI 2 sets a policy target of at least a 10% reduction for residential and a 15% reduction for non-residential through reduced energy demand at the first stage of the energy hierarchy.
- 16.22 In this case, the development exceeds the policy target site wide, with the notable reductions secured from the residential element which is the vast majority of the floorspace. Broken down into residential and non-residential, the residential element has a Be Lean stage reduction of 25%, significantly exceeding the 10% target by 15 percentage points through energy efficient design, in compliance with the development plan. This offsets the non-residential elements on the lower ground floor which do not meet the targets when looked at in isolation. However, the much larger floorspace given over to residential, and the excellent performance of those parts means overall the building would perform very well and surpass policy expectations. The

proposals involve high performance insulation, low air permeability, efficient glazing, mechanical ventilation with heat recovery (MVHR), and address the requirements of the cooling hierarchy and overheating which have minimised the use of active cooling in the development.

Be clean stage (decentralised energy supply)

- 16.23 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.
- 16.24 In this case an assessment of the existing London heat map has been made and there are no existing local networks present within connectable range of the scheme. The close relationship to the underground infrastructure under the site means potential for future connections are very unlikely. As such, the scheme has examined the feasibility for connections in line with the development plan.

Be green stage (renewables)

- 16.25 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.
- 16.26 In this case, the development significantly exceeds the policy target of 20%, reducing emissions by 61 % 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 12. The proposal also includes low carbon heating in the form of Air Source Heat Pumps (ASHPs) which are proposed on the roof of the building.

Be seen (energy monitoring)

- 16.27 The London Plan policy SI 2 requires the monitoring of 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 has proposed energy monitoring with ASHPs and PV panels metered by a remote monitoring platform with daily readings for a period of three years after the equipment installed and turned on.
- 16.28 The **Energy and Sustainability Strategy secured by s106 agreement** will secure reporting to the GLA in line with their published guidance.

Total carbon reductions

- 16.29 In this case, the development significantly exceeds the policy target of 35% reductions, achieving an overall on-site reduction of 82% below Part L requirements as shown in Table 7 above.
- 16.30 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, and the scheme also surpasses this target.
- 16.31 The scheme has significant on-site savings well beyond policy aspirations. To achieve net zero carbon, a carbon offset payment will be secured that offsets the remaining carbon emissions caused by the development after the required on-site reductions, measured from the agreed baseline.
- 16.32 This is charged at £95/tonne CO₂/yr (over a 30-year period) which is 5.9 tonnes x £95 x 30 years = £16,815. This amount will be spent on delivery of carbon reduction measures in the borough.
- 16.33 The **carbon offset of £16,815 will be secured by s106 agreement** to bring it to zero carbon, in compliance with the development plan.

Climate change adaption and sustainable design

- 16.34 Local Plan policy CC2 expects non-residential development to meet BREEAM Excellent. The BREEAM pre-assessment demonstrates that the non-residential parts would meet BREEAM Excellent with an overall score of 71.16%. It also exceeds the in the targets in the CPG for 60% energy credits and 40% materials. The water credits, at 38%, fall short of the 60% target. The water credits target cannot be achieved as pre-assessment is for shell and core only, so the target of 60% of water credits will be secured as part of the final fit out. These targets and BREEAM ratings will be part of the **Energy and Sustainability Strategy, secured by s106 agreement.**
- 16.35 The scheme includes sustainable drainage, green and blue roofs. The scheme has considered and mitigated overheating with the overheating analysis demonstrating that cooling is only required in some of the south facing flats. This is after applying the cooling hierarchy through using smaller window openings, high performance glass, aspect, and inset balconies, to minimise active cooling in line with policy CC2. Condition 9 prevents cooling in rooms that will not overheat, limiting use of active cooling to the minimum necessary.
- 16.36 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.

- 16.37 In this case, the development incorporates SUDS and blue roofs. Furthermore, the proposal also includes the provision of a green / blue roof integrated with the solar panels, which would enhance the biodiversity of the site and reduce water runoff. Implementation and maintenance of the system will be secured by condition 14. Condition 33 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 FLOODING section of this report.
- 16.38 Overall, the scheme is a well-thought-out energy efficient and sustainable design which performs very well against the development plan targets, even for a difficult site with significant engineering requirements. The proposal complies with the energy and sustainability objectives of the development plan.

17. AIR QUALITY

- 17.1 The site is in a poor air quality area and the scheme is residential and will introduce new receptors. Policy CC4 of the Camden Local Plan means the scheme required a detailed Air Quality Assessment (AQA) including dispersion modelling predicting Air Quality (AQ) impacts. All developments are expected to meet the Mayor's Air Quality Neutral requirements. The applicant has submitted an AQA which reviews the existing air quality conditions in the vicinity of the proposed development site, and the likely air quality impacts resulting from the proposed development. The applicant has worked with council officers to provide updated and detailed information to assess the air quality impact.
- 17.2 The site will be car-free (see the TRANSPORT section) which will meet AQ neutral for transport emissions, as well as for building emission heat and hot water generated using ASHPs. However, a diesel back-up generator is proposed. The applicant has set out that they have explored and discounted an Uninterruptible Power Supply (UPS) with batteries due to their short life cycle compared to a generator. However, the generator will be used only for life safety functions such as sprinkler pumps and smoke ventilation systems and will exclude emergency lighting which instead will be powered by batteries. Furthermore, it will not extend to maintaining power for business continuity functions, limiting its impact. The generator will not be tested for more than 50 hours per year, and the cumulative capacity of the generators does not exceed 1MWth. Overall, this is acceptable given the low use and further details of the generator and its operation, as well as ongoing monitoring, will be secured by condition 15.
- 17.3 The AQA outlines that the development would meet the air quality objectives for NO₂ of 40 µg/m³, set out in the Air Quality CPG. Whilst this meets the AQ objective for NO₂, the particulate levels are above the WHO standards because it is a busy road, and so it still considered as an area of poor air quality. As a result, the air inlets for the building (serving the mechanical

ventilation) will be taken from roof level to reduce occupiers' exposure. Condition 9 will secure details of the location of air inlets to the buildings to protect internal air quality.

- 17.4 The proposed development is Medium Risk for demolition and construction dust. Suitable mitigation has been recommended at this stage. However, the full details of mitigation measures to control construction-related air quality impacts would be secured within the Construction Management Plan as per the standard Construction Management Plan (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. A condition is recommended for air quality monitoring during development works (condition 5) and to ensure that Non Road-Mobile Machinery (NRMM) used on the site complies with the relevant air quality criteria (condition 21).
- 17.5 The proposal complies with the requirements of the development plan in relation to air quality, subject to the recommended conditions and the **Construction Management Plan secured by s106 agreement.**

18. FLOODING

- 18.1 The site is in Flood Zone 1 which is low risk from flooding, but parts of Finchley Road previously flooded in 2002, and there is a small area of lower risk surface flooding at the front of the site. CLP policy CC3 expects development to not increase flood risk and reduce it where possible.
- 18.2 Thames Water raised no objection to the proposal, but pointed out that sewer infrastructure is under the ground near the site. As result, their informatives would be attached to any permission, along with condition 7 which required details of the piling to be approved in consultation with Thames Water to protect the sewer and limit consequences from damage like flooding. The current site is all hard surface, so it has a high runoff rate with surface water and foul water unrestricted as it discharges into the combined public sewer that crosses the southern part of the site.
- 18.3 The proposal would reduce flood risk in line with the policy, lowering the runoff rate to the equivalent of the greenfield rate of 2.7 l/s. This is achieved through a Sustainable Drainage System (SuDS) that consists of surface water attenuation within a network of Blue / Green Roofs and drainage blankets, restricting discharge to the public sewer, as well as drainage blanket systems under the proposed paved area at the upper ground floor level on the north side of the site. These attenuate and slow the discharge of the runoff into the sewer system.
- 18.4 The final technical details of the green and blue roofs and their maintenance would be secured by condition 11, and compliance with the proposed SuDS would be secured by condition 14. This SuDS condition also requires

confirmation from Thames Water that there is sufficient capacity within their network to receive flows from the proposed development.

- 18.5 As well as minimising the impacts of the development on flooding, CLP policy CC3 also requires the development to incorporate flood resilience measures and water efficiency measures. The applicant provided information to demonstrate the risk of flooding to the development from surface water ponding (likely to be focused in the area to the front of the development on Finchley Road) should be minimal and has been mitigated, while exceedance routes mean water would flow away from the development.
- 18.6 The finished floor level of the lower ground floor is 190mm above the maximum possible ponding level on Finchley Road so water should not flow into the sensitive uses at this level (the substation and the potential education space). That said, this is not the normal recommended 300mm freeboard. For example, water from the maximum ponding could be pushed further up the pavement by passing large vehicles during a storm event. Greater resilience could be achieved by raising finished floor levels above pavement level or introducing raised thresholds to buildings. However, this would undermine the accessibility of the spaces. As such, flood doors are recommended for these more sensitive spaces, and this would be secured by condition 13.
- 18.7 In accordance with the development plan, the proposal will not increase flood risk elsewhere; and will provide improvement to adjacent areas by managing surface water from all rainfall events up to the 100-year plus climate change event. The development proposals will also incorporate resilience measures in accordance with CLP policy CC3.

19. TREES, GREENING, AND BIODIVERSITY

- 19.1 The current site is hardstanding and solid structures with no biodiversity value. No trees are proposed for removal to facilitate development but there is a Robinia tree near to the site on the highway which is a TfL Road. However, the impact of the scheme on the off-site Robinia tree on the highway will be minor and acceptable provided suitable tree protection methods are employed. The proposed pruning is minor in nature and well within the tolerable limits of this species. As such, condition 6 has been recommended to ensure nearby trees are protected, and the applicant will need approval from TfL to carry out any pruning works.
- 19.2 The submission of the application pre-dated the new legal requirements for 10% Biodiversity Net Gain (BNG). However, the applicant provided a Biodiversity Net Gain Report demonstrating the existing baseline on the site is effectively zero with sealed surfaces and no habitats at all. This means the proposal would have exceeded the BNG target if it had applied. More challenging to meet is the London Plan requirement in policy G5 for an Urban Greening Factor (UGF) of 0.4 for mainly residential schemes.

- 19.3 The Urban Greening Factor is a tool to evaluate the quality and quantity of urban greening. The whole site would achieve an Urban Greening Factor (UGF) of 0.26. Although below the LP target, this is a site in a Town Centre with limited scope for greening other than green roofs. Nonetheless, it is a notable improvement on the current site, and condition 11 will require details of species and density for the green roofs which can help to further increase the UGF score under detailed design stage.
- 19.4 Furthermore, the application documents confirm the proposals will also look to incorporate the provision of integrated bat and bird boxes. This will enhance the site's value to local wildlife post-development. Condition 8 secures further details of integrated bird and bat boxes, as well as insect habitats, as the detailed design develops.
- 19.5 Overall, the proposal will result in a notable improvement to greening and biodiversity in a dense Town Centre location, in line with the aims of the development plan.

20. TRANSPORT

- 20.1 Policies T1 and T2 of the CLP promote a move away from dependency on private motor vehicles, and a move to more sustainable modes of transport, supported by the right infrastructure and healthier environments. CLP policy T3 protects transport infrastructure which is also a critical objective of the London Plan.
- 20.2 With a PTAL of 6b and located in a major Town Centre, the site has excellent access to public transport and wider transport infrastructure. The closest tube stations are Finchley Road at 322m and Swiss Cottage at 483m away, with several bus stops close by. It is a sustainable location for additional housing and growth.
- 20.3 Finchley Road is a Red Route with predominantly double red line road markings, which prohibit stopping at any time. The Red Route parking regulations generally extend out laterally from the main route along the side roads to around 20m. Part of College Crescent, which borders the site, has Red Route parking restrictions. Along the Red Route, there are occasional loading bays where typically loading can take place between 10 am and 4 pm, Monday to Saturday, the nearest being in College Crescent.
- 20.4 The principle of removing the petrol station is covered in the land use section and is supported in a move that will help a transition to more sustainable modes of transport. The Transport Statement submitted with the application that the existing 12 pump PFS generates in the order of 2,280 vehicle trips in and out of the site over the course of a typical 12-hour weekday (1,142 arrivals and 1,139 departures).

- 20.5 Although these movements in and out of the site would no longer occur, the closure of the PFS would probably not have an appreciable reduction in the traffic flow on Finchley Road. That said, over a typical 12-hour weekday, the dwellings are expected to generate around 200 trips (93 in, 107 out) with an AM peak of 27 (5 in, 22 out) and a PM peak of 20 (13 in, 7 out). Slightly over half of the residential trips (53%) are expected to be made by tube.
- 20.6 The trips generated by the current convenience shop would be comparable to the new commercial floorspace, albeit there could be a small increase with the more functional floorspace. The flexible space when used as educational would not materially affect the school's trip generation given no increase in student numbers.
- 20.7 Overall, the impact of occupiers and users for the new development would be a notable reduction in trip numbers, as well as a shift away from motor vehicles and towards public transport and other more sustainable modes of transport. To support this shift to sustainable travel, the applicant would provide a **Local Level Travel Plan and associated monitoring and measures contribution of £5,196, secured by s106 agreement.**

Cycle Parking

- 20.8 The development will provide a total of 58 cycle parking spaces for the residential units within an internal cycle store at upper ground with level access from College Crescent. This exceeds the LP requirement of 56 spaces, and includes an enlarged accessible bike parking space, 25 Sheffield stands, 32 two-tiered spaces, and a bike maintenance station. A Sheffield stand allowing for two short-stay cycle spaces is proposed outside the residential entrance off College Crescent, meeting the LP requirement for two short stay spaces.
- 20.9 The proposed smaller commercial unit requirement would provide the required two long stay spaces within the unit itself which would be acceptable and meet LP requirements.
- 20.10 The proposal includes 10 Short-Stay cycle parking spaces for the commercial unit, and this exceeds the London Plan requirement. To fulfil the Short-Stay requirement, it is proposed to place 5 Sheffield stands on Finchley Road. As TfL are the highways authority, **a s106 agreement would secure entering into a section 278 agreement with TfL** to provide the cycle parking, or an alternative appropriate provision in the area as agreed with TfL and the council.
- 20.11 The larger flexible space is intended for school use but there is no increase in student numbers or staff, so no additional cycle parking would be required in this instance. However, if the unit is used as Class E or another use in the future, condition 17 would secure details of an appropriate level of cycle parking within the unit. This condition would also secure installation of the various cycle parking provisions prior to occupation.

Car Parking

- 20.12 No parking is proposed on site and the whole development will need to be car-free in accordance with Policy T2 of the Local Plan. The residential and non-residential parts of the development would be **car-free secured by s106 agreement**.

Servicing and Refuse/Recycling Collections

- 20.13 An outline Delivery and Servicing Plan (DSP) has been submitted. There is a designated red route loading bay on Finchley Road around 40 metres to the south of the site which permits loading for up to 20 minutes between 10am and 4pm. There is also a combined Blue Badge / Loading Bay on College Crescent at the rear of the site which allows parking for 3 hours (Blue Badges) and loading for 20 minutes from 10am and 4pm.
- 20.14 The servicing demand for the dwellings would not be high with an estimated two to four deliveries a day. The maximum servicing for the commercial space would be with retail use, which could be expected to attract up to one delivery of stock per day from a 7.5 tonne box van.
- 20.15 The proposed 350 sqm floor space associated with the extension to the UCS Pre-Prep school will not increase the number of pupils or staff therefore the delivery and servicing requirements are not expected to change significantly.
- 20.16 The residential bin store is located at upper ground level and would be accessed from College Crescent from the adjacent kerb side. The kerb side restrictions on College Crescent (double yellow lines with no blips) allow a refuse vehicle to stop and load refuse legally.
- 20.17 Given the relatively low servicing demand, the existing kerbside loading facilities near the site would be adequate to cope with the servicing demand of the development. The outline DSP also contains a list of measures intended to encourage sustainable freight handling. These details would be finalised in a full **Delivery and Servicing Plan secured by S106 agreement**.

Construction Management

- 20.18 The proposal will generate a notable volume of construction traffic on a day-to-day basis. Although the site is highly accessible and has two roads adjacent to it, the council needs to ensure that the development can be implemented without unacceptable harm to amenity or the safe and efficient operation of the highway network in the local area.
- 20.19 The works include deep piling, the formation of a cantilevered structure to avoid stressing the Metropolitan Line tunnel beneath the site, and alterations to a large existing retaining wall that supports College Crescent at the rear of the site. The indicative programme gives a construction period of 16 months (about 70 weeks). A Construction Management Plan (CMP), a CMP

implementation support contribution of £28,520, and a Construction Impact Bond of £30,000 would be secured to ensure the impacts of development can be mitigated and managed. These **CMP measures would be secured by s106 agreement.**

Highways Works

- 20.20 There are two existing entrances to the petrol filling station on Finchley Road, would need to be removed and reinstated as kerbed footway. These works would need to be subject to a section 278 agreement with TfL. The 278 agreement would need to include the provision of 10 Short-Stay cycle parking spaces, mentioned previously. This would be controlled through a pre-commencement obligation requiring the developer to enter into a **s278 agreement with TfL, secured by s106 agreement.**
- 20.21 The footway directly adjacent to the site on College Crescent is likely to sustain significant damage because of the proposed demolition, excavation and construction works required. The Council would need to undertake remedial works to repair any such damage following completion of the proposed development.
- 20.22 A highways contribution would need to be to allow the Council to repave the footway adjacent to the site. The highway works would be implemented by the Council's highways contractor on completion of the development. This would require a **Highways payment of £26,135.64 secured by s106 agreement.**
- 20.23 The applicant would also need to submit a Category 2 'Approval in Principle' (AiP) report to the Council's Highways Structures & Bridges Team within Engineering Services to protect the stability of College Crescent at the rear of the site. This would require an **AIP and associated assessment fee (£1615.68 + VAT) secured by s106 agreement.**

Pedestrian, Cycling, Environmental and Public Realm Improvements (PCE)

- 20.24 The proposals at the site will introduce some new pedestrian and cycling trips as well as the displacement of previous visits to the PFS to sites further away. The applicant is required to help mitigate and manage the safe travel of the future occupiers to the site. A financial contribution for the improvements to the transport and the public realm within the proximity of the site will be which will in turn improve the safety of travel by sustainable transport modes, particularly for the nearby schools. A contribution of £17,500 (£500 per new home and £1,000 for the commercial/school space) would be secured for PCE work in the area which focusses on delivery of a Healthy School Streets Scheme to improve safety in College Crescent and the immediate area. The **PCE of £17,500 would be secured as a s106 agreement.**

Transport Conclusion

20.25 The car-free development would support a move to more sustainable modes of transport in the borough, supporting and protecting the transport infrastructure for the area, in accordance with the requirements of the development plan.

21. PUBLIC OPEN SPACE

21.1 CLP policy A2 seeks to secure publicly accessible open space as part of a scheme to address the impact of schemes on the demand for public open space. This takes account of the scale of the proposal, the number of future occupants and the land uses involved.

21.2 The Public Open Space CPG states that developments with 11 or more dwellings should provide 9sqm of Public Open Space (POS) for every occupant. With 31 new homes, this development triggers the requirement. The CPG also expects new commercial floorspace over 1,000sqm to provide 0.74sqm of POS for every worker, but this requirement is not triggered with the development's commercial uplift of less than 1,000sqm.

21.3 The residential requirement for the POS is 9sqm x 31 (the number of additional dwellings) x 2.05 (the average dwelling occupancy for Belsize ward) = **571.95sqm**.

21.4 Although the proposal has a range of private and communal roof terraces for the occupiers, the scheme would provide no publicly accessible space, so it cannot count towards the POS provision. With a site area of around 818sqm, providing POS on this site would leave 70% of the site undeveloped. In a dense urban environment, on a Town Centre high street, this would not be an efficient use of land and would leave a hole in the townscape. There are also limited options for off-site provision within a reasonable distance.

21.5 Where it is not feasible to deliver the full amount of public open space required, the CPG accepts a financial payment in lieu (PIL). The PIL is used for provision, maintenance, and improvement of open space.

21.6 The PIL is made up of a capital costs contribution (£114,390, which is calculated at a rate of £200/sqm), and a maintenance costs contribution which covers 10years (£40,036.50, which is calculated at a rate of £70/sqm). Therefore, the total POS contribution is £154,426.50. The **Public Open Space PIL of £154,426.50 would be secured by s106 agreement**, accordance with CLP policy C2.

22. EMPLOYMENT AND TRAINING OPPORTUNITIES

22.1 The proposed development would be likely to generate increased employment opportunities during the construction phase. To ensure local people benefit from these opportunities in line with CLP policy E1, the

Economic Development Team will work with the developer to deliver several benefits from the development.

During construction

- **Apprenticeships** - the applicant will be expected to recruit a construction apprentice, paid at least London Living Wage, for every £3million of build costs with a support fee of £1,700 per apprentice as per section 63 of the Employment sites and business premises CPG. Recruitment of construction apprentices should be conducted through the council's Euston Skills Centre (moved to a new location hence a new name). With an estimated build cost of £11 million, this would be three construction apprentices and a £5,100 support fee.
- **Construction Work Experience Placements** - the applicant should provide one construction work placement opportunity of not less than 2 weeks, to be undertaken over the course of the development construction. This would be recruited through the council's King's Cross Construction Skills Centre, as per section 69 of the Employment sites and business premises CPG.
- **Local Recruitment** - the applicant will work with the Euston Skills Centre to recruit to vacancies, targeting 20% local recruitment, advertising with Camden for no less than a week before the roles are advertised more widely.
- **Local Procurement** - the applicant will also sign up to the Camden Local Procurement Code, as per section 61 of the Employment sites and business premises CPG. This sets a target of 10% of the total value of the construction contract, which aligns with the applicant's Employment and Training Strategy and its focus on the local area. The Economic Development Team will liaise and assist with the developer to provide details of local suppliers and subcontractors.

Post construction

- 22.2 Opportunities in relation to the operational phase of the commercial space are limited given the proposed space and dependency on the occupier of these relatively small units. The flexible space for the school would provide additional space rather than increase capacity, so the opportunities here would also be limited.
- 22.3 Nonetheless, the developer will be encouraged to work with Camden Learning/STEAM on school engagement and with their commercial occupiers to offer work experience placements. The Economic Development Team have also recommended the developer and UCS could explore opportunities to provide a scholarship or assisted place opportunity for Camden school students from lower income families, for example, through fee assistance or music scholarship.

22.4 The above measures would be included in a package of **Employment and Training measures secured by s106 agreement** in accordance with CLP policy E1 and the CPG.

23. COMMUNITY INFRASTRUCTURE LEVY (CIL)

23.1 The CIL applies to all proposals which add 100m² of new floorspace or an extra dwelling. The amount to pay is the increase in floorspace (m²) multiplied by the rate in the CIL charging schedule. The final CIL liability will be determined by the CIL team.

23.2 The proposal will be liable for the Mayor of London's Community Infrastructure Levy (MCIL2) with an estimated liability of **£309,048**.

23.3 The proposal will also be liable for the Camden Community Infrastructure Levy (CIL). The site lies in Zone C (Highgate, Hampstead) where CIL is calculated using rates based on the relevant proposed uses. There is no CIL on educational floorspace but given the flexible nature of the use, the commercial rate has been assumed in estimating the Camden CIL. The estimated Camden CIL liability is **£2,016,463**.

24. FINANCIAL CONTRIBUTIONS

24.1 The following contributions are required to mitigate the impact of the development upon the local area, including on local services. These contributions will help mitigate any impact of the proposal on the infrastructure of the area.

Contribution	Amount
CMP Implementation Support Contribution	£28,520.00
CMP Impact Bond	£30,000.00
Highways contribution (bond)	£26,135.00
Travel Plan and monitoring and measures contribution	£5,196.00
Pedestrian, Cycling, Environmental and Public Realm	£17,500.00
AIP and an associated assessment fee	£1,938.80
Energy Carbon Offset	£16,815.00
Public Open Space contribution	£154,426.50
Apprentice support fee	£5,100.00
Total	£285,631.30

25. CONCLUSION

- 25.1 The scheme is a positive development of an underused site, providing much needed homes, community infrastructure, and commercial uses. The building would repair the townscape with a well-designed building that activates the spaces around it.
- 25.2 Officers have identified no harm to heritage assets, but if the committee decides otherwise, the harm should be weighed against public benefits of the scheme in the case of any nearby conservation areas. In the case of any nearby locally listed buildings, this is a matter of balanced planning judgement.
- 25.3 There are several public benefits that could weigh against that harm. The most significant of these are:
- Thirty-one new homes
 - Overall improvement to the townscape and street scene
 - Support for the Town Centre with active ground floor providing commercial and educational uses
 - Supporting sustainable modes of transport through car free development
 - Significantly exceeding energy and carbon reduction targets through a highly sustainable development
 - Providing urban greening at roof level to provide biodiversity and ecology benefits on an urban site
 - Investment in the Camden economy through local procurement during construction
 - Opportunities for local people to undertake apprenticeships and work placements through an employment and training package
 - Significant contributions towards the provision of local infrastructure and facilities through CIL and other financial contributions

26. RECOMMENDATION

- 26.1 Grant conditional Planning Permission subject to a Section 106 Legal Agreement with the following heads of terms:
- CMP and Implementation Support Contribution
 - CMP Impact Bond
 - Car Free
 - Highways bond (College Crescent)
 - Requirement for s278 agreement with TfL (highways works including stopping up and 10 short stay cycle parking spaces on Finchley Road)
 - AIP and an associated assessment fee
 - Delivery and Servicing Plan (DSP)
 - Pedestrian, Cycling, Environmental and Public Realm Improvements
 - Energy and sustainability Plan inc. carbon reductions and BREEAM

- Carbon off-set payment to zero carbon
- Local Employment and Training package
- Public Open Space contribution

27. LEGAL COMMENTS

27.1 Members are referred to the note from the Legal Division at the start of the agenda.

28. CONDITIONS

Standard conditions

1 Time limit

The development hereby permitted must be begun not later than 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 Approved drawings

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Existing: Site Location Plan A12003F0001.rev I1; Block plan existing A12003F0002.rev I1; LGF plan existing A12003F0099.rev I1; UGF plan existing A12003F0100.rev I1; Roof plan existing A12003F0110.rev I1; Elevation 1 existing A12003F0201.rev I1; Elevation 2 existing A12003F0202.rev I1; Elevation 3 existing A12003F0203.rev I1;

Proposed: Block plan proposed A12003D0002.rev I1; LGF plan proposed A12003D0099.rev I2; LGF plan proposed "Alternative use" A12003D1099.rev I1; UGF plan proposed A12003D0100.rev I5; UGF plan proposed "Alternative use" A12003D1100.rev I1; 1F plan proposed A12003D0101.rev I4; 2F plan proposed A12003D0102.rev I4; 3F plan proposed A12003D0103.rev I4; 4F plan proposed A12003D0104.rev I3; Roof plan proposed A12003D0110.rev I3; Context elevation 1 proposed A12003D0201.rev I3; Context elevation 2 proposed A12003D0202.rev I3; Context elevation 3 proposed A12003D0203.rev I3; Context elevation 4 proposed A12003D0204.rev I3; Context elevation 5 proposed A12003D0205.rev I3; Material elevation 1 proposed A12003D0211.rev I3; Material elevation 2 proposed A12003D0212.rev I3; Material elevation 3 proposed A12003D0213.rev I3; Detail (part) elevation 1 proposed A12003D0221.rev I3; Detail (part) elevation 2 proposed A12003D0222.rev I3; Detail (part) elevation 3 proposed A12003D0223.rev I3; Illustrative view from SW A12003D0500.rev I1;

Documents: Phase One Environmental Assessment (Enhanced) (02641 CL 004, June 2022); Biodiversity Net Gain Report (June 2022); Ecological Appraisal Report (June 2022); Internal Daylight and Sunlight Report (February 2024); Neighbouring Daylight and Sunlight Report (09/08/2022); Air Quality Assessment by AQC, BP Finchley Road, 31/08/2023, Rev 00; Flood Risk Assessment – Revision 01 (October 2022); Energy Statement – Revision 02 (August 2022); Circular Economy Statement – Revision (August 2022); BREEAM Pre-assessment – Revision 01 (August 2022); Viability Report (June 2022) and update letters 11 November 2022, 5 December 2022, 3 March 2023 and 10 January 2024; Overheating Risk Assessment (August 2022); Structural Feasibility Report (August 2022); Planning and Heritage Statement (August 2022); Archaeological Desk Based Assessment (February 2018); Residential Noise Assessment (August 2022); London Plan Fire Statement (July 2022); Fuel Station Analysis (August 2022); Rapid Health Impact Assessment Matrix (August 2022); Arboricultural Implications Assessment and Preliminary Method Statement (March 2018); Transport Statement and Travel Plan (June 2022); Outline Delivery and Servicing Management Plan (June 2022); Construction Management Plan (June 2022); Design and Access Statement (August 2022).

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

Pre-start conditions (any works)

3 Contaminated land

PART A: No development, demolition, or site clearance shall commence, other than works of site investigation, until a site investigation to assess the following is undertaken and the findings are submitted to and approved in writing by the local planning authority.

The site investigation should assess all potential risks identified by the desktop study and should include a generic quantitative risk assessment and a revised conceptual site model. The assessment must incorporate validation testing below the petroleum infrastructure and screening for asbestos in made ground soils encountered on site, as well as an assessment of risks posed by radon and by ground gas. All works must be carried out in compliance with LCRM (2020) and by a competent person.

PART B: No development shall commence until a remediation method statement (RMS) is submitted to and approved in writing by the local planning authority. This statement shall detail any required remediation works and shall be designed to mitigate any remaining risks identified in the approved quantitative risk assessment. This document should include a strategy for dealing with previously undiscovered contamination. All works must be carried out in compliance with LCRM (2020) and by a competent person.

PART C: Following the completion of any remediation, a verification report demonstrating that the remediation as outlined in the RMS have been completed should be submitted to, and approved in writing, by the local planning authority. This report shall include (but may not be limited to): details of the remediation works carried out; results of any verification sampling, testing or monitoring including the analysis of any imported soil and waste management documentation. All works must be carried out in compliance with LCRM (2020) and by a competent person.

Reason: To ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors, in accordance with policies D1, A1, and C1 of the London Borough of Camden Local Plan 2017.

4 TfL Infrastructure Protection

No development, demolition, or site clearance shall commence until detailed design and method statements and load calculations (in consultation with TfL Infrastructure Protection), have been submitted to and approved in writing by the local planning authority. The details shall include:

- a) demolition details;
- b) Site specific Risk Assessments and Method Statements (RAMS) to be agreed with TfL Engineering for each stage of the development for any activities temporary or permanent (e.g. groundworks, excavations, piling, etc.) The RAMS should be issued a minimum of 6 weeks prior to the individual activity commencing;
- c) details of any changes in loading to London Underground's infrastructure due to

works including temporary works are to be issued to TfL Engineering Infrastructure Protection for review and comment/approval;

d) details on the erection and use of tall plant (e.g. tower cranes, mobile cranes and piling rigs) prior to commencement of works accommodate ground movement arising from the construction thereof; and

e) mitigation for the effects of noise and vibration arising from the adjoining operations within the structures and tunnels- No claims to be made against TfL or London Underground by the Local Authority, developer or tenants for any noise or vibration resulting from London Underground running, operating and maintaining the adjacent railway.

The development shall thereafter be carried out in accordance with the approved design and method statements, and all structures and works shall be completed in accordance with the approved details in their entirety, before any part of the building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with policy T3 of the London Borough of Camden Local Plan 2017.

5 Air Quality Monitoring

No demolition or development shall commence until all the following have been complied with:

a) prior to installing monitors, full details of the air quality monitors have been submitted to and approved in writing by the local planning authority. 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) A confirmation email should be sent to airquality@camden.gov.uk no later than one day after the monitors have been installed with photographic evidence in line with the approved details; and

c) Prior to commencement, a baseline monitoring report including evidence that the monitors have been in place and recording valid air quality data for at least 3 months prior to the proposed implementation date shall be submitted to the Local Planning Authority and approved in writing.

The monitors shall be retained and maintained on site in the locations agreed with the local planning authority for the duration of the development works, monthly summary reports and automatic notification of any exceedances provided in accordance with the details thus approved. Any changes to the monitoring arrangements must be submitted to the Local Planning Authority and approved in writing.

Reason: Development must not commence before this condition is discharged to manage and mitigate the impact of the development on the air quality and dust emissions in the area, and London as a whole, and to avoid irreversible and unacceptable damage to the environment, in accordance with policies A1, A4 and CC4 of the Camden Local Plan 2017 and policy SI1 of the London Plan.

6 Tree Protection

No development, demolition, or site clearance shall commence until details demonstrating how nearby trees will be protected during construction work have

been submitted to and approved by the local planning authority in writing (in consultation with TfL). Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction".

All trees specified in the report shall be retained and protected from damage in accordance with the approved protection details during any works on site.

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.

Pre-start conditions (other than demolition or site clearance)

7 Piling method statement

No piling shall commence until a Piling Method Statement has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. The Piling Method Statement shall include all the following:

- a) the depth and type of piling to be undertaken
- b) the location of the piling in relation to all underground utility assets
- c) the methodology by which such piling will be carried out
- d) measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and
- e) the programme for the works.

Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

Reason: To protect and minimise risk of damage to underground sewerage utility infrastructure, minimising impact on infrastructure, flooding, and water environment, in accordance with policy CC3 and DM1 of the London Borough of Camden Local Plan 2017.

8 Detailed design drawings and samples

Notwithstanding the details shown on the approved plans, prior to commencement of works (other than demolition and site clearance), detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a) Detailed drawings including plans, coloured elevations and sections of all windows (including jambs, head and cill), external doors, screening, balconies, balustrades, parapets, planters and associated elements at a scale of 1:20;
- b) Plan, coloured elevation and section drawings of the new shopfronts at a scale of 1:20;
- c) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site). Sample bay panel of materials to be provided at a suitable size (provided on site / at agreed location for review) to include typical window with all neighbouring materials and details; and
- d) Typical details of railings and balustrades at a scale of 1:20, including method of fixing.
- e) Details of integrated bird and bat boxes, and insect habitats.

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

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

9 Mechanical Ventilation

Prior to commencement of works (other than demolition and site clearance), full details of the mechanical ventilation system including air inlet locations shall be submitted to and approved by the local planning authority in writing. Air inlet locations should be located away from busy roads and the generator stack or any other emission sources and as close to roof level as possible, to protect internal air quality. The details shall also demonstrate the rooms where cooling will be provided, and no other rooms will have cooling available through the controls. The development shall thereafter be constructed and maintained in accordance with the approved details.

Reason: To protect the amenity of residents in accordance with London Borough of Camden Local Plan Policy CC4 and London Plan policy SI 1.

10 Secured by Design standards

Prior to commencement of works (other than demolition and site clearance), proof that the plans are in line with Secured by Design standards and accreditation must be submitted to and approved by the local planning authority.

Reason: To ensure that the development mitigates the risk of burglary and antisocial behaviour in accordance with policy C5 of the London Borough of Camden Local Plan 2017.

Prior to above ground works

11 Details of green or living roof

Prior to commencement of above ground works, full details of the living roofs in the areas indicated on the approved roof plan shall be submitted to and approved in writing by the local planning authority. The details shall include:

- a) a detailed scheme of maintenance
- b) sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used
- c) 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.

12 Details of PV panels

Prior to commencement of above ground works, drawings and data sheets showing the location, extent and predicted energy generation of photovoltaic cells

and associated equipment 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. A site-specific lifetime maintenance schedule for each system, including safe roof access arrangements, shall be provided. The cells shall be installed in full accordance with the details approved by the Local Planning Authority and permanently retained and maintained thereafter.

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

13 Details of flood resilience measures

Notwithstanding the details shown on the approved plans or supporting documents, prior to commencement of above ground works, full details of flood doors (or other resilience measures) for the substation and flexible ground floor space (education or commercial) only shall be submitted to the Local Planning Authority and approved in writing. The development shall thereafter be completed in full accordance with the approved details and mitigation measures.

Reason: To protect the occupants and property in the event of a flood, and minimise and manage the risk to local flooding, in accordance with policy CC3 of the London Borough of Camden Local Plan.

14 Details of water capacity and provision of SuDS

Prior to commencement of above ground works, confirmation from Thames Water that there is sufficient capacity within their network to receive flows from the proposed development.

The sustainable drainage system as approved (Flood Risk Assessment – Revision 01 – 19th October 2022) shall be installed as part of the development 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 to achieve greenfield run off rates. The system shall include 73m² permeable paving and 580m² blue roof, with an overall attenuation volume of 57.1m³ as stated in the approved drawings and shall thereafter 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.

15 Details of back-up generators

Prior to commencement of above ground works, full details of the proposed Emergency Generator Plant, any exhaust, and associated abatement technologies shall be submitted to and approved in writing by the local planning authority. The details shall include:

- a) Make, model and emission details
- b) Confirmation they are appropriately sized for life saving functions only
- c) Consideration of alternatives to diesel
- d) Minimum frequency of testing.

Any back-up generators must be installed in accordance with the approved details and maintained and cleaned regularly in accordance with manufacturer specifications.

Copies of emissions certificates by an accredited MCERTS organisation must be provided to following installation (send to SustainabilityPlanning@camden.gov.uk). A certificate shall be obtained every three years after initial installation, and retained for inspection on request of the council, to verify compliance with regulations made by the Secretary of State.

Reason: To safeguard the amenity of occupants, 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.

Prior to occupation or use

16 Waste and refuse storage

The refuse and recycling facility as approved shall be provided prior to the first occupation of any of the new homes and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

17 Cycle Parking

Notwithstanding the details shown on the approved plans, prior to first occupation of any of the residential or commercial units, full details of the short stay cycling parking consisting of 2 residential and 10 commercial spaces shall be submitted to and approved in writing by the local planning authority.

The flexible ground floor space shall not be occupied other than as educational space in association with USC Pre-Prep School, unless full details of additional cycling parking have first been approved in writing by the local planning authority.

The approved cycle parking shall be provided in its entirety prior to the first occupation of the relevant part of the development, and permanently retained thereafter.

Reason: To ensure that the scheme makes adequate provision for cycle users in accordance with policies T1 and T2 of the London Borough of Camden Local Plan 2017.

18 No commercial preparation of hot food unless fume extraction installed

There shall be no preparation of hot food in any of the lower ground floor commercial or flexible commercial/education units (fronting Finchley Road) until details and full specifications of fume extraction and filtration equipment and an ongoing maintenance plan have been submitted to and approved in writing by the local planning authority. The preparation of hot food shall not commence in the relevant unit until the approved details have been fully implemented. The approved fume extraction and filtration equipment shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

Reason: To safeguard the appearance of the premises and the wider area and to ensure no nuisance or disturbance is caused to the amenity of adjoining occupiers

or the area generally in accordance with policies TC2, TC4, A1, A4 and D1 of the Camden Local Plan 2017.

19 Privacy measures to flats

Notwithstanding the approved plans and documents, prior to occupation of any part of the development details of privacy measures for the east facing windows to the Living/Kitchen/Diner (LKD) of the flats marked homes 2.07, 3.07, and 4.05 on the approved plans shall be submitted to and approved in writing by the local planning authority.

The approved privacy measures shall be installed prior to the occupation of the flats marked 2.07, 3.07, and 4.05 on the approved plans and the privacy measures shall be retained as such in perpetuity.

Reason: To prevent unreasonable overlooking and impact on privacy of future occupiers, and the occupiers of neighbouring properties, in accordance with policy A1 of the Camden Local Plan 2017.

20 Whole Life Carbon – post construction assessment

Prior to the occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. The post-construction assessment should be submitted to ZeroCarbonPlanning@london.gov.uk and SustainabilityPlanning@camden.gov.uk, along with any supporting evidence as per the guidance.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings in accordance with Camden Local Plan policies CC1, CC2, CC3, and CC4, and London Plan policies, SI1, SI2, SI3, SI4, SI5 and SI7.

Compliance conditions

21 Non-road mobile machinery (NRMM)

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 safeguard the amenities of the adjoining occupiers, the area generally and contribution of developments to the air quality of the borough in accordance with the requirements of Camden Local Plan policies A1 and CC4.

22 Noise limits for plant

The external noise level emitted from plant, machinery or equipment at the development, with any specified noise mitigation 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 or most affected noise sensitive premises, with machinery operating at maximum capacity and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the site and surrounding properties is not adversely affected by noise from mechanical installations and equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

23 Anti-vibration isolators for plant

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

24 Noise protection for new residential

The design and structure of the development shall be of such a standard that all rooms within the flats are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime (07:00 to 23:00 hours) and more than 30 dB LAeq 8 hrs at night (23:00 to 07:00 hours the next day). No dwelling shall be occupied until the sound insulation has been installed to that property and the measures shall be retained thereafter in perpetuity.

Reason: To ensure that the amenity of occupiers of the development site are not adversely affected by noise from mechanical installations, equipment, traffic, or the commercial or school uses, in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

25 Vibration protection for new residential

No flats shall be occupied until anti-vibration measures have been installed so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472-1:2008, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz]. The approved measures shall be permanently retained thereafter.

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.

26 No increase in pupil numbers

The proposed space for education purposes, shown blue on the Lower Ground Floor plan (reference D 0099 Rev. I2), shall only be used for the existing UCS pupil numbers (108 pupils), and shall not be used for expansion of additional students over the current school capacity (108 pupils).

Reason: To prevent additional impacts from increased pupil numbers including amenity impacts and transport impacts in accordance with policies A1, A4, C2, and T1 of the London Borough of Camden Local Plan 2017.

27 Layout of lower floors for commercial or school use

Notwithstanding the requirements of Condition 2, if the use of the flexible space on the east side of the lower ground floor is used as educational use (Class F1 of the Use Classes Order) (shown blue on the Lower Ground Floor Plan Proposed reference D 0099 Rev. I2), the lower ground and upper ground floors of the building shall be laid out as shown on drawing numbers D.0099.Rev.I2 and D.0100.Rev.I5.

If the use of the flexible space on the east side of the lower ground floor is as commercial use (Class E of the Use Classes Order), the lower ground and upper ground floors of the building shall be laid out as shown on drawing numbers D.1099.Rev.I1 and D.1100.Rev.I1.

Reason: To ensure safe and accessible separation between the commercial uses in the building and the school next door in accordance with policies D1, C5, and C6 of the London Borough of Camden Local Plan 2017.

28 Controlling use – flexible use only as commercial or education

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2020, or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the property shall only be used for a flexible use as any use in Use Class E, or for educational use in Use Class F1 (and for no other F1 use), and for no other purposes whatsoever.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises or immediate area by reason of noise and disturbance or pressures on the highway network in accordance with Policies A1, A4, T1, and T3 of the London Borough of Camden Local Plan 2017.

29 Controlling use – residential only for permanent accommodation

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2020, or the Town and Country Planning (General Permitted Development) Order 2015 (or any orders revoking and re-enacting those orders with or without modification), the residential flats hereby permitted shall only be used for permanent residential accommodation, and not for temporary sleeping accommodation (tenancies of fewer than 90 days) or for any other purposes whatsoever.

Reason: To protect the permanent residential accommodation in the borough in accordance with Policies H1 and H3 of the London Borough of Camden Local Plan 2017.

30 No additional external fixtures

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent or superseding orders, no lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the building, without the prior approval in writing of the local planning authority.

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

31 Roof terraces

No flat roofs within the development shall be used as terraces/amenity spaces unless marked as such on the approved plans, without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the amenities of the future occupiers and adjoining neighbours in accordance with the requirements of policy A1 of the Camden Local Plan.

Building regulations (imposed optional requirements)

32 Wheelchair and accessible homes (building control optional requirements)

The following dwellings shown labelled on the approved floorplans shall be constructed as Wheelchair Adaptable Dwellings to comply with Part M4(3) of the Building Regulations:

Dwelling G.04 (drawing D 0100 rev. I5 and D 1100 rev. I1)

Dwelling 01.04 (drawing D 0101 rev. I4)

Dwelling 2.04 (drawing D 0102 rev. I4)

Dwelling 3.04 (drawing D 0103 rev. I4)

All other dwellings hereby permitted shall be constructed to comply with Part M4(2) of the Building Regulations.

Reason: To secure appropriate access for disabled people, older people, and others with mobility constraints, in accordance with policies H6 and C6 of the Camden Local Plan 2017.

33 Water use (building control optional requirements)

The development hereby approved shall achieve a maximum internal water use of 105litres/person/day, allowing 5 litres/person/day for external water use.

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

29. 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 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 are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 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 for more information, including guidance on your liability, charges, how to pay and who to contact for more advice.

- 4 You are advised the developer and appointed / potential contractors should take the Council's guidance on Construction Management Plans (CMP) into consideration prior to finalising work programmes and must submit the plan using the Council's CMP pro-forma; this is available on the Council's website at <https://www.camden.gov.uk/about-construction-management-plans>

No development works can start on site until the CMP obligation has been discharged by the Council and failure to supply the relevant information may mean the council cannot accept the submission as valid, causing delays to scheme implementation. Sufficient time should be afforded in work plans to allow for public liaison, revisions of CMPs and approval by the Council.

- 5 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, tree protection, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from TfL (on Finchley Road) and/or the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. No licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 6 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

- 7 This decision in no way prejudices the rights of the owners of the trees on the highway, TfL, whose consent should be obtained prior to the implementation of any works to the trees.

- 8 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) 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

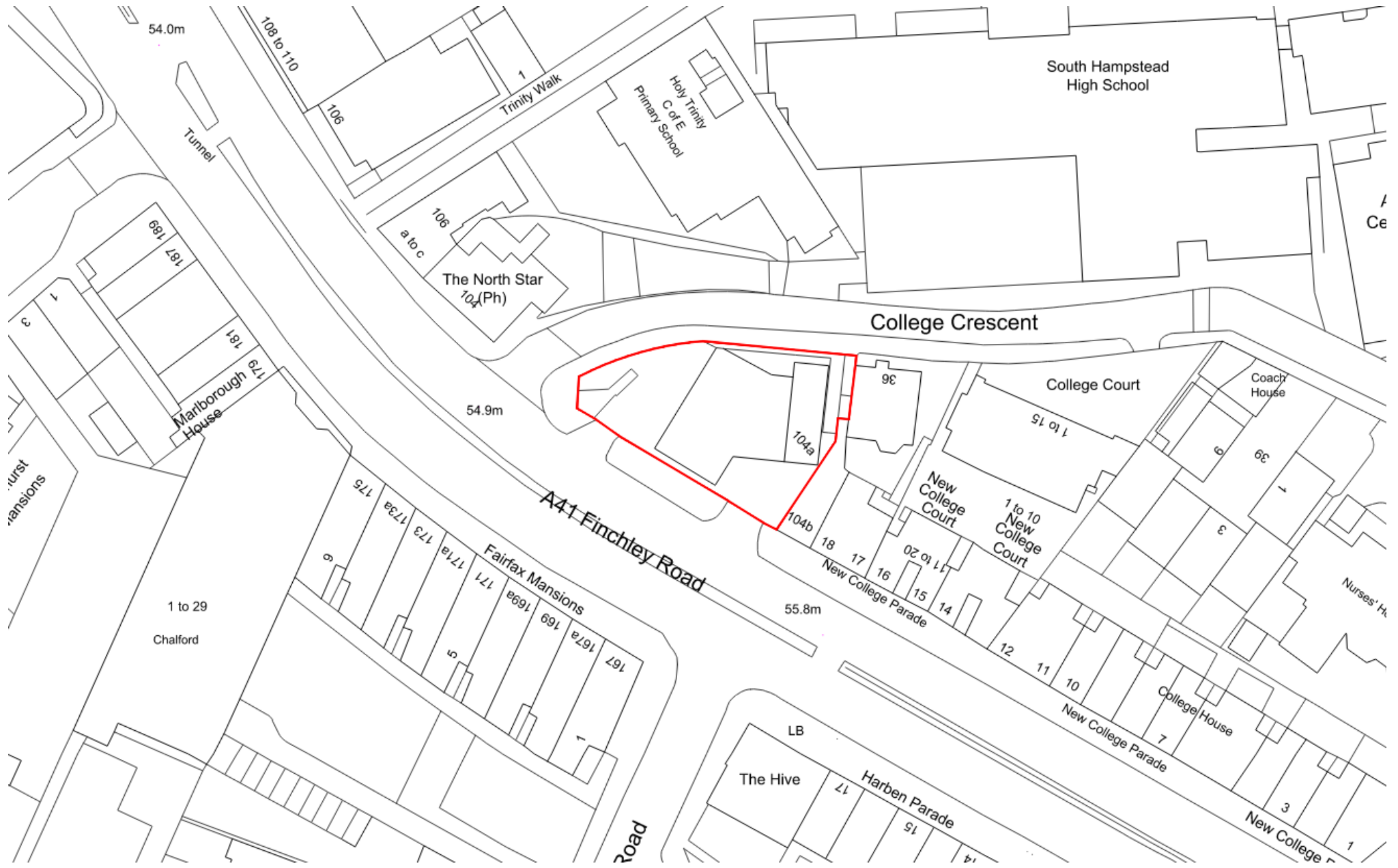
that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 9 This permission is granted without prejudice to the need to obtain consent for any adverts, under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
- 10 Note that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Team, 5 Pancras Square, London, N1C 4AG (Tel. No. 020 7974 4444) or by email to: planningobligations@camden.gov.uk
- 11 You are advised that if implemented, the flexible use permission hereby granted for part of the lower ground floor gives flexibility of use for 10 years from the date of this permission. After 10 years the lawful use would remain as whichever of the uses is taking place at the time.
- 12 The Health and Safety Executive (HSE) states that work-related stress and poor mental health should be treated with the same significance as risks of poor physical health and injury. The Council views this as particularly pertinent to the construction industry, a predominantly male environment where the risk of suicide is around 3.5 times higher than men in general. Approximately one-third of construction workers report increased levels of anxiety every day. The Council strongly encourages developers of major construction sites to sign up to one of two construction industry led initiatives, Building Mental Health (Building Mental Health - Home) or Mates in Mind (Home Page), train a proportionate number of staff in Mental Health First Aid, and offer drop-in sessions/or spaces at construction sites for workers.

The Council will support the construction industry working in Camden with an offer of free Mental Health First Aid and other training, and information on local resources and signposting to sources of help.
- 13 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a breach of condition and would require a further grant of planning permission.
- 14 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.

- 15 If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at www.thameswater.co.uk/buildingwater
- 16 There are water mains crossing or close to the development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near the mains (within 3m) will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services they provide in any other way. The applicant is advised to read their guide working near or diverting pipes:
www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes
- 17 Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to their website: www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes
- 18 The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; drainage; excavation; and construction methods.







Above: Google Street View of the PFS forecourt and canopy from Finchley Road, the rise in elevation of College Crescent visible beyond



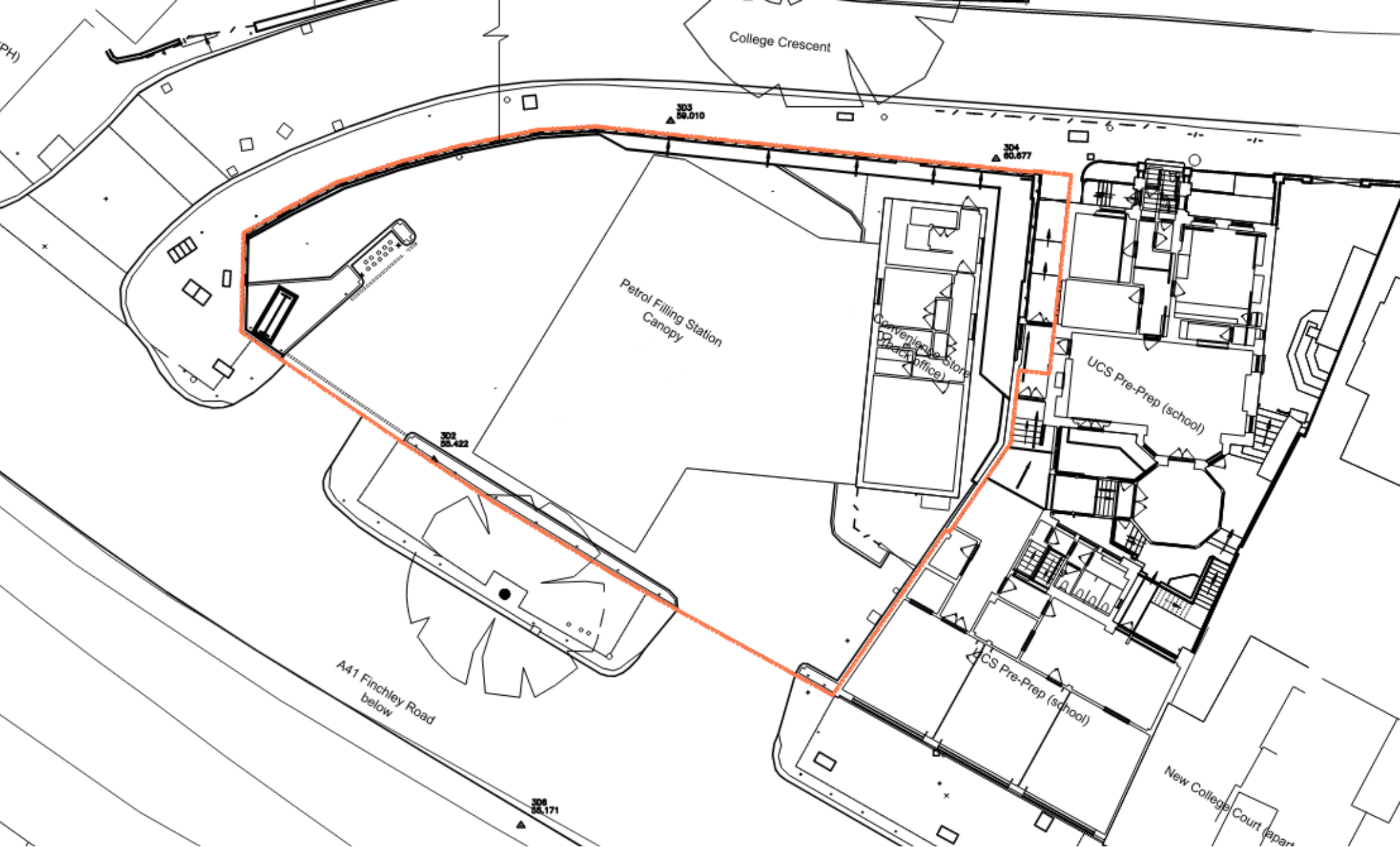
Above: The 2-storey convenience store



Above: Retaining structures support College Crescent

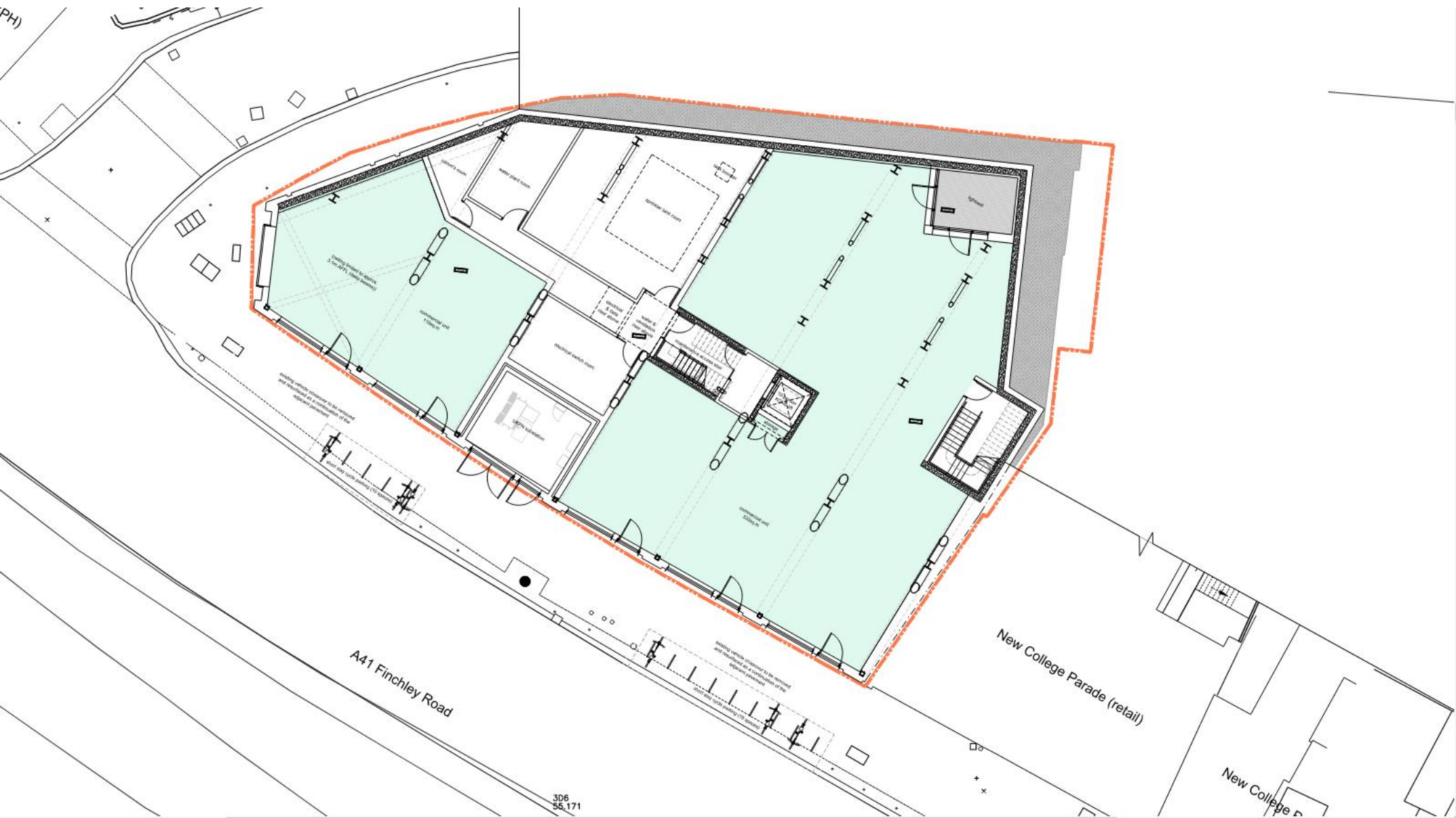


Above: Retaining structures to 36 College Crescent

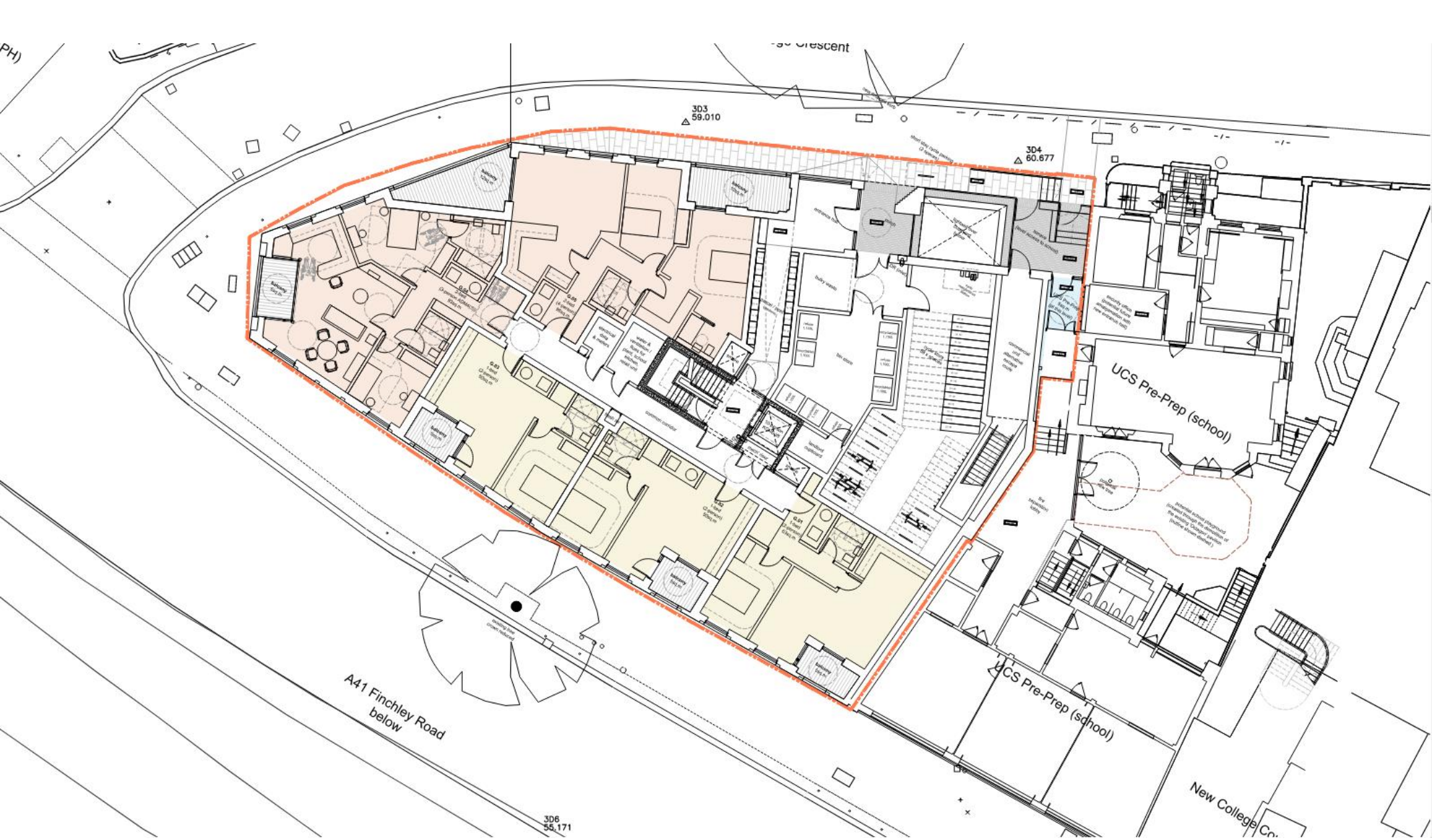




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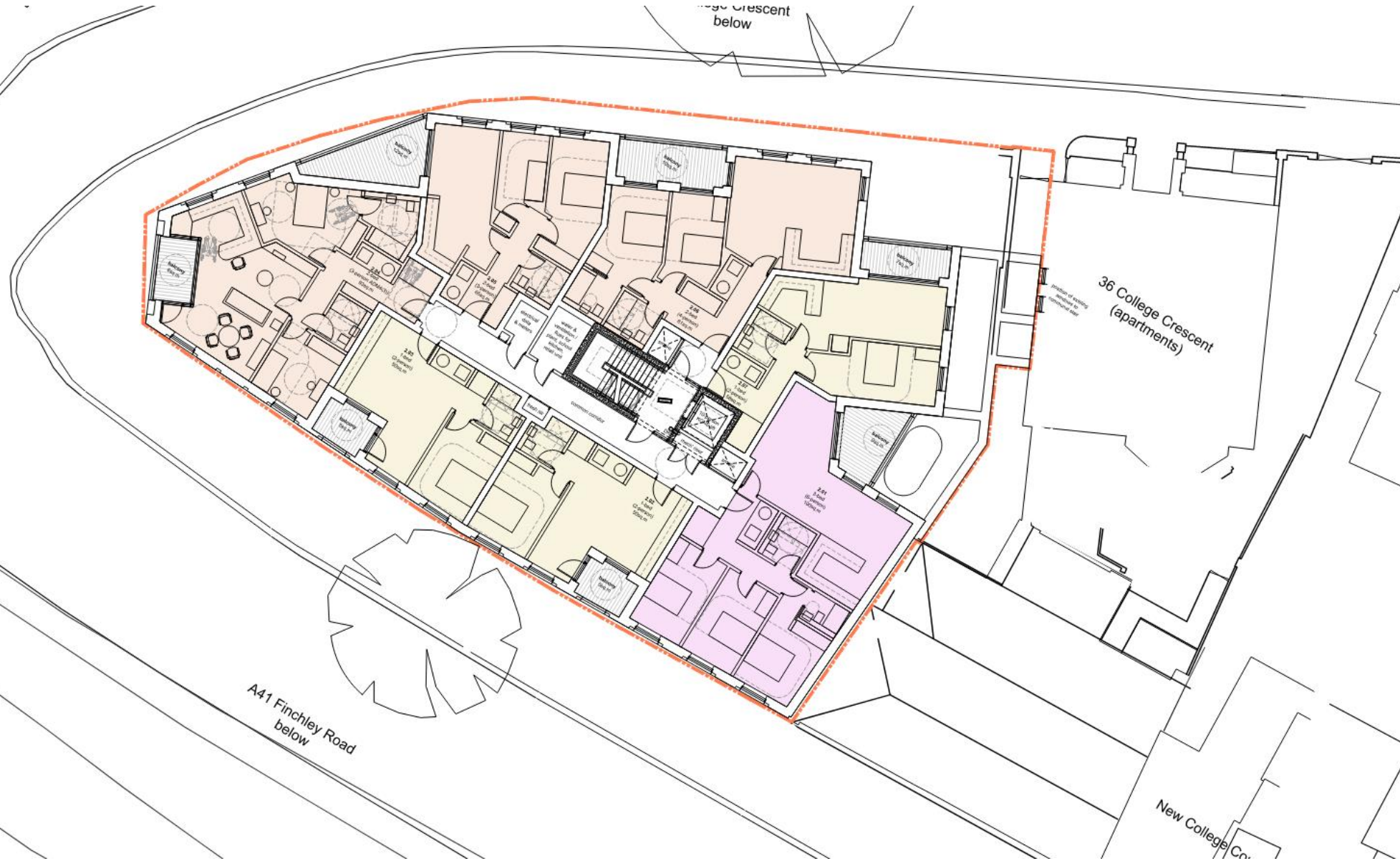






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College Crescent below

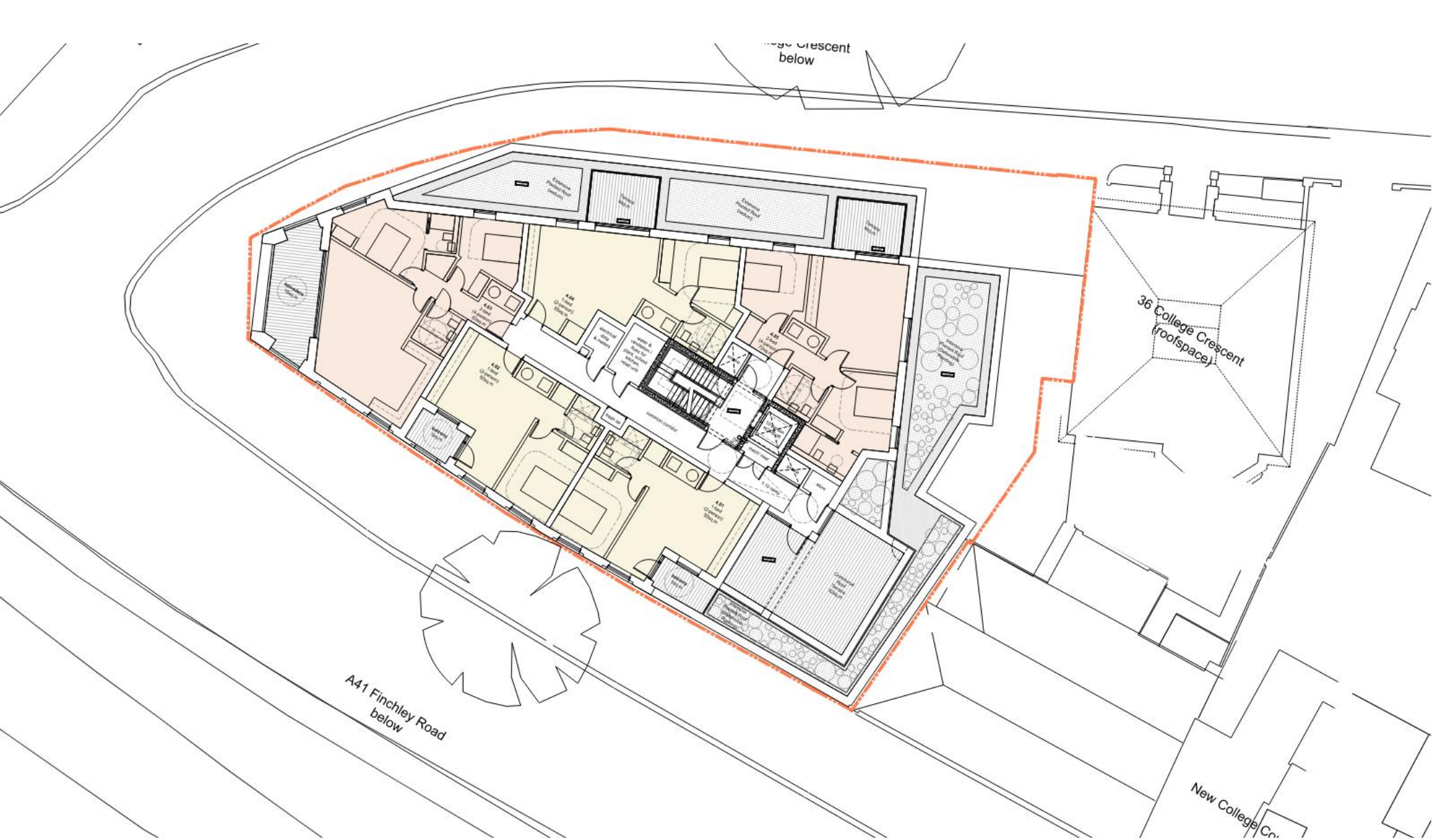


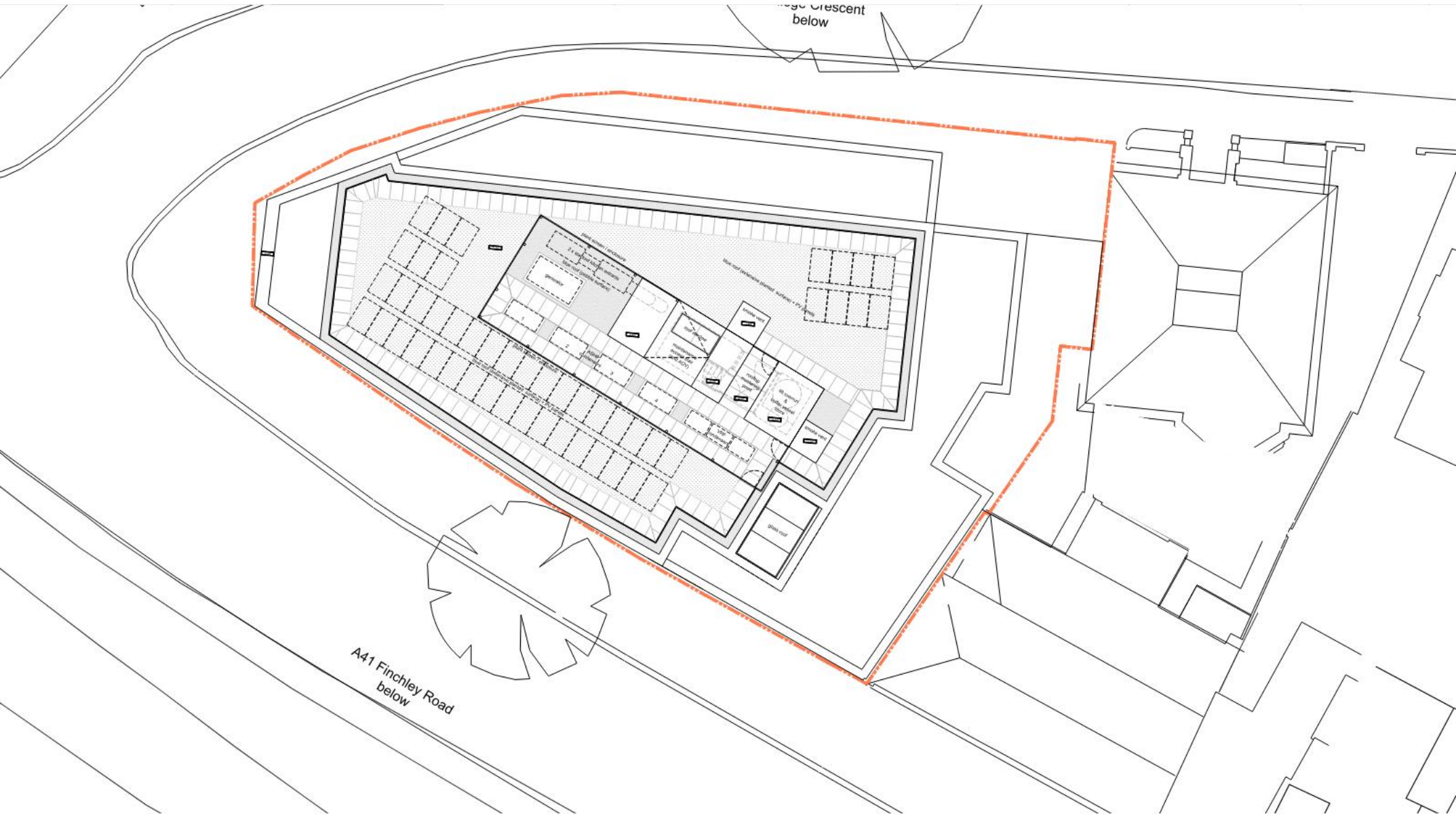
A41 Finchley Road below

36 College Crescent (apartments)

New College Cr.







Edge Crescent
below

A41 Finchley Road
below



The North Star Public House
104 Finchley Road

Holy Trinity C of E Primary School (beyond)
Trinity Walk

St Thomas More Church (beyond)
Maresfield Gardens

[Potential] Entrance to: Commercial Unit

[Potential] Entrance to: Commercial Unit

104a Finchley Road
The Development Proposals

17-19 New College Parade
(UCS Pre-Prep School at 1st & 2nd Floors)

36 College Crescent (beyond)
(UCS Pre-Prep School at Ground Floor)

New College Court
13-16 New College Parade



Holy Trinity C of E Primary School (beyond)
Trinity Walk

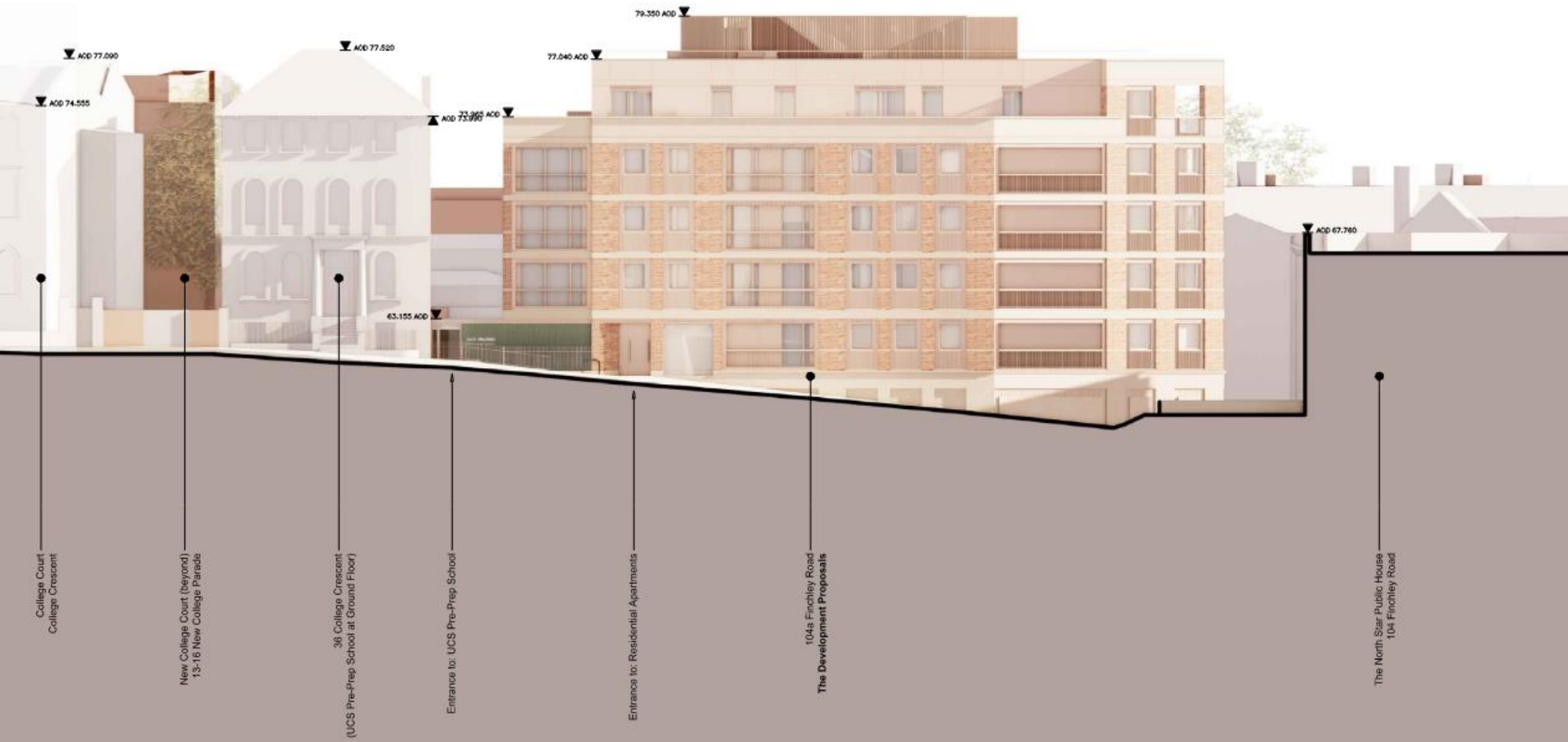
College Court (beyond)
College Crescent

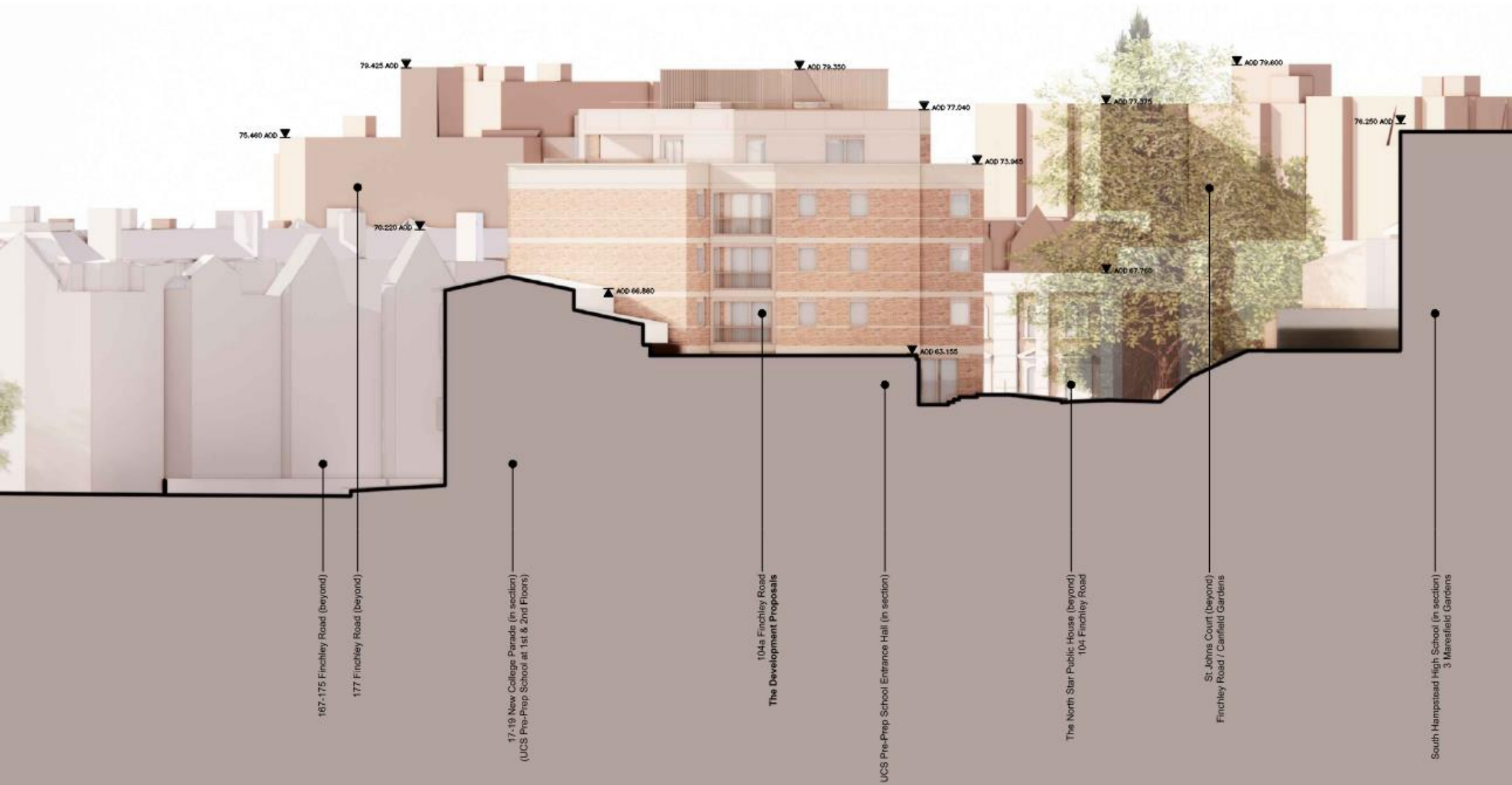
104a Finchley Road
The Development Proposals

17-19 New College Parade (beyond)
UCS Pre-Prep School at 1st & 2nd Floors

New College Court (beyond)
13-16 New College Parade

169 Finchley Road (in section)





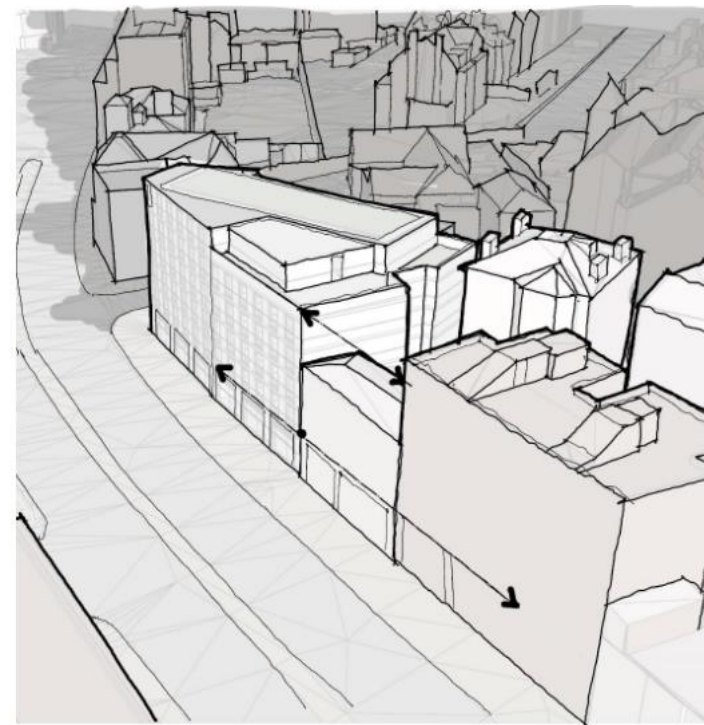
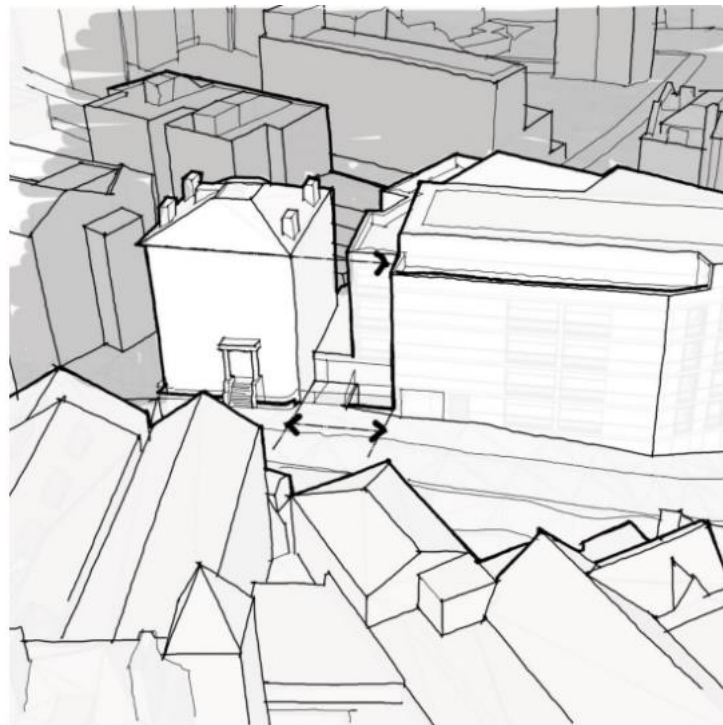
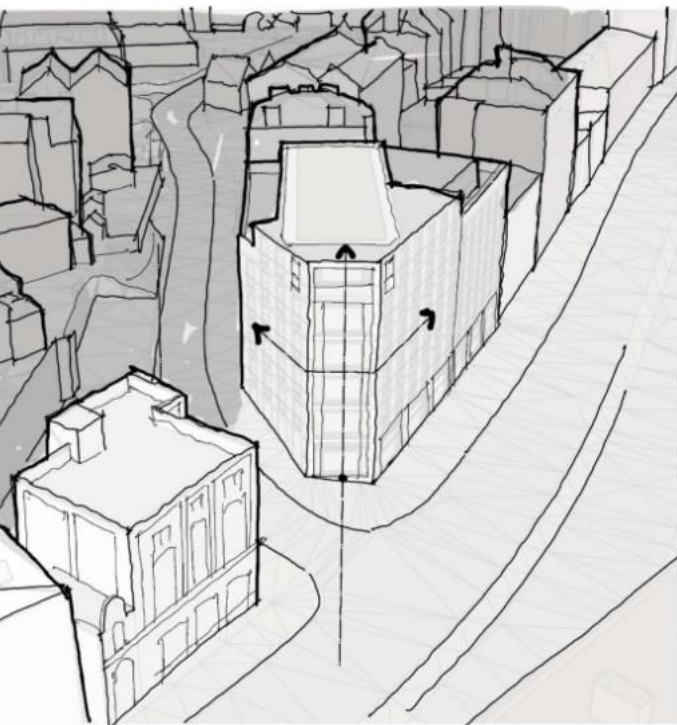












104A Finchley Road, South
Hampstead, NW3 5EY

Independent Viability Review

Prepared on behalf of London Borough of
Camden

28th November 2023

Planning Reference: 2022/3553/P



215a High Street, Dorking RH4 1RU
www.bps-surveyors.co.uk

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1.0 Introduction

- 1.1 BPS Chartered Surveyors have been instructed by London Borough of Camden ('the Council') to undertake a review of a Financial Viability Assessment (FVA) prepared by James R Brown ('JRB') on behalf of Trevelyan Developments Limited ('the Applicant') in connection with a planning application for the redevelopment of the above site.
- 1.2 The site currently comprises an operational use as a petrol filling station (PFS) and ancillary retail store.
- 1.3 The location is mixed in nature with ground floor commercial uses in the immediate vicinity but residential uses above ground floor. The site is in the Finchley Road/Swiss Cottage Town Centre and is designated a Secondary Shopping Frontage in the Camden Local Plan. It is not in a conservation area, although the northern side of College Crescent forms the boundary of the Fitzjohns/Netherhall Conservation Area.
- 1.4 The proposals are for:

Demolition of existing petrol filling station and associated convenience store (sui generis), and erection of a six-storey building comprising ground floor commercial space (Class E) and flexible commercial/educational space for UCS Pre-Prep (Class E/F1), and 31 flats (C3) (15x1B, 13x2B and 3x3B) above..
- 1.5 The basis of our review is Financial Viability Update prepared by JRB, dated 25/10/2023, which follows from their previous reports dated June 2022, December 2022 and March 2023.
- 1.6 We have reviewed JRB's original submission and have issued our first report in October 2022. We concluded at the time that the scheme showed a small deficit of -£183,802 and, on this basis, no affordable housing contribution could viably be offered.
- 1.7 JRB's latest submission concludes that the scheme generates a residual profit of 10.22%. We assume JRB maintains the profit target to be 22.5% on Cost (18.2% on GDV), albeit it has not been clarified in their latest report. Assuming this profit target the scheme generates now generates an apparent deficit of c. 8% on GDV (£1.9m) and, therefore, no affordable housing can viably be provided.
- 1.8 We have downloaded documents available on the Council's planning website.
- 1.9 We have received a live version of the Argus appraisal(s) included in the report.

-
- 1.10 We have assessed the cost and value inputs within the financial appraisal in order to determine whether the scheme can viably make any affordable housing contributions.
- 1.11 We have searched the LBC planning website and have not identified any other recent or outstanding planning applications relating to the site.
- 1.12 A Land Registry search shows that the site is owned by Sectorsure No 10 Limited having been purchased for £1,739,328 (excluding VAT) in March 2015. We note that Companies House lists the Directors of Sectorsure No 10 Limited as Lance John Philip Trevellyan and Lewis Derek Trevellyan who are also Directors of Trevellyan Developments Limited. We note that the LB Camden planning website lists Mr Lance Trevellyan as the applicant. We assume based on the above that the developer owns the site.
- 1.13 The advice set out in this report is provided in the context of negotiating planning obligations and therefore in accordance with PS1 of the RICS Valuation – Global Standards 2020, the provisions of VPS1–5 are not of mandatory application. Accordingly, this report should not be relied upon as a Red Book Valuation. The Valuation Date for this Viability Review is the date of this report, as stated on the title page. This Viability Review has been undertaken in accordance with the Terms & Conditions provided to the Council and with any associated Letters of Engagement and should only be viewed by those parties that have been authorised to do so by the Council.
- 1.14 This Viability Review adheres to the RICS Professional Statement on Financial Viability in Planning (published May 2019). In accordance with this Statement, we refer you to our standard terms and conditions which incorporate details of our Quality Standards Control & Statement on Limitation of Liability/ Publication.

2.0 Summary Table

2.1 Our analysis presents the following outturn financial position for the project:

Input	JRB	BPS	Comments
Income			
Private Sales Values	£21,490,409 (£927psf)	£21,490,409 (£927psf)	Agreed
Commercial	£2,589,623 (£472psf)	£2,727,594 (£497psf)	Disagreed
Expenditure			
EUV	£3,260,000	£2,950,000	Disagreed
Landowner Premium	20%	0%	Disagreed
Benchmark Land Value	£3,910,000	£2,950,000	Disagreed
Build Costs (inc. contingency)	£11,103,431	£11,103,431	Agreed
Professional Fees	12%	10%	Disagreed
Private Marketing, Legal & Agent Fee	2.8%	2.8%	Agreed
Letting Agent Fee	10%	10%	Agreed
Letting Legal Fee	4.8%	4.8%	Agreed
CIL	£1,900,000	£1,900,000	Ambiguous - We require confirmation from the Council on this input.
Finance	8%	7.5%	Disagreed
Profit (Blended, on GDV):	18.20%	17.20%	Disagreed
Development Timeframes			
Pre-construction Period	4-months	4-months	Agreed
Construction Period	24-months	18-months	Disagreed
Pre-Sales	40%	40%	Agreed
Sales Period	10-months	6-month	Disagreed
Viability Position	-£1.9m No affordable housing can be provided	+£568,229 Small surplus identified	Disagreed – We have identified a small surplus which we suggest could be provided as a payment in lieu.
Actual Profit (on GVD)	10.22%	19.56%	Disagreed

3.0 Conclusions And Recommendations

- 3.1 We have reviewed the Financial Viability Update prepared by JRB on behalf of the applicant which concludes that the proposed scheme generates a residual profit of 10.22 % on GDV, which is approximately £1.9m below their benchmark profit of 22.5% on Cost (18.20% on GDV). On this basis, the scheme cannot provide any affordable housing contribution.

Benchmark Land Value

- 3.2 JRB have approached the Benchmark Land Value on an Existing Use Value (EUUV) basis. JRB have assessed the Benchmark Land Value in their report dated June 2022 and largely relied on a valuation produced by Avison Young dated January 2022. BPS have reviewed JRB's methodology in our report dated October 2022. We note JRB's latest position on BLV remains unchanged.
- 3.3 We have reviewed JRB's response dated December 2022 on our assessment of the BLV and included our comments in Section 5 of this report. Overall, we maintain our position that the Benchmark Land Value of £2,950,000 remains appropriate.

Development Value

- 3.4 The scheme includes 31 residential units and 5,490 sq ft of the commercial space.
- 3.5 We have reviewed the information provided by JRB in support of their private sales values and we have also undertaken our own research into recent transactions in the local area. We are of the view that the values proposed are in line with current market expectations.

Ground rents

- 3.6 The Leasehold Reform (Ground Rent) Act 2022 is now in full force. We therefore consider the omission of capitalised ground rents as being a reasonable assumption.

Commercial Values

- 3.7 We have reviewed the information provided by JRB in support of their commercial values and we have also undertaken our own research into recent transactions in the local area. We are of the view that the values proposed are below the current market expectations. We have suggested some changes to the values proposed by JRB which are outline in Section 6 of this report. Overall, our suggested revisions result in an increase of approximately £0.2m on the values proposed by JRB which reflects an increase of 8%.

Development Costs

3.8 Our Cost Consultants, Geoffrey Barnett Associates (GBA), have analysed the build cost plan for the proposed scheme prepared by WWA, dated June 2022, and conclude that:

“We conclude that the construction costs put forward in the viability update are within acceptable estimating margins of our own assessment of costs.”

3.9 We have reviewed the other cost outlined within the FVA and consider them broadly reasonable, with the exception of professional fees which have been overstated.

Recommendations

3.10 We have been provided with a live version of the Argus appraisal included in JRB’s report to which we have applied our amendments. These amendments are outlined in the table included at Section 2.

3.11 After these changes we identify a surplus of £568,229. On this basis we calculate that the scheme could viably contribute towards or provide affordable housing.

3.12 We have undertaken sensitivity analysis to test the impact of changes to sales revenue and construction costs on the scheme’s viability. It can be seen that with 2.5% increase in the construction costs and 2.5% drop in sales revenue, the scheme would be in deficit. We include our sensitivity analysis as follows:

Build Cost	Private Sales				
	-5.00%	-2.50%	0.00%	+2.50%	+5.00%
-5.00%	£352,754	£788,682	£1,224,610	£1,660,538	£2,096,466
-2.50%	£24,564	£460,492	£896,420	£1,332,348	£1,768,276
0.00%	-£304,659	£132,301	£568,229	£1,004,157	£1,440,085
+2.50%	-£634,339	-£196,472	£240,039	£675,967	£1,111,895
+5.00%	-£964,019	-£526,152	-£88,285	£347,776	£783,704

3.13 We recommend that if a policy compliant offer is not made, the scheme should be subject to a late stage review of viability in order that the viability can be assessed over the lifetime of the development.

4.0 Principles Of Viability Assessment

- 4.1 Development appraisals work to derive a residual value. This approach can be represented by the formula below:

$$\begin{aligned} &\text{Gross Development Value} - \text{Development Costs (including Developer's Profit)} \\ &= \text{Residual Value} \end{aligned}$$

- 4.2 The residual value is then compared to a benchmark land value. Existing Use Value (EUV) and Alternative Use Value (AUV) are standard recognised approaches for establishing a land value as they help highlight the apparent differences between the values of the site without the benefit of the consent sought.
- 4.3 The rationale for comparing the scheme residual value with an appropriate benchmark is to identify whether it can generate sufficient money to pay a realistic price for the land whilst providing a normal level of profit for the developer. In the event that the scheme shows a deficit when compared to the benchmark figure the scheme is said to be in deficit and as such would be unlikely to proceed.
- 4.4 Development appraisals can also be constructed to include a fixed land value and fixed profit targets. If an appropriate benchmark is included as a fixed land value within a development appraisal this allows for interest to be more accurately calculated on the Benchmark Land Value, rather than on the output residual value. By including fixed profit targets as a cost within the appraisal, programmed to the end of development so as not to attract interest payments, the output represents a 'super' profit. This is the profit above target levels generated by the scheme which represents the surplus available towards planning obligations
- 4.5 This Viability Review report adheres to the RICS Professional Statement on Financial Viability in Planning: Conduct and Reporting (published May 2019). In accordance with this Statement, Section 8 below incorporates details of our Quality Standards Control & Statement on Limitation of Liability/ Publication. This report has been prepared according to the Professional Statement's requirement for objectivity and impartiality, without interference and with reference to all appropriate available sources of information. Where information has not been obtainable, we have stated this expressly in the body of the report.

5.0 Benchmark Land Value

Viability Benchmarking

5.1 Planning Policy Guidance, published May 2019, states:

Benchmark land value should:

- *be based on existing use value*
- *allow for a premium to landowners (including equity resulting from those building their own homes)*
- *reflect the implications of abnormal costs; site-specific infrastructure costs; and professional site fees and*

Viability assessments should be undertaken using benchmark land values derived in accordance with this guidance. Existing use value should be informed by market evidence of current uses, costs and values. Market evidence can also be used as a cross-check of benchmark land value but should not be used in place of benchmark land value. There may be a divergence between benchmark land values and market evidence; and plan makers should be aware that this could be due to different assumptions and methodologies used by individual developers, site promoters and landowners.

The evidence should be based on developments which are fully compliant with emerging or up to date plan policies, including affordable housing requirements at the relevant levels set out in the plan. Where this evidence is not available plan makers and applicants should identify and evidence any adjustments to reflect the cost of policy compliance. This is so that historic benchmark land values of non-policy compliant developments are not used to inflate values over time.

[...] Where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Local authorities can request data on the price paid for land (or the price expected to be paid through an option agreement).

5.2 The NPPF recognises the need to provide both land owners and developers with a competitive return. In relation to land owners this is to encourage land owners to release land for development. This is set out in PPG as follows:

To define land value for any viability assessment, a benchmark land value should be established on the basis of existing use value (EUV) of the land, plus a premium for the

landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The Premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements. Landowners and site purchasers should consider policy requirements when agreeing land transactions. This approach is often called 'existing use value plus' (EUV+).

5.3 The RICS Guidance Note 'Assessing viability in planning under the National Planning Policy Framework 2019 for England', published March 2021, supports the NPPG's definition of Benchmark Land Value.

5.4 NPPG further defines EUV as follows:

Existing use value (EUV) is the first component of calculating benchmark land value. EUV is the value of the land in its existing use. Existing use value is not the price paid and should disregard hope value. Existing use values will vary depending on the type of site and development types. EUV can be established in collaboration between plan makers, developers and landowners by assessing the value of the specific site or type of site using published sources of information such as agricultural or industrial land values, or if appropriate capitalised rental levels at an appropriate yield (excluding any hope value for development).

5.5 The Mayor of London's Affordable Housing and Viability SPG published August 2017 states a clear preference for using EUV as a basis for benchmarking development as this clearly defines the uplift in value generated by the consent sought. This is evidenced through the following extract:

The Mayor considers that the 'Existing Use Value plus' (EUV) approach is usually the most appropriate approach for planning purposes. It can be used to address the need to ensure that development is sustainable in terms of the NPPF and Development Plan requirements, and in most circumstances the Mayor will expect this approach to be used.

5.6 Guidance indicates that the sale of any premium should reflect the circumstances of the land owner. We are of the view that where sites represent an ongoing liability to a land owner and the only means of either ending this liability or maximising site value is through securing a planning consent this should be a relevant factor when considering whether a premium is applicable. This view is corroborated in the Mayor of London's Affordable Housing and Viability SPG which states:

Premiums above EUV should be justified, reflecting the circumstances of the site. For a site which does not meet the requirements of the landowner or creates ongoing liabilities/ costs, a

lower premium of no premium would be expected compared with a site occupied by profit-making businesses that require relocation. The premium could be 10 per cent to 30 per cent, but this must reflect site specific circumstances and will vary.

- 5.7 While EUV is the primary approach to defining BLV, in some circumstances an Alternative Use Value approach can be adopted. This is the value of the land for a use other than its existing use. NPPG outlines:

If applying alternative uses when establishing benchmark land value these should be limited to those uses which would fully comply with up to date development plan policies, including any policy requirements for contributions towards affordable housing at the relevant levels set out in the plan.

[...] Plan makers can set out in which circumstances alternative uses can be used. This might include if there is evidence that the alternative use would fully comply with up to date development plan policies, if it can be demonstrated that the alternative use could be implemented on the site in question, if it can be demonstrated there is market demand for that use, and if there is an explanation as to why the alternative use has not been pursued.

- 5.8 The RICS Guidance Note 'Assessing viability in planning under the National Planning Policy Framework 2019 for England', published March 2021, supports the definition of AUV from NPPG and reiterates that any AUV must reflect relevant policy requirements.
- 5.9 When adopting an AUV approach, the premium to the landowner is implicit and therefore an additional landowner premium should not be added as this would be double counting.
- 5.10 NPPG and RICS guidance are clear that if refurbishment or redevelopment is necessary to realise an existing use value then this falls under the AUV provision of NPPG and no landowner premium should be added.

The Proposed Benchmark

- 5.11 JRB adopted a Benchmark Land Value of £3,910,000 in his latest assessment, which is consistent with their original submission. The benchmark proposed by JRB for viability testing is based on an Existing Use Value approach.
- 5.12 The existing property is a BP petrol station with Spar convenience shop. JRB have largely relied on a valuation produced by Avison Young to support their assessment of EUV. This valuation is dated January 2022 and was instructed on the basis of market value rather than EUV, albeit the valuation appears to be based only on the existing petrol filling station (PFS) use therefore we consider its application to be broadly reasonable.

- 5.13 In our assessment of the BLV outlined in the report dated October 2022 we have reduced the Fair Maintainable Operational Profit from 7.75 assumed by AV to 7.5. We stated in our report that we reserved the right to revisit our position should the past trading data of the petrol station have been provided. We note that such information has not been provided, therefore, we maintain the multiplier assumed in our original assessment.
- 5.14 In our assessment we have assumed 6.8%, which brings EUV to £2.945m. In their rebuttal dated December 2022, JRB states that the comparables referred to by Avison Young already account for the purchaser's costs as the relevant FMOP multipliers are based upon 'sale price' comparables as opposed to 'sale price plus purchaser's costs'.
- 5.15 The sale prices listed in AY's report range between £0.975m and £4.8m. We agree the sale price would ordinarily be inclusive of the purchaser's costs, however FMOP multipliers do not carry that information. Assumption of the purchaser's costs have also not been made explicit in AY's valuation, therefore, we maintain of such assumption to be appropriate.
- 5.16 In our assessment, we have not included any Landowner's Premium. By contrast, JRB assumed the Landowner's Premium of 20%. As AY's report has been assessed on the basis of its Market Value, the additional of a 20% premium above Avison Young's valuation therefore suggests that JRB consider that a willing buyer would be willing to purchase the site for 20% above the Market Value. We do not consider such assumption to be appropriate.
- 5.17 This is further underlined by the fact that the subject application does not indicate that a policy compliant is capable of being delivered on the site and the NPPG is clear that premiums should reflect policy compliance.
- 5.18 In their response dated December 2022, JRB states that "*Avison Young refer to their valuation as Market Value but they have, in effect, focussed solely on its PFS income as their valuation driver. As such, we respect and their valuation as and consider it to be an EUV*". We consider such an assumption to be rather far fetched and not aligned with what has actually been stated in AY's report.
- 5.19 We maintain our original assumption that omission of the Landowner's Premium is appropriate in this instance.
- 5.20 Overall, we maintain our original of the Benchmark Land Value of £2,950,000 to be appropriate.

6.0 Development Values

6.1 The residential element of the proposed scheme, as sought by the planning application, is for 31 residential units. We note the unit mix of the proposed scheme have been changed since our original assessment. We have not been provided with the detailed accommodation schedule, however noting a minimal decrease in the total Net Residential Sales Area (decrease of c. 100 sq ft), we assume the average unit size remains broadly similar to the original version of the scheme.

6.2 JRB attributed a blended sales rate of £927.31 to the development, which broadly aligns with their original assumptions. The sales rate translates into the following values:

Type	Number	NSA (sq ft)	JRB's Values
One Bedroom	15	544	£554,444
Two Bedroom	13	835	£760,071
Three Bedroom	3	958	£853,333
Total	31	23,175	

6.3 In our original assessment, we accepted JRB's values, however noting the limited new build evidence in the area, we have recommended a Late Stage Review provision.

6.4 Given the time elapsed since our original report, we have searched the local market and identified the following, more recent sales evidence:

Neos (Maitland Park Estate), NW3 2EH

6.5 The new build development comprises 112 residential units. Each apartment benefits from a private outside space in a form of a balcony, winter garden or a terrace. The development is located 1.4 miles of the subject site, within a quieter residential estate. It lies within 13 minutes walk to the Belsize Park Underground Station. We consider the location of the subject to be superior to the Neos development.

6.6 We have sourced the following sales evidence completed in 2023 from Moliոր database:

Type	Size (sq ft)	Achieved Price	£ PSF
1 Bedroom	549	£527,375	£960
1 Bedroom	549	£533,000	£970

Espalier Gardens / Park Place, NW6 2BS

- 6.7 Newly build, missed use development comprising 60 residential flats, cycle space and commercial units located on the ground floor. The development is located 1.1 miles west of the subject, on a Kilburn High Street. We consider the location of the comparable to be inferior to the subject.
- 6.8 We have sourced the following sales evidence completed in 2023 from Molior database:

Type	Size (sq ft)	Achieved Price	£ PSF
1 Bedroom	549	£391,000	£712
2 Bedroom	840	£600,000	£714
2 Bedroom	786	£490,000	£623
1 Bedroom	581	£428,000	£736
3 Bedroom	1,281	£900,000	£702

One St Johns Wood / Grace House, NW8 7HN

- 6.9 High-end development by Regal, comprising 282 residential units, car parking, swimming pool and cinema for residents. Every flat benefits from a private outside space in a form of a balcony. The construction has completed in 2022. The development is located 1.4 miles south of the subject site, in an upmarket area of St Johns Wood. We consider the subject scheme would achieve lower values.
- 6.10 We have sourced the following sales evidence completed in 2023 from the Molior database:

Type	Size (sq ft)	Achieved Price	£ PSF
2 Bedroom	807	£1,268,250	£1,570
1 Bedroom	614	£1,193,000	£1,944
3 Bedroom	958	£2,325,000	£2,426
1 Bedroom	538	£1,300,000	£2,415
3 Bedroom	958	£2,550,000	£2,661
1 Bedroom	538	£1,183,400	£2,198
2 Bedroom	743	£1,800,000	£2,423
2 Bedroom	743	£1,875,000	£2,524
1 Bedroom	452	£975,000	£2,156

1 Bedroom	570	£1,210,000	£2,120
1 Bedroom	452	£1,015,000	£2,245
1 Bedroom	538	£1,280,000	£2,378
2 Bedroom	743	£2,035,000	£2,739
1 Bedroom	538	£1,231,900	£2,288
1 Bedroom	538	£1,231,900	£2,288

- 6.11 We have also searched evidence of second hand units located in a close vicinity to the subject site, however we have not identified any more relevant sales than already included in our October 2022 report.
- 6.12 Overall, we have not observed any significant movement in the house prices in the area surrounding the subject site and, therefore, we accept JRB's assessment. However, we maintain our opinion that given the scarcity of new build evidence in the immediate vicinity of the site, we recommend that the scheme is subject to a late stage review of viability if a non-policy compliant level of affordable housing is brought forward.

Ground Rents

- 3.16 The Leasehold Reform (Ground Rent) Act 2022 was granted Royal Assent on the 8th February 2022 and is now in force. The reforms put an end to ground rents for new, qualifying long residential leasehold properties in England and Wales. Now the act is in force, any ground rent demanded as part of a new residential long lease cannot be for any more than a peppercorn (no financial value). We therefore acknowledge that in light of an effective ban on future ground rents that they should no longer be included as a future revenue stream for planning & viability purposes. We understand the act covers single 'dwellings' and will therefore capture student and retirement accommodation providing they are occupied or intended to be occupied as single dwellings.
- 3.17 We therefore consider the omission of capitalised ground rents as being a reasonable assumption.

Commercial Valuation

- 6.13 The proposed scheme includes the following commercial space, which remains unchanged from the original version of the scheme:

Type	Size (sq m)	Size (sq ft)
Flexible Commercial	163	1,755
Educational	347	3,735
	510	5490

6.14 The results of our previous assessment are outlined in the table below, together with JRB's position on respective inputs:

Type	JRB's Rent PSF	BPS' Rent PSF	JRB's Yield	BPS' Yield	JRB's Rent Free Period	BPS' Rent Free Period
Flexible Commercial	£30	£35	6%	6%	1 Year	1 Year
Educational	£30	£30	6%	6%	1 Year	1 Year

6.15 In their latest report, JRB maintains that the rent for the flexible commercial space should be £30psf. They have also increased the yield to 6.5%. No additional evidence has been provided to support such an increase.

6.16 In their report dated December 2022, JRB argues that the evidence of 1-3 Canfield Place (reproduced below), is not sufficient as it was a refurbished Category A office, whilst the proposed scheme is assumed to be fitted to "shell and core" standard. Noting the proposed scheme would deliver a new build space and, therefore, an improved quality of accommodation overall, we would consider the achieved values to exceed the ones achieved at Canfield Place. We consider the proximity to the station to be broadly similar to the proposed scheme.

Suite B, 1-3 Canfield Place, Finchley Road, NW6 3BT	Ground floor self-contained office suite Open plan with separate meeting room 2x car parking spaces, air conditioning, 2x WCs and gas central heating 1,278 sq ft	26/06/21	£49,950 pa	£39 psf
--	--	----------	------------	---------

6.17 JRB also claims the rent achieved at 1-3 Canfield Place is lower than stated in our original report. We have sourced our information from EGI database. Whilst we acknowledge there is a possibility of an error margin on the database, we would expect evidence of such a difference to be provided.

6.18 Given the time elapsed since our original report, we have searched the local market and identified the following, more recent rental evidence:

Address	Description	Achieved Rent (psf)	Size (sq ft)	Deal Date
6 Harben Parade, Finchley Road, London, NW3 6JP	High street, second hand retail unit let to British Heart Foundation on 9 years lease from December 2022.	£39.87	1,079	June 2022
311 West End Lane Hampstead, London, NW6	Retail unit let to Truffle Burger for 16 years lease. We note the achieved price exceeded the asking price, which was £40,000pa. The unit comprise a front terrace, suitable for a restaurant business, which would attract a higher value psf.	£64.43	776	Dec 2022

6.19 We note the evidence of 6 Harben Parade, which provides an inferior quality of accommodation and is located only 2 minutes walk from the subject site, provides a sufficient evidence that the rent of £35psf is achievable in the said location.

6.20 We have sourced additional evidence to inform our opinion of the yield levels:

Address	Description	Date	Size (sq ft)	NIY
519 Finchley Road, Hampstead, London, NW3 7BB	Dated freehold building comprising two retail shops, each subject to Commercial Leases and Two Masionettes. The total passing rent received at the moment of sale was £61,500pa. The unit was sold for c. £1.2m. The building is located 0.9 miles north from the subject, in an inferior location.	May 2023	3,800	4.72%
44 Parkway, Camden, London, NW1 7AH	Dated retail unit, much smaller than the comparable with no residential component included. We consider the location of the subject to be	March 2023	330	5.92%

	superior to the comparable.			
143 Kilburn High Road, Kilburn, London, NW6 7HT	2n hand retail unit located on a high street, in an inferior location to the subject. Sold for £559,000.	Feb 2022	N/A	5.17%
70-72 Kilburn High Road, Kilburn, London, NW6 4HS	2nd hand retail unit, inferior location to the subject.	Dec 2021	N/A	6.55%

- 6.21 Having analysed the evidence above, we do not consider there is sufficient evidence to support the yield increase proposed by JRB. We, therefore, maintain that the level of 6% remains appropriate.
- 6.22 Overall, our assessment results in the commercial GDV of £2,727,594, which reflects an increase of c. £0.2m on the values adopted by JRB.

7.0 Development Costs

Construction Costs

7.1 Our Cost Consultants, Geoffrey Barnett Associates (GBA), have analysed the build cost plan for the proposed scheme prepared by WWA, dated June 2022, and conclude that:

“We conclude that the construction costs put forward in the viability update are within acceptable estimating margins of our own assessment of costs.”

7.2 GBA's full cost report can be found at Appendix 1.

Additional Costs

7.3 JRB have applied the following additional cost assumptions:

- Professional fees of 12%
- Marketing fees of 1.25%
- Sales agent fees of 1.50%
- Sales legal fees of £40,000 (c. 0.2% on GDV)
- Letting Agent fee of 10%
- Letting Legal Fee of £8,000 (c.4.6% of the rental income)

7.4 Our Cost Consultants advise that 12% professional fees are excessive for a scheme of this nature and that 10% professional fees are reasonable. We other fees to be in line with the current market norms.

7.5 CIL charges have been assumed at £1.9m. We have not verified this amount.

7.6 Finance has been included at 8% assuming that the scheme is 100% debt financed. We consider this finance allowance to be overstated and find 7.5% to be reasonable and , at the upper end of the range we see in numerous other applications.

Profit

7.7 The developer profit target adopted by JRB in their original assessment was 22.5% on cost which equates to 18% on GDV. We assume JRB maintains for this to be appropriate.

7.8 We have stated in our original report that we consider the profit allowance should be measured as a factor of GDV as this allows for more accurately differentiating between the risk elements of the scheme. We maintain that the following profit targets are reasonable for a scheme of this nature:

- 17.50% on GDV on private residential
- 15.00% on GDV on Commercial

7.9 The above figures result in the blended profit target of 17.20%.

Development Timeframes

7.10 JRB adopted the following timeframes in their assessment:

- Pre-Construction: 4 months
- Construction: 24 months
- Sales: 10 months (40% off-plan sales and c. 2 units per month thereafter)

7.11 Our Cost Consultant, GBA, reviewed the proposed timeframes and concludes as follows:

“Construction duration is stated in the viability update to be 24 months. BCIS estimated construction duration is average 16 months, with the top of the interval to be 18 months. Taking into consideration the constraints of the site and the presence of the semi- basement we consider 18 months to be a reasonable construction duration for this project.”

7.12 We have adopted the construction cost as per the above advice.

7.13 We are comfortable with the off-plan sales level adopted by JRB, however, we consider the assumption of 2 units per month to be somewhat understated for the London market. In our original review we have assumed 5 units per month, which has been disputed by JRB in their December rebuttal. In their response, JRB includes a screenshot of an article by Barrat Homes dated October 2022 about slow in demand for private residential properties. We do not consider this to be a sufficient evidence to support JRB’s assumption.

7.14 We noticed from Molior database that units at comparable developments were recently sold at the rate of 2-3 units per month post-completion, which translates to 6 months post-completion sales period. We have adopted this figure in our assessment.

8.0 Author Sign Off

- 8.1 This report is provided for the stated purpose and for the sole use of the named clients. This report may not, without written consent, be used or relied upon by any third party.
- 8.2 The author(s) of this report confirm that there are no conflicts of interest and measures have been put in place to prevent the risk of the potential for a conflict of interest. In accordance with the RICS Professional Statement *Financial Viability in Planning: Conduct and Reporting* September 2019, this report has been prepared objectively, impartially, and with reference to all appropriate sources of information.
- 8.3 The following persons have been involved in the production of this report:



Agnes Mrowiec
RICS Membership no. 6821180
For and on behalf of
BPS Chartered Surveyors



Andrew Jones
RICS Registered Valuer
RICS Membership no. 0085834
For and on behalf of
BPS Chartered Surveyors

November 2023

Appendix 1: Build Cost Report

**REVIEW OF CONSTRUCTION COSTS WITHIN VIABILITY UPDATE
PREPARED BY
JAMES R BROWN AND COMPANY LTD**

FOR

104A FINCHLEY ROAD, CAMDEN, NW3 5EY (REVISED)

23 NOVEMBER 2023

Geoffrey Barnett Associates

Chartered Quantity Surveyors

Project Coordinators

The Old Mill

Mill Lane

GODALMING

Surrey

GU7 1EY

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- 1: INTRODUCTION**
- 2: BASIS OF REVIEW**
- 3: REVIEW OF COST PLAN**
- 4: GBA ASSESSMENT OF CONSTRUCTION COSTS**
- 5: CONCLUSION**
- 6: REVIEW OF PROFESSIONAL FEES AND CONSTRUCTION DURATION**

APPENDICES:

- A: CALCULATION OF COSTS USING BCIS M2 RATE**
- B: COMPARISON OF INDICATIVE ESTIMATE AGAINST COSTS USING BCIS M2 RATES**
- C: BCIS DATA**

1.0 INTRODUCTION:

- 1.1 Geoffrey Barnett Associates are Chartered Quantity Surveyors, established in 1974, and have over 45 years' experience of providing quantity surveying, project co-ordination and construction cost management services to clients throughout the UK. The firm's experience covers a wide range of project types and sizes including new build residential and commercial developments, infrastructure projects and refurbishment projects.
- 1.2 This review relates to construction costs within the Viability Update dated 25 October 2023 produced by James R Brown & Company Ltd.

2.0 BASIS OF REVIEW

- 2.1 The contract build cost estimate provided by the applicant is reviewed by comparison against the Building Cost Information Service (BCIS) construction cost data published by the RICS. The reason for using the BCIS service is that it provides a UK wide and fully independent database compiled and continually updated by input from varied project types and locations.
- 2.2 BCIS publish costs as average overall prices on a cost per sq metre basis and an elemental cost per sq metre basis for new build work. For new build construction, the BCIS cost levels are used as a baseline to assess the level of cost and specification enhancement in the scheme on an element by element basis.
- 2.3 BCIS costs are updated on a quarterly basis. The most recent quarters use forecast figures, the older quarters are firm costs based on historic project data. The BCIS also provides a location adjustment facility against a UK mean index of 100, which allows adjustment of costs for any location in the UK. The BCIS also publish a Tender Price Index based on historic tender prices. This allows adjustment of costs on a time basis where necessary.
- 2.4 BCIS average costs are available for various categories of buildings such as apartments, offices, shops, hotels, schools, etc.
- 2.5 BCIS average prices per sq metre include overheads and profit (OHP) and preliminaries costs. BCIS elemental costs include OHP but not preliminaries. Average prices per sq metre or elemental costs do not include for external services and external works costs. Demolitions and site preparation are excluded from all BCIS costs.
- 2.6 Ideally, a contract build cost estimate should be prepared by the applicant in the BCIS elements. If this is not available exactly in the BCIS format then, where relevant, we undertake analysis and adjustment to allow direct comparison to BCIS elemental benchmark costs. This requires access to the drawings, specifications, and any reports which have a bearing on cost.
- 2.7 The review of an applicant's contract build cost estimate against BCIS would typically require:
 - Adjustment by location factor

- Adjustment for abnormal and enhanced costs
- Review of the applicants estimate on element by element basis
- More detailed analysis where there are significant deviance from BCIS costs
- Adjustment of overheads & profit inclusions to provide direct comparison to BCIS
- Addition of contractors’ preliminaries costs
- Addition of ancillary costs, such as fees, statutory charges, etc., as appropriate

These adjustments enable us to make a direct comparison with BCIS benchmark costs.

- 2.8 The floor areas stated in the applicants cost estimate are accepted and we do not attempt to check the floor areas.

3.0 REVIEW OF CONSTRUCTION COSTS

- 3.1 The proposed development is stated to comprise: “Demolition of existing petrol filling station and associated convenience store (sui generis), and erection of a six-storey building comprising ground floor commercial space (Class E) and flexible commercial/educational space for UCS Pre-Prep (Class E/F1), and 31 flats (C3) (15x1B, 13x2B and 3x3B) above”.

- 3.2 We have previously assessed a scheme on this site in October 2022 and found proposed costs acceptable. The scheme has not changed significantly with the reduction in residential GIA from 3,020m² to 2,976m², alterations to façade cladding and introduction of an additional roof light.

- 3.3 Total GIA is stated in the viability update to be 3,486m². The breakdown of areas is assumed as follows:-

<u>Commercial:</u>	
Commercial	163m ²
Education	347m ²
<u>Residential</u>	
31no flats	2,976m ²
	<u>3,486m²</u>

- 3.4 Construction costs are shown in the viability update to be £11,103,431 in total. We assume that proposed costs are based on the Indicative Cost Estimate dated June 2022 produced by WWA with subsequent inflation uplift to 4Q2023. The breakdown of costs is as follows:-

Commercial	£519,322
Education (or Commercial)	£1,105,224
Residential	£9,478,885
Total	<u>£11,103,431</u>

- 3.5 Date basis for the costs is assumed to be 4Q2023.

- 3.6 Costs are presented as a rate applied to areas; no quantified breakdown has been provided.
- 3.7 The indicative estimate included prelims at 20%, overheads and profit at 6% and contingency at 5%. We have assumed that proposed costs based on the indicative estimate are also inclusive of them.

4.0 GBA ASSESSMENT OF CONSTRUCTION COSTS

- 4.1 To benchmark the figures in the viability update, we have calculated costs using BCIS average m2 rates. These rates relate to buildings only, so we have added allowances for external works, plus any abnormals – see following clauses.
- 4.2 Date basis for the costs is 4Q2023.
- 4.3 We have used Mean BCIS rates for new build, rebased to Camden on the grounds that the site is extremely congested, and the footprint of the building takes nearly the entire area of the site.
- 4.4 We have previously reviewed the costs in the indicative estimate for costs that are excluded from BCIS rates (demolition, including removal of all petroleum infrastructure, enabling works and external works and services). In our opinion the costs of demolition and ground remediation works are excessive, based on the size of the existing structures and the SUBADRA Phase One Environmental Assessment. We have used lower demolition and enabling works costs as well as lower costs for the new substation. We found the cost of external works and utilities connections reasonable and therefore used them in our own assessment but applied 20% for preliminaries and OHP. As above costs have been included in our previous Report and represented costs at 3Q2022, we have applied 4.6% inflation uplift based on change in All-in BCIS TPI: 3Q22 (All-in TPI 371) and 4Q23 (All-in TPI 388)
- 4.5 We have also reviewed the original design and access statement and revised drawings in detail to see if there are any abnormal costs that we do not expect would be included in BCIS rates. We believe that the following could be considered as abnormal:
- Piled foundations in close proximity to the underground tunnel and main sewer
 - Extra over for semi-basement, say 1/3 of the area
 - Extra over for transfer deck
 - Extra over for composite triple glazed windows and external wall cladding system
 - PV installations
 - Roof light
- 4.6 In line with common practice and general guidance we have added an allowance of 5% for contingency.
- 4.7 On the basis of the foregoing we have calculated a total construction cost of £11,085,547 – see Appendix A.

5.0 CONCLUSION

- 5.1 The difference between costs in the viability update and our assessment of costs using BCIS is £17,884 or 0.16% - see Appendix B.
- 5.2 We conclude that the construction costs put forward in the viability update are within acceptable estimating margins of our own assessment of costs.

6.0 REVIEW OF PROFESSIONAL FEES AND CONSTRUCTION DURATION

- 6.1 Professional fees included in the viability update are 12%. Although there is no published BCIS data on the level of professional fees 10% is considered to be more acceptable for the project of this size and value. In addition to costs calculated with BCIS rates we have made a significant allowance for abnormal costs, and professional fees for specialist consultants are also calculated from these costs.
- 6.2 Construction duration is stated in the viability update to be 24 months. BCIS estimated construction duration is average 16 months, with the top of the interval to be 18 months. Taking into consideration the constraints of the site and presence of the semi-basement we consider 18 months to be a reasonable construction duration for this project.

APPENDIX A

CALCULATION OF COSTS USING BCIS M2 RATES

Base costs based on M2 rates

Flats 31no - (6 storeys block)	2,976	m2 @	£2,741 /m2	£8,157,216
Commercial (shell and core)	163	m2 @	£1,436 /m2	£234,068
Education (shell and core)	347	m2 @	£1,436 /m2	£498,292
Total	3,486		£2,550	£8,889,576

Additional costs not included in base rates

Demolition, including removal of petroleum infrastructure, and enabling works, including ground remediation				£350,000
External works				£194,400
External services				£160,800
New substation	1	nr @	£150,000 /nr	£150,000
Inflation uplift from 3Q22 (All-in TPI371) to 4Q23 (All-in TPI 388)	4.60%			£39,339
				£894,539

Abnormal costs

Piled foundations in close proximity to underground tunnel and main sewer	659	m2 @	£350 /m2	£230,650
Extra over for semi-basement, say 1/3 of the footprint area	220	m2 @	£400 /m2	£88,000
Extra over for transfer deck	659	m2 @	£150 /m2	£98,850
Extra over for composite triple glazed windows and façade reconstituted stone cladding	3,486	m2 @	£75 /m2	£261,450
PV installations	31	nr @	£1,800 /nr	£55,800
Inflation uplift from 3Q22 (All-in TPI371) to 4Q23 (All-in TPI 388)	4.60%			£33,799
Roof light	1	nr @	£5,000 /nr	£5,000
				£773,549

Total base and additional costs				£10,557,664
Contingency			5%	£527,883

£11,085,547

Cost per m2 of GIA £3,180

Notes:

1. BCIS rates are Mean BCIS rates, rebased to Camden and current date (4Q2023).
2. BCIS rates are inclusive of prelims and OHP.
3. Costs of external works and services are taken from WWA Indicative Estimate.
4. Costs of demolition and enabling works, new substation and abnormal costs - GBA own assessment
5. All additional and abnormal costs are inclusive of preliminaries and OHP.

APPENDIX B

COMPARISON OF VIABILITY UPDATE AGAINST COSTS USING BCIS M2 RATES

Cost using BCIS m2 rates - Appendix A	£11,085,547
Cost from viability update	£11,103,431
Difference £	£17,884
Difference %	0.16%

APPENDIX C: BCIS DATA



£/M2 STUDY

Description: Rate per m2 gross internal floor area for the building Cost including prelims.

Last updated: 18-Nov-2023 07:37

Rebased to London Borough of Camden (131; sample 53)

MAXIMUM AGE OF RESULTS: DEFAULT PERIOD

Building function (Maximum age of projects)	£/m ² gross internal floor area						Sample
	Mean	Lowest	Lower quartiles	Median	Upper quartiles	Highest	
New build							
816. Flats (apartments)							
Generally (15)	2,322	1,153	1,924	2,183	2,614	7,899	845
1-2 storey (15)	2,187	1,357	1,851	2,084	2,444	4,559	180
3-5 storey (15)	2,294	1,153	1,915	2,181	2,586	4,827	564
6 storey or above (15)	2,741	1,675	2,223	2,573	2,983	7,899	98
Shell only							
816. Flats (apartments) (20)	1,436	764	-	-	-	2,107	2



New Build, Construction

104A FINCHLEY ROAD, CAMDEN, NW3 5EY (REVISED)

The estimated construction duration from Start on Site to Construction Completion is 71 weeks
(this is an average for the project as described below).

The 90% confidence interval for this estimate is 66 to 77 weeks.

Individual projects will take more or less time than the average: the 90% prediction interval for individual projects is 47 to 108 weeks.

The estimate is based on the following project details:

Contract value: £11,100,000 at 4Q 2023 (388; forecast) prices and London Borough of Camden (131; sample 53) level

Building function: Flats

Procurement: Design and build

Selection of contractor: Single stage tendering

Client organisation: Private



BCIS All-in TPI #101
 BCIS All-in TPI

Base date:
 1985 mean = 100
 Updated:
 09-Jun-2023
 Series no.
 #101

Date	Index	Equivalent sample	Percentage change		
			On year	On quarter	On month
1Q 2018	326	98	8.3%	2.8%	
2Q 2018	326	94	6.2%	0.0%	
3Q 2018	327	90	6.9%	0.3%	
4Q 2018	330	85	4.1%	0.9%	
1Q 2019	331	74	1.5%	0.3%	
2Q 2019	335	66	2.8%	1.2%	
3Q 2019	335	62	2.4%	0.0%	
4Q 2019	333	56	0.9%	-0.6%	
1Q 2020	335	Provisional	1.2%	0.6%	
2Q 2020	335	Provisional	0.0%	0.0%	
3Q 2020	330	Provisional	-1.5%	-1.5%	
4Q 2020	328	Provisional	-1.5%	-0.6%	
1Q 2021	328	Provisional	-2.1%	0.0%	
2Q 2021	331	Provisional	-1.2%	0.9%	
3Q 2021	339	Provisional	2.7%	2.4%	
4Q 2021	344	Provisional	4.9%	1.5%	
1Q 2022	349	Provisional	6.4%	1.5%	
2Q 2022	365	Provisional	10.3%	4.6%	
3Q 2022	371	Provisional	9.4%	1.6%	
4Q 2022	375	Provisional	9.0%	1.1%	



Base date:
 1985 mean = 100
 Updated:
 09-Jun-2023
 Series no.
 #101

Date	Index	Equivalent sample	Percentage change		
			On year	On quarter	On month
1Q 2023	379	Provisional	8.6%	1.1%	
2Q 2023	383	Provisional	4.9%	1.1%	
3Q 2023	385	Forecast	3.8%	0.5%	
4Q 2023	388	Forecast	3.5%	0.8%	
1Q 2024	390	Forecast	2.9%	0.5%	
2Q 2024	392	Forecast	2.3%	0.5%	
3Q 2024	393	Forecast	2.1%	0.3%	
4Q 2024	399	Forecast	2.8%	1.5%	
1Q 2025	401	Forecast	2.8%	0.5%	
2Q 2025	405	Forecast	3.3%	1.0%	
3Q 2025	405	Forecast	3.1%	0.0%	
4Q 2025	411	Forecast	3.0%	1.5%	
1Q 2026	414	Forecast	3.2%	0.7%	
2Q 2026	417	Forecast	3.0%	0.7%	
3Q 2026	418	Forecast	3.2%	0.2%	
4Q 2026	422	Forecast	2.7%	1.0%	
1Q 2027	428	Forecast	3.4%	1.4%	
2Q 2027	431	Forecast	3.4%	0.7%	
3Q 2027	433	Forecast	3.6%	0.5%	
4Q 2027	436	Forecast	3.3%	0.7%	
1Q 2028	443	Forecast	3.5%	1.6%	

Appendix 2: BPS Appraisals

Finchley Rd on 25/10/23 (no affordable)

Development Appraisal
Prepared by JRB
BPS Surveyors
27 November 2023

Finchley Rd on 25/10/23 (no affordable)

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft ²	Sales Rate ft ²	Unit Price	Gross Sales
Private Residential	31	23,175	927.31	693,239	21,490,409

Rental Area Summary

	Units	ft ²	Rent Rate ft ²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Commercial	1	1,755	35.00	61,425	61,425	61,425
Education (or Commercial)	1	3,735	30.00	112,050	112,050	112,050
Totals	2	5,490			173,475	173,475

Investment Valuation

Commercial						
Market Rent (1yr Rent Free)	61,425	YP @ PV 1yr @	6.0000%	16.6667		
			6.0000%	0.9434	965,802	
Education (or Commercial)						
Market Rent (1yr Rent Free)	112,050	YP @ PV 1yr @	6.0000%	16.6667		
			6.0000%	0.9434	1,761,792	
Total Investment Valuation					2,727,594	

GROSS DEVELOPMENT VALUE

24,218,004

Purchaser's Costs				(185,476)		
Effective Purchaser's Costs Rate		6.80%			(185,476)	

NET DEVELOPMENT VALUE

24,032,527

NET REALISATION

24,032,527

OUTLAY

ACQUISITION COSTS

Fixed Price	2,950,000					
Fixed Price			2,950,000			
				2,950,000		
Stamp Duty		5.00%	147,500			
Agent Fee		1.00%	29,500			
Legal Fee		0.80%	23,600			
					200,600	

CONSTRUCTION COSTS

Construction	ft ²	Build Rate ft ²	Cost
Commercial	1,755	295.91	519,322
Education (or Commercial)	3,735	295.91	1,105,224
Private Residential	32,033	295.91	9,478,885
Totals	37,523 ft²		11,103,431
MCIL2/CIL/S.106/S.278			1,900,000
			13,003,431

PROFESSIONAL FEES

Professionals	10.00%	1,110,343	
			1,110,343

MARKETING & LETTING

Marketing	1.25%	268,630	
Letting Agent Fee	10.00%	17,348	
Letting Legal Fee		8,000	
			293,978

DISPOSAL FEES

Sales Agent Fee	1.50%	360,488	
Sales Legal Fee		40,000	
			400,488

Additional Costs

This appraisal report does not constitute a formal valuation.

Finchley Rd on 25/10/23 (no affordable)

Commercial Profit	15.00%	409,139	
Private Profit	17.50%	3,760,822	
			4,169,961

FINANCE

Debit Rate 7.500%, Credit Rate 2.000% (Nominal)			
Land		437,792	
Construction		840,736	
Other		56,970	
Total Finance Cost			1,335,498

TOTAL COSTS

23,464,298

PROFIT

568,229

Performance Measures

Profit on Cost%	2.42%
Profit on GDV%	2.35%
Profit on NDV%	2.36%
Development Yield% (on Rent)	0.74%
Equivalent Yield% (Nominal)	6.00%
Equivalent Yield% (True)	6.23%
IRR% (without Interest)	10.05%
Rent Cover	3 yrs 3 mths
Profit Erosion (finance rate 7.500)	4 mths

This appraisal report does not constitute a formal valuation.

104A Finchley Road, South Hampstead, NW3 5EY

Addendum Report 1

Prepared on behalf of London Borough of
Camden

Issued: 18th January 2024

Planning Reference: 2022/3553/P



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1.0 Introduction

- 1.1 BPS Chartered Surveyors have been instructed by London Borough of Camden ('the Council') to provide a review and analysis in response to the James R Brown ('JRB') letter dated 10th January 2024. This BPS Addendum follows on from our report of the 28th November 2023 which was issued in response to JRB's Financial Viability Assessment ('FVA') dated 25th October 2023, prepared on behalf of Trevelyan Developments Limited ('the Applicant') in connection with the redevelopment of the above site.
- 1.2 This addendum should therefore be read in conjunction with the above reports.
- 1.3 We concluded in our previous report that the proposals produced a deficit of -£1.9m
- 1.4 Having considered JRB's latest comments, the following table summarises our **current** respective positions:

Input	JRB (Oct 2023)	BPS (Nov 2023)	JRB (Jan 2024)	BPS (Jan 2024)	Comments
Income					
Private Sales Values	£21,490,409 (£927psf)	£21,490,409 (£927psf)	£21,490,409 (£927psf)	£21,490,409 (£927psf)	Agreed
Commercial	£2,589,623 (£472psf)	£2,727,594 (£497psf)	Unclear	£2,727,594 (£497psf)	Disagreed
Expenditure					
EUV	£3,260,000	£2,950,000	£3,260,000	£2,950,000	Disagreed
Landowner Premium	20%	0%	20%	0%	Disagreed
Benchmark Land Value	£3,910,000	£2,950,000	£3,910,000	£2,950,000	Disagreed
Build Costs (inc. contingency)	£11,103,431	£11,103,431	£11,103,431	£11,103,431	Agreed
Professional Fees	12%	10%	12%	10%	Disagreed
Private Marketing, Legal & Agent Fee	2.8%	2.8%	2.8%	2.8%	Agreed
Letting Agent Fee	10%	10%	10%	10%	Agreed
Letting Legal Fee	4.8%	4.8%	4.8%	4.8%	Agreed
CIL	£1,900,000	£1,900,000	£1,900,000	£1,900,000	Ambiguous - We require confirmation from the Council on this input.
Finance	8.5%	7.5%	8.5%	7.50%	Disagreed

Profit (Blended, on GDV):	18.20%	17.20%	18.20%	17.20%	Disagreed
Development Timeframes					
Pre-construction Period	4-months	4-months	4-months	4-months	Agreed
Construction Period	24-months	18-months	24-months	18- months	Disagreed
Pre-Sales	40%	40%	40%	40%	Agreed
Sales Period	10-months	6-month	10-months	10-month	Agreed
Viability Position	-£1.9m	+£568,229	-£1.9m	+£465,053	Disagreed
Actual Profit (on GVD)	10.22%	19.56%	10.22%	+19.34%	Disagreed

1.5 Our updated conclusions are as follows:

- We maintain our opinion that the proposed scheme generates a surplus and, therefore, affordable housing contribution can viably be provided.

2.0 Summary of JRB's Response Dated January 2024

2.1 Although some inputs were agreed between ourselves and JRB, we note the following points remain in disagreement:

- Commercial GDV
- BLV
- Professional Fees
- Finance Cost
- Profit Target
- Construction Period
- Sales Period

2.2 This Addendum provides a response to JRB's latest report as requested by the Council. The areas of disagreement are detailed in the following sections of this report.

3.0 Commercial GDV

JRB (Oct 2023)	BPS (Nov 2023)	JRB (Jan 2024)	BPS (Jan 2024)
£2,589,623 (£472psf)	£2,727,594 (£497psf)	Unclear	£2,727,594 (£497psf)

- 3.1 In our original report, we disagreed with JRB's assessment of the commercial GDV. In their latest letter, JRB does not provide any commentary on this input and does not confirm what their current position is. We, therefore, maintain our original assessment of the commercial values to be appropriate.

4.0 Benchmark Land Value

JRB (Oct 2023)	BPS (Nov 2023)	JRB (Jan 2024)	BPS (Jan 2024)
£3,910,000	£2,950,000	£3,800,000	£2,950,000

- 4.1 In our original assessment we commented on JRB's assessment of the BLV which was based on an open market valuation of the property undertaken by Avison Young in 2022. JRB have adopted the Avison Young's report without question or cross reference to either current trading data, or any more recent comparable information. The Avison Young valuation is dated January 2022 and was provided as limited extracts from a larger report. We have been unable to view the whole report. Critically the report was prepared on the basis of the property's open market value. As a formal valuation this would have been subject to the Red Book definition of market value which JRB as a surveyor should be aware of:

The estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion (see IVS 104 paragraph 30.1).

- 4.2 It is relevant to consider this definition as it is central to the issue of whether a further land owner premium should be applied. JRB appears to consider that as the valuation appears to have been based on its fair maintainable trade it should be regarded as an EUV assessment. However, this is simply an attempt to opportunistically graft an alternative valuation basis onto the Avison Young report from that which it was prepared on.
- 4.3 It is clear from the definition that fundamental to the concept of open market value is the notion of a willing buyer and a willing seller. JRB imagines that a further incentive to sell would be necessary as an inducement to sell. However, this would only be the case where there was an unwilling seller so is clearly in error as an approach as this is part of the RICS Red book definition. Furthermore, open market value is the highest value which could be placed on a property and as such there no basis for assuming a higher than market value should be adopted in this instance.
- 4.4 The concept of a land owner premium is applicable to an EUV assessment. The purpose of viability in a planning context is to capture the uplift in land value generated by the consent sought over the existing use value. The premium allows for the land owner to participate in this uplift. JRB has not demonstrated any uplift in site value generated by the application scheme.

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- 4.5 The fact that Avison Young base their valuation on fair maintainable trade is irrelevant in considering whether a premium is appropriate.
- 4.6 In our review, we have reduced Fair Maintainable Operational Profit from 7.75 assumed by AV to 7.5. We stated in our report that we reserved the right to revisit our position should the past trading data of the petrol station have been provided. We note that such information has not been provided, therefore, we maintain the multiplier assumed in our original assessment.
- 4.7 In our assessment we have also assumed 6.8% purchaser's costs, which brings EUV to £2.945m. As stated in our report, FMOP multipliers do not carry information of the purchaser's costs. No new evidence have been supplied by JRB to support otherwise.
- 4.8 JRB provides evidence of a screenshot of an updated AY's assessment, which points to a lower Market Value than assessed in their 2022 report of £3.165m. Full updated report have not been provided. We do not consider this evidence to address any of the concerns expressed in our original review.
- 4.9 On this basis, we do not consider sufficient evidence have been provided to change our position on the EUV.
- 4.10 Overall, we maintain our original assessment to be appropriate.

5.0 Professional Fees

JRB (Oct 2023)	BPS (Nov 2023)	JRB (Jan 2024)	BPS (Jan 2024)
12%	10%	12%	10%

5.1 In our original assessment we used lower professional fees than JRB based on the assessment provided by our Cost Consultant, GBA. We note JRB maintains the professional fee of 12% to be reasonable for the proposed scheme, although this is not backed in any evidential way.

5.2 We have passed on JRB's Response to GBA, who advised as follows:

"We would agree that higher professional fees percentage would generally apply to smaller contract size, and also quite often for specialised projects such as refurbishment of listed buildings. The proposed development is neither of those. The proposed development cost of £11,103,431 is not considered as a "smaller contract size". However, we appreciate that it does pose structural challenges due to close proximity to the Metropolitan Line and a Thames Water sewer, but at the same time there is an element of repetition of units within the building, which would generally be reflected in lower percentage design fees. We have reviewed a very large number of construction costs and professional fees within viability assessments, and they included professional fees ranging between 6% and 10% for projects of construction costs ranging from £2,5M to £15M. In our opinion 10% is at the high end of the range and allows the particular challenges of this development."

5.3 On this basis, we maintain 10% to be appropriate.

6.0 Finance Cost

JRB (Oct 2023)	BPS (Nov 2023)	JRB (Jan 2024)	BPS (Jan 2024)
8.5%	7.5%	8.5%	7.5%

- 6.1 In our original assessment we disagreed with JRB's assessment of the proposed Finance Cost and consider the figure to be overstated. In their latest Response, JRB maintains the finance cost of 8.5% to be appropriate.
- 6.2 In support of their position, JRB provides Indicative Terms of the development finance provided by Quantum Development Finance to Lux One SPV 13 LTD dated September 2023. It is unclear what is the correlation between the borrower and the Applicant. We note the terms refer to the finance rate of 5.7% over the Bank of England base rate.
- 6.3 Although we appreciate that in some property based lending the base rate is related with the overall borrowing cost rate, the finance rate used for the purpose of the viability assessment is not directly impacted by the BOE rate. In accordance with accepted practice and noting that there are a wide variety of funding approaches across a range of developers viability assessments assume 100% bank lending to avoid a personalised approach as required by RICS Guidance. The assessment approach is not intended to be a mirror of terms offered to a specific developer. It is also clear from the evidence provided by JRB, where terms refer to 65% of the total development costs.
- 6.4 We note JRB includes T&C's of the lending offer made by CA Trading to Macar Developments, which refers to 9.75% finance rate. Again, the correlation between the Applicant and Macar Developments and the proposed development have not been clarified. We consider, therefore, such evidence to be of low relevance.
- 6.5 Moreover, the level of rate offered by the financial institutions depends on multiple factors, such as (but not limited to) the developer's experience. The viability assessment should not be tailored to the developer's individual circumstances. Given the approach adopted in respect of Planning Viability we have referenced a wide range of very recent viability assessments where the finance rates range between 6.5%- 7.5%. Therefore, we maintain our original opinion of 7.5% being an appropriate rate for the purpose of this assessment.

7.0 Profit Target

JRB (Oct 2023)	BPS (Nov 2023)	JRB (Jan 2024)	BPS (Jan 2024)
18.20%	17.20%	18.20%	17.20%

- 7.1 In our original assessment, we adopted a lower profit target in comparison to JRB, to reflect the inclusion of a lower profit rate in relation to the commercial space within the scheme in accordance with standard practice. JRB maintains the profit level of 18.20% on GDV to be appropriate.
- 7.2 We note no additional evidence have been provided to support JRB's position as such we see no reason to alter our original opinion .

8.0 Construction Period

JRB (Oct 2023)	BPS (Nov 2023)	JRB (Jan 2024)	BPS (Jan 2024)
24-months	18-months	24-months	

- 8.1 Construction period was assessed by our Cost Consultants by reference to the BCIS duration indicator which reflects actual construction period achieved for a wide range of similar projects.
- 8.2 We note JRB references evidence from the applicant which has not been provided in support of a 24 construction period.
- 8.3 We have passed on their Response to GBA, who advised as follows:

“Proposed 24 months construction time is based on assumption as stated in James R. Brown rebuttal, as there was no construction programme submitted. In our assessment we have used a BCIS duration calculator. BCIS estimated construction duration is average 16 months, with the top of the 90% confidence interval to be 18 months. We took into consideration the constraints of the site and presence of the semi-basement and concluded that 18 months would be a more reasonable construction duration for this project. It should be noted that approximately 15% of the GIA (commercial premises) will be shell and core only not requiring a fit-out. BCIS shows that individual projects may take up to 25 months, but the information submitted by the Applicant did not include any substantiation or evidence that such a time may be required. Please see the BCIS calculation attached”



- 8.4 On this basis, we maintain 18 months construction period to be appropriate.

9.0 Sales Period

JRB (Oct 2023)	BPS (Nov 2023)	JRB (Jan 2024)	BPS (Jan 2024)
10-months	6-month	10-months	10-months

- 9.1 In our original assessment we adopted 40% off plan sales rate and c.3 units to be sold post-completion, which translates to 6 months sales period.
- 9.2 We note JRB argues that the sales period should be maintained at 10 months, even with the assumption of 3 units per month being sold. We appear to agree on the assumption of the off-plan sales rate, however, it is unclear from JRB's report what "unit per month" level they consider appropriate.
- 9.3 For ease of reference, we have outlined below the calculation, which draws to the conclusion of 6 months sales period:
- Number of units sold off-plan: 12 (c. 40% of 31)
 - Number of units being left to sell post-completion: 19
 - Number of months, assuming 3 units are sold per month: 6
 - Number of months, assuming 2 units per month: 10
- 9.4 We, therefore, assume JRB is arguing that 2 units per month is more appropriate than 3, albeit this has not been clarified in their report.
- 9.5 In their Response, JRB provides additional evidence of Vabel Haverstock development, which we accept. On this basis, we have adopted 10 months sales period in our assessment.

10.0 Author Sign Off

- 10.1 This report is provided for the stated purpose and for the sole use of the named clients. This report may not, without written consent, be used or relied upon by any third party.
- 10.2 The author(s) of this report confirm that there are no conflicts of interest and measures have been put in place to prevent the risk of the potential for a conflict of interest. In accordance with the RICS Professional Statement *Financial Viability in Planning: Conduct and Reporting* September 2019, this report has been prepared objectively, impartially, and with reference to all appropriate sources of information.
- 10.3 The following persons have been involved in the production of this report:



Agnes Mrowiec
RICS Membership no. 6821180
For and on behalf of
BPS Chartered Surveyors



Andrew Jones
RICS Registered Valuer
RICS Membership no. 0085834
For and on behalf of
BPS Chartered Surveyors

January 2024

11.0 Limitation of Liability/ Publication

- 11.1 This report is provided for the stated purpose and for the sole use of the named clients. This report may not, without written consent, be used or relied upon by any third party.
- 11.2 This report is provided for the stated purpose and for the sole use of the named clients. It is confidential to the clients and their professional advisors and BPS Chartered Surveyors accepts no responsibility whatsoever to any other person.
- 11.3 Neither the whole nor any part of this valuation report nor any reference hereto may be included in any published document, circular, or statement, or published in any way, without prior written approval from BPS of the form and context in which it may appear.

Appendix 1: Argus Appraisal

Finchley Rd on 25/10/23 (no affordable)

Development Appraisal
Prepared by JRB
BPS Surveyors
17 January 2024

Finchley Rd on 25/10/23 (no affordable)

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft²	Sales Rate ft²	Unit Price	Gross Sales
Private Residential	31	23,175	927.31	693,239	21,490,409

Rental Area Summary

	Units	ft²	Rent Rate ft²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Commercial	1	1,755	35.00	61,425	61,425	61,425
Education (or Commercial)	1	3,735	30.00	112,050	112,050	112,050
Totals	2	5,490			173,475	173,475

Investment Valuation

Commercial						
Market Rent (1yr Rent Free)	61,425	YP @ PV 1yr @	6.0000%	16.6667		
			6.0000%	0.9434	965,802	
Education (or Commercial)						
Market Rent (1yr Rent Free)	112,050	YP @ PV 1yr @	6.0000%	16.6667		
			6.0000%	0.9434	1,761,792	
Total Investment Valuation					2,727,594	

GROSS DEVELOPMENT VALUE

24,218,004

Purchaser's Costs	(185,476)
Effective Purchaser's Costs Rate	6.80%
	(185,476)

NET DEVELOPMENT VALUE

24,032,527

NET REALISATION

24,032,527

OUTLAY

ACQUISITION COSTS

Fixed Price	2,950,000			
Fixed Price		2,950,000		2,950,000
Stamp Duty	5.00%	147,500		
Agent Fee	1.00%	29,500		
Legal Fee	0.80%	23,600		
				200,600

CONSTRUCTION COSTS

Construction	ft²	Build Rate ft²	Cost
Commercial	1,755	295.91	519,322
Education (or Commercial)	3,735	295.91	1,105,224
Private Residential	32,033	295.91	9,478,885
Totals	37,523 ft²		11,103,431
MCIL2/CIL/S.106/S.278			1,900,000
			13,003,431

PROFESSIONAL FEES

Professionals	10.00%	1,110,343	
			1,110,343

MARKETING & LETTING

Marketing	1.25%	268,630	
Letting Agent Fee	10.00%	17,348	
Letting Legal Fee		8,000	
			293,978

DISPOSAL FEES

Sales Agent Fee	1.50%	360,488	
Sales Legal Fee		40,000	
			400,488

Additional Costs

This appraisal report does not constitute a formal valuation.

Finchley Rd on 25/10/23 (no affordable)

Commercial Profit	15.00%	409,139	
Private Profit	17.50%	3,760,822	
			4,169,961

FINANCE

Debit Rate 7.500%, Credit Rate 2.000% (Nominal)			
Land		437,792	
Construction		840,736	
Other		160,146	
Total Finance Cost			1,438,673

TOTAL COSTS**23,567,474****PROFIT****465,053****Performance Measures**

Profit on Cost%	1.97%
Profit on GDV%	1.92%
Profit on NDV%	1.94%
Development Yield% (on Rent)	0.74%
Equivalent Yield% (Nominal)	6.00%
Equivalent Yield% (True)	6.23%
IRR% (without Interest)	9.13%
Rent Cover	2 yrs 8 mths
Profit Erosion (finance rate 7.500)	3 mths

This appraisal report does not constitute a formal valuation.

104A Finchley Road, South Hampstead, NW3 5EY

Addendum Report 1

Prepared on behalf of London Borough of
Camden

Issued: 1st February 2024

Planning Reference: 2022/3553/P



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Actual Profit (on GVD)	10.22%	19.56%	10.22%	+19.34%	Disagreed

1.5 Taking into consideration our updated position related to the CIL changes and sales period, we conclude that the scheme is in a nominal surplus position.

2.0 Summary of JRB's Response Dated January 2024

2.1 Although some inputs were agreed between ourselves and JRB, we note the following points remain in disagreement:

- Commercial GDV
- BLV
- Professional Fees
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8.5%	7.5%	8.5%	7.5%

- 6.1 In our original assessment we disagreed with JRB's assessment of the proposed Finance Cost and consider the figure to be overstated. In their latest Response, JRB maintains the finance cost of 8.5% to be appropriate.
- 6.2 In support of their position, JRB provides Indicative Terms of the development finance provided by Quantum Development Finance to Lux One SPV 13 LTD dated September 2023. It is unclear what is the correlation between the borrower and the Applicant. We note the terms refer to the finance rate of 5.7% over the Bank of England base rate.
- 6.3 Although we appreciate that in some property based lending the base rate is related with the overall borrowing cost rate, the finance rate used for the purpose of the viability assessment is not directly impacted by the BOE rate. In accordance with accepted practice and noting that there are a wide variety of funding approaches across a range of developers viability assessments assume 100% bank lending to avoid a personalised approach as required by RICS Guidance. The assessment approach is not intended to be a mirror of terms offered to a specific developer. It is also clear from the evidence provided by JRB, where terms refer to 65% of the total development costs.
- 6.4 We note JRB includes T&C's of the lending offer made by CA Trading to Macar Developments, which refers to 9.75% finance rate. Again, the correlation between the Applicant and Macar Developments and the proposed development have not been clarified. We consider, therefore, such evidence to be of low relevance.
- 6.5 Moreover, the level of rate offered by the financial institutions depends on multiple factors, such as (but not limited to) the developer's experience. The viability assessment should not be tailored to the developer's individual circumstances. Given the approach adopted in respect of Planning Viability we have referenced a wide range of very recent viability assessments where the finance rates range between 6.5%- 7.5%. Therefore, we maintain our original opinion of 7.5% being an appropriate rate for the purpose of this assessment.

7.0 Profit Target

JRB (Oct 2023)	BPS (Nov 2023)	JRB (Jan 2024)	BPS (Feb 2024)
18.20%	17.20%	18.20%	17.20%

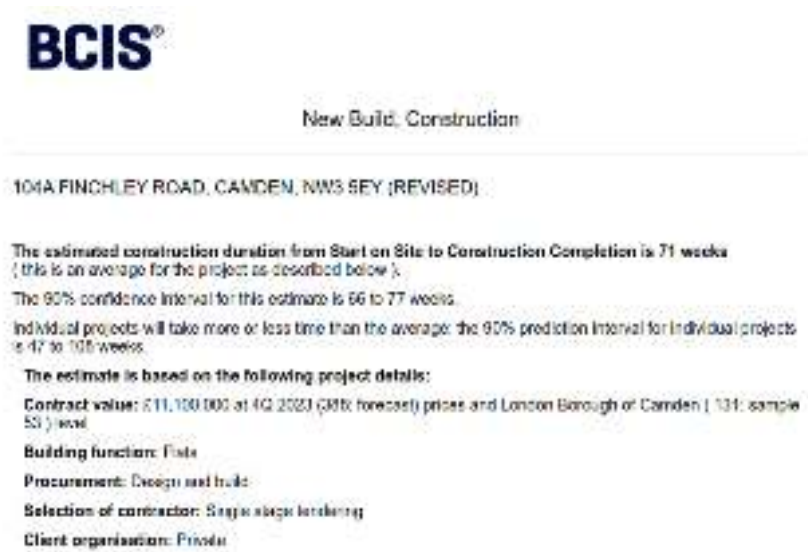
- 7.1 In our original assessment, we adopted a lower profit target in comparison to JRB, to reflect the inclusion of a lower profit rate in relation to the commercial space within the scheme in accordance with standard practice. JRB maintains the profit level of 18.20% on GDV to be appropriate.
- 7.2 We note no additional evidence have been provided to support JRB's position as such we see no reason to alter our original opinion .

8.0 Construction Period

JRB (Oct 2023)	BPS (Nov 2023)	JRB (Jan 2024)	BPS (Feb 2024)
24-months	18-months	24-months	

- 8.1 Construction period was assessed by our Cost Consultants by reference to the BCIS duration indicator which reflects actual construction period achieved for a wide range of similar projects.
- 8.2 We note JRB references evidence from the applicant which has not been provided in support of a 24 construction period.
- 8.3 We have passed on their Response to GBA, who advised as follows:

“Proposed 24 months construction time is based on assumption as stated in James R. Brown rebuttal, as there was no construction programme submitted. In our assessment we have used a BCIS duration calculator. BCIS estimated construction duration is average 16 months, with the top of the 90% confidence interval to be 18 months. We took into consideration the constraints of the site and presence of the semi-basement and concluded that 18 months would be a more reasonable construction duration for this project. It should be noted that approximately 15% of the GIA (commercial premises) will be shell and core only not requiring a fit-out. BCIS shows that individual projects may take up to 25 months, but the information submitted by the Applicant did not include any substantiation or evidence that such a time may be required. Please see the BCIS calculation attached”



- 8.4 On this basis, we maintain 18 months construction period to be appropriate.

9.0 Sales Period

JRB (Oct 2023)	BPS (Nov 2023)	JRB (Jan 2024)	BPS (Feb 2024)
10-months	6-month	10-months	10-months

- 9.1 In our original assessment we adopted 40% off plan sales rate and c.3 units to be sold post-completion, which translates to 6 months sales period.
- 9.2 We note JRB argues that the sales period should be maintained at 10 months, even with the assumption of 3 units per month being sold. We appear to agree on the assumption of the off-plan sales rate, however, it is unclear from JRB's report what "unit per month" level they consider appropriate.
- 9.3 For ease of reference, we have outlined below the calculation, which draws to the conclusion of 6 months sales period:
- Number of units sold off-plan: 12 (c. 40% of 31)
 - Number of units being left to sell post-completion: 19
 - Number of months, assuming 3 units are sold per month: 6
 - Number of months, assuming 2 units per month: 10
- 9.4 We, therefore, assume JRB is arguing that 2 units per month is more appropriate than 3, albeit this has not been clarified in their report.
- 9.5 In their Response, JRB provides additional evidence of Vabel Haverstock development, which we accept. On this basis, we have adopted 10 months sales period in our assessment.

10.0 Author Sign Off

- 10.1 This report is provided for the stated purpose and for the sole use of the named clients. This report may not, without written consent, be used or relied upon by any third party.
- 10.2 The author(s) of this report confirm that there are no conflicts of interest and measures have been put in place to prevent the risk of the potential for a conflict of interest. In accordance with the RICS Professional Statement *Financial Viability in Planning: Conduct and Reporting* September 2019, this report has been prepared objectively, impartially, and with reference to all appropriate sources of information.
- 10.3 The following persons have been involved in the production of this report:



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For and on behalf of
BPS Chartered Surveyors



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RICS Registered Valuer
RICS Membership no. 0085834
For and on behalf of
BPS Chartered Surveyors

February 2024

11.0 Limitation of Liability/ Publication

- 11.1 This report is provided for the stated purpose and for the sole use of the named clients. This report may not, without written consent, be used or relied upon by any third party.
- 11.2 This report is provided for the stated purpose and for the sole use of the named clients. It is confidential to the clients and their professional advisors and BPS Chartered Surveyors accepts no responsibility whatsoever to any other person.
- 11.3 Neither the whole nor any part of this valuation report nor any reference hereto may be included in any published document, circular, or statement, or published in any way, without prior written approval from BPS of the form and context in which it may appear.

Appendix 1: Argus Appraisal

Finchley Rd on 01/02/24 (no affordable)

Development Appraisal
Prepared by JRB
BPS Surveyors
01 February 2024

Finchley Rd on 01/02/24 (no affordable)

Appraisal Summary for Phase 1

Currency in £

REVENUE

Sales Valuation	Units	ft²	Sales Rate ft²	Unit Price	Gross Sales
Private Residential	31	23,175	927.31	693,239	21,490,409

Rental Area Summary

	Units	ft²	Rent Rate ft²	Initial MRV/Unit	Net Rent at Sale	Initial MRV
Commercial	1	1,755	35.00	61,425	61,425	61,425
Education (or Commercial)	1	3,735	30.00	112,050	112,050	112,050
Totals	2	5,490			173,475	173,475

Investment Valuation

Commercial						
Market Rent (1yr Rent Free)	61,425	YP @ PV 1yr @	6.0000%	16.6667		
			6.0000%	0.9434	965,802	
Education (or Commercial)						
Market Rent (1yr Rent Free)	112,050	YP @ PV 1yr @	6.0000%	16.6667		
			6.0000%	0.9434	1,761,792	
Total Investment Valuation					2,727,594	

GROSS DEVELOPMENT VALUE

24,218,004

Purchaser's Costs				(185,476)	
Effective Purchaser's Costs Rate		6.80%			(185,476)

NET DEVELOPMENT VALUE

24,032,527

NET REALISATION

24,032,527

OUTLAY

ACQUISITION COSTS

Fixed Price	2,950,000				
Fixed Price			2,950,000		
				2,950,000	
Stamp Duty		5.00%	147,500		
Agent Fee		1.00%	29,500		
Legal Fee		0.80%	23,600		
				200,600	

CONSTRUCTION COSTS

Construction	ft²	Build Rate ft²	Cost
Commercial	1,755	295.91	519,322
Education (or Commercial)	3,735	295.91	1,105,224
Private Residential	32,033	295.91	9,478,885
Totals	37,523 ft²		11,103,431
MCIL2/CIL/S.106/S.278			2,325,512
			13,428,943

PROFESSIONAL FEES

Professionals	10.00%	1,110,343	
			1,110,343

MARKETING & LETTING

Marketing	1.25%	268,630	
Letting Agent Fee	10.00%	17,348	
Letting Legal Fee		8,000	
			293,978

DISPOSAL FEES

Sales Agent Fee	1.50%	360,488	
Sales Legal Fee		40,000	
			400,488

Additional Costs

This appraisal report does not constitute a formal valuation.

Finchley Rd on 01/02/24 (no affordable)

Commercial Profit	15.00%	409,139	
Private Profit	17.50%	3,760,822	
			4,169,961

FINANCE

Debit Rate 7.500%, Credit Rate 2.000% (Nominal)			
Land		437,792	
Construction		888,006	
Other		132,352	
Total Finance Cost			1,458,151

TOTAL COSTS**24,012,463****PROFIT****20,064****Performance Measures**

Profit on Cost%	0.08%
Profit on GDV%	0.08%
Profit on NDV%	0.08%
Development Yield% (on Rent)	0.72%
Equivalent Yield% (Nominal)	6.00%
Equivalent Yield% (True)	6.23%
IRR% (without Interest)	7.32%
Rent Cover	1 mth
Profit Erosion (finance rate 7.500)	0 mths

This appraisal report does not constitute a formal valuation.

BPS Sensitivity Analysis

2.5% sensitivity

Construction: Gross Cost					
Sales: Gross Sales	-5.000%	-2.500%	0.000%	2.500%	5.000%
-5.000%	-196,065	-531,364	-867,786	-1,204,208	-1,540,629
-2.500%	246,901	-88,000	-422,902	-759,227	-1,095,648
0.000%	689,867	354,966	20,064	-314,837	-650,667
2.500%	1,131,566	797,932	463,030	128,129	-206,772
5.000%	1,572,661	1,239,280	905,899	571,095	236,194

1% sensitivity

Construction: Gross Cost					
Sales: Gross Sales	-2.000%	-1.000%	0.000%	1.000%	2.000%
-2.000%	-66,387	-200,348	-334,309	-468,377	-602,946
-1.000%	110,799	-23,162	-157,122	-291,083	-425,043
0.000%	287,985	154,025	20,064	-113,896	-247,857
1.000%	465,172	331,211	197,251	63,290	-70,670
2.000%	642,358	508,398	374,437	240,477	106,516