

Address:	Darwin Court Gloucester Avenue London NW1 7BG		5
Application Number(s):	2024/1039/P	Officer: Daren Zuk	
Ward:	Primrose Hill		
Date Received:	14/03/2024		
Proposal:	Erection of single-storey roof extensions to the five properties comprising Darwin Court to provide new residential units (Class C3). Associated works including accessibility enhancements, fire safety upgrades, waste and refuse store enhancements, landscaping and other works.		

Background Papers, Supporting Documents and Drawing Numbers:

Existing and Proposed Drawings:

306_PL_001, 306_PL_002, 306_PL_010, 306_PL_100, 306_PL_101, 306_PL_102, 306_PL_103, 306_PL_104, 306_PL_105, 306_PL_106, 306_PL_107, 306_PL_108, 306_PL_109, 306_PL_200, 306_PL_201, 306_PL_202, 306_PL_203, 306_PL_204, 306_PL_205 Rev A, 306_PL_206, 306_PL_207, 306_PL_208, 306_PL_209, 306_PL_210, 306_PL_211, 306_PL_212, 306_PL_300, 306_PL_301, 306_PL_302, 306_PL_303, 306_PL_304, 306_PL_305, 306_PL_306, 306_PL_307, 306_PL_308, 306_PL_309, 306_PL_310, 306_PL_311, 306_PL_312, 306_PL_313, 306_PL_320 Rev A, 306_PL_321 Rev A, 306_PL_322 Rev A, 306_PL_323 Rev A, 306_PL_324, 306_PL_325 Rev A, 306_PL_326 Rev A, 306_PL_327, 306_PL_328 Rev A, 306_PL_329 Rev A, 306_PL_330 Rev A, 306_PL_331, 306_PL_332 Rev A, 306_PL_333, 306_PL_340 Rev A, 306_PL_341 Rev A, 306_PL_342 Rev A, 306_PL_343 Rev A, 306_PL_9000, 306_PL_9001, 306_PL_9015, 306_PL_9016, 306_PL_9017, 306_PL_9018, DC-001 Rev B

Documents:

Covering Letter (prepared by Icení), Planning Statement (prepared by Icení, dated March 2024), Design and Access Statement (prepared by Airspace and Tony Fretton Architects, dated March 2024), Heritage and Townscape Assessment (prepared by Icení, dated February 2024), Material and Brick Study Documents, Floor Area Schedule (prepared by Airspace), Arboricultural Implications Report (prepared by SJA Trees, dated August 2024), Sustainability and Energy Strategy (prepared by Envision, dated 17 January 2024), Noise Impact Assessment (prepared by Scotch Partners, dated 21 December 2023), Daylight and Sunlight Report (prepared by Schofield, dated 8 August 2023), MEP Services Concept Report (prepared by Envision, dated January 2024), Structural Feasibility Assessment (prepared by SPH Structures), Building Regulations Part O Briefing Note (prepared by Envision, dated 12 August 2024), Assessment of the Financial Viability of the Proposed Scheme (prepared by Bidwells, dated March 2024), Fire Engineering Assessment (prepared by Delta Fire Engineering, dated 12 March 2024), Statement of Community Involvement (prepared by Your Shout, dated January 2024)

RECOMMENDATION SUMMARY:

Grant conditional planning permission subject to a Section 106 Legal Agreement

Applicant:	Agent:
Airspace Group Studio 408 China Works 100 Black Prince Road London SE1 7SJ	Iceni Projects Da Vinci House 44 Saffron Hill London EC1N 8FH

ANALYSIS INFORMATION

Land use floorspaces				
Use Class	Description	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
C3	Dwellings (flats)	12,700	1239.5	+ 1239.5
Total	All uses	12,700	1239.5	+ 1239.5

Proposed housing mix and tenure						
Tenure	Studio	1 bed	2 bed	3 bed	4 bed	Total
Market	0	0	6	2	0	8
Social-affordable rent	0	0	0	0	0	0
Intermediate rent	0	0	0	0	0	0
Total homes	0	0	6	2	0	8

Existing and proposed homes			
Tenure	Existing homes	Proposed homes	Difference in homes
Market homes		8	+ 8
Tenure	Existing GIA (sqm)	Proposed GIA (sqm)	Difference GIA (sqm)
Market homes	12,700	1239.5	+ 1239.5

Parking details				
Type	Existing spaces	Proposed long stay	Proposed short stay	Difference
Car parking	100	0	0	0
Cycle parking (residential)	0	16	0	+16

EXECUTIVE SUMMARY

- i) The site comprises five residential blocks ranging in height from four to six stories in height, built in the 1970s. The blocks are orientated in a linear pattern going south to north along Gloucester Avenue. The buildings are not listed but located within the Primrose Hill Conservation Area and are noted as negative contributors in the Conservation Areas Statement.
- ii) The proposal would erect single-storey roof extensions to each of the five buildings to provide eight new residential dwellings. 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 will provide well-designed and sensitive extensions to the existing buildings, opening up the opportunity for additional high-quality housing on the site. The additional height is considered appropriate given the significant setbacks of the buildings from Gloucester Avenue and location at the edge of the Primrose Hill Conservation Area. The proposal will have very limited impact on the amenity of neighbouring occupiers, while also improving level access for existing residents of the buildings.
- iv) Less than substantial harm has been identified to the Primrose Hill Conservation Area. Considerable weight and importance must be given to that harm and there are a number of public benefits that outweigh that harm including delivery of 8 new family sized homes, £500,000 affordable housing contribution, accessibility improvements to the existing communal entrances, landscaping and public realm improvements, and the provision of Community Infrastructure Levy contributions and other financial contributions to be secured through a Section 106 agreement.
- v) 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. The scheme provides residential growth in an area with good walkability and access to public transport services.
- vi) The scheme complies with the development plan as a whole and is recommended for approval.

OFFICER REPORT

Reason for Referral to Committee:

The Director of Economy, Regeneration and Investment has referred the application for consideration after briefing members (Clause 3(vii)).

1. SITE AND BACKGROUND

Designations

1.1 The following are the most relevant designations or constraints:

Designation	Details
Conservation Area	Primrose Hill
PTAL (Public transport accessibility)	5
Underground development constraints and considerations	- Subterranean (groundwater) flow - Surface water flow and flooding - Slope stability

Table 1 - Site designations and constraints

Description

1.2 The site is located on the east side of Gloucester Avenue at the junction with Regent's Park Road. It comprises a linked group of five blocks of residential flats, four to six stories in height, and arranged in a linear north-south layout dating from the 1970s.

1.3 The site is located in the Primrose Hill Conservation Area and is noted in the Conservation Area Appraisal as a negative contributor. Railway lines serving Euston are located to the rear (east) of the building behind a green buffer.



Figure 1 – The existing site

- 1.4 The site has a Public Transport Accessibility Level (PTAL) rating of 5 (Good) and is close to Camden Town Station.

2. THE PROPOSAL

- 2.1 The proposal is for the erection of single-storey roof extensions to each of the five buildings comprising Darwin Court to facilitate the provision of eight new self-contained residential dwellings (Class C3).
- 2.2 The eight new flats about provide 6x 2-bed and 2x 3-bed homes, all with private amenity space. Waste and secure cycle storage would be provided at ground floor level in new enclosures, located between Blocks C and D.
- 2.3 At ground floor, associated works include accessibility upgrades in the form of new platform lifts at each of the building entrances to provide level access as well and new front garden landscaping and hardstanding.

3. RELEVANT HISTORY

The Site

- 3.1 **2010/3788/P** – Erection of an additional storey on each of the five buildings to provide 5 x 3-bedroom flats at roof level to the existing buildings. **Refused 18/10/2010**. Six reasons for refusal, reason 2 relates to sustainability, and reasons 3-6 relate to an absence of S.106 agreement for various matters. Reason 1 as follows:

“The proposed extensions, by reason of their height and massing, would be highly prominent and obtrusive additional features which would significantly increase the perceived bulk to the building, to the detriment of the visual appearance of the host building, the streetscape and the character and appearance of the Conservation Area. As such, the proposal is contrary to policies B1 (General Design Principles), B3 (Alterations and Extensions) and B7 (Conservation Areas) of the London Borough of Camden Replacement Unity Development Plan 2006; to policies CS14 (Promoting high Quality Places and Conserving Our Heritage) of the London Borough of Camden Local Development Framework Core Strategy; and to policies DP24 (Securing High Quality Design) and DP25 (Conserving Camden’s Heritage) and the London Borough of Camden Local Development Framework Development Policies.”

169 objections were received, including 1 x CAAC objection, Darwin Court Residents Association objection and petition with 10 pages of signatures received.

- 3.2 **9501072 & 9600389** – Erection of a mansard-type roof extension on two blocks (Blocks B & C) to provide eight additional self-contained flats and twelve car parking spaces in the basement behind Block C, as shown on

drawing numbers 403/7C, /12B, /13C and /14A. **1995 consent refused (28/07/1995), 1996 not determined – both appealed and dismissed (Ref. APP/X5210/A/95/260162 & APP/X5210/A/95/265759).** Reasons for refusal (Ref. 9501072 dated 28/07/1995) as follows (conditions 3 & 4 relate to trees and parking):

1) *“The proposed roof extension would have an adverse effect on the appearance of the buildings and would be detrimental to the visual amenity of the Conservation Area by reason of bulk, design, and location.”*

2) *“The proposed development would result in a total density in excess of that indicated as appropriate in the Greater London Development Plan, the Written Statement of the London Borough of Camden Local Plan 1987 (the Borough Plan), and the draft Unitary Development Plan.”*

In dismissing these appeals the Inspector notes the 3/4 storey nature of the surrounding area and that there are few other post war developments within the vicinity. The Inspector states:

“My prime concern is the effect of the schemes on Darwin Court as a whole and on the wider conservation area”

“I consider that the combination of some blocks with mansard roofs and others without, would result in an uncoordinated and unsatisfactory appearance for Darwin Court”

“Views of the extensions from Gloucester Avenue and Regents Park Road, especially in winter would reveal blocks which would be even more dominant and overbearing than they are at present. I do not accept that the roofs would be difficult to see when passing along these roads. In an area where domestic architecture is of a modest scale, I consider that any further increase in height and massing of these buildings would be seriously harmful to the street scene”

4. CONSULTATION

Statutory consultees

There are no statutory consultees.

Local groups

Primrose Hill CAAC

4.1 Objection covering the following issue(s):

- Impact of the additional height and bulk on Darwin Court on the Primrose Hill Conservation Area, leading to ‘significant harm’.
- Design creates additional visual dominance at roof level.

- The proposal should include sustainability upgrades to the rest of the building, not just the new units.
- Weighted public benefit balance does not do enough to address harm caused.

Adjoining occupiers

- 4.2 Five sites notice were displayed, one at each of the entrances to the five buildings comprising Darwin Court. The notices were displayed on 22/03/2024 until 15/04/2024 and the application was advertised in the local paper on 04/04/2024 (expiring 28/04/2024).
- 4.3 Objections were received from at least 149 local households. The objections received by the Council are on the Council's website. The key issues raised are.

Heritage

- Added bulk at roof level would be harmful to the Conservation Area
- Proposals would result in a negative impact on the setting of nearby Grade II listed buildings

Officer response: Please see Section 13 for an assessment of impact on the Conservation Area and nearby listed buildings.

Impact on neighbouring amenity

- Construction impacts and disruption to existing residents of Darwin Court, including from lift upgrades.
- Light pollution and light spill from extensions.
- Sunlight/daylight impacts to neighbouring dwellings.
- Amenity impacts to existing top floor residents.
- Loss of views from neighbouring properties.

Officer response: Please see Section 11 for an assessment of impact on residential amenities.

Design

- Concerns with the proposed brick colour
- Extensions would set a negative precedent in the area.

Officer response: Please see Section 12 for an assessment of the design of the proposal.

Transport

- Parking impacts from additional units and from servicing/deliveries.

Officer response: Please see Section 15 for an assessment of transport impacts.

Sustainability

- Concerns with air pollution and unnecessary carbon emissions.
- Units will be subject to solar gain and overheating, leading to overheating of other units.

Officer response: Please see Section 14 for an assessment of the sustainability impacts and improvements.

Other matters

- Structure of the existing buildings cannot support the roof extensions
- Impacts of construction on existing trees along Gloucester Avenue
- Financial viability of the project and potential for incomplete development.
- Lack of affordable housing; new units would only be luxury flats.
- Lack of consultation.
- Loss of property value and increased service charge to existing residents of Darwin Court.

Officer response: Please see Section 17 for an assessment of the proposal on existing trees, Section 8 for further information on the viability of the proposal and contribution to affordable housing. It is noted that the loss of property values is not a material planning consideration.

5. POLICY

National and regional policy and guidance

National Planning Policy Framework 2023 (NPPF)
National Planning Practice Guidance (NPPG)
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 H4 Maximising the supply of affordable housing
Policy H6 Housing choice and mix
Policy H7 Large and small homes
Policy C6 Access for all
Policy A1 Managing the impact of development
Policy A3 Biodiversity
Policy A4 Noise and vibration
Policy D1 Design
Policy D2 Heritage
Policy CC1 Climate change mitigation

Policy CC2 Adapting to climate change
 Policy CC4 Air quality
 Policy CC5 Waste
 Policy T1 Prioritising walking, cycling and public transport
 Policy T2 Parking and car-free development
 Policy DM1 Delivery and monitoring

Site Allocation

The site is not located in the current or draft site allocation plans

Supplementary Planning Documents and Guidance

Most relevant Camden Planning Guidance (CPGs):

Amenity - January 2021
 Design - January 2021
 Developer Contribution CPG - March 2019
 Energy efficiency and adaptation - January 2021
 Housing - January 2021
 Transport - January 2021

Other guidance:

Planning Statement - Intermediate Housing Strategy and First Homes (2022)
 Primrose Hill Conservation Area Statement (2000)

Draft Camden Local Plan

The council has published a new [Draft Camden Local Plan](#) (incorporating Site Allocations) for consultation (DCLP). The consultation closed on 13 March 2024. The DCLP is a material consideration 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).

6. ASSESSMENT

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

7	LAND USE
8	AFFORDABLE HOUSING AND VIABILITY
9	HOUSING MIX
10	QUALITY OF PROPOSED HOUSING
11	IMPACT ON NEIGHBOURING AMENITY
12	DESIGN
13	HERITAGE
14	SUSTAINABILITY AND ENERGY

15	TRANSPORT
16	LAND CONTAMINATION
17	TREES, BIODIVERSITY, BNG
18	REFUSE AND RECYCLING
19	COMMUNITY INFRASTRUCTURE LEVY(CIL)
20	CONCLUSION
21	RECOMMENDATION
22	LEGAL COMMENTS
23	CONDITIONS
24	INFORMATIVES

7. LAND USE

New Housing

- 7.1 The Housing Delivery Test (HDT) is an annual measurement of housing completions introduced by the government. It measures whether development plan requirements (or, in some cases, local housing need calculated by the government's standard method) have been met over the last 3 years. The government's most recently published figure is for 2022, when the government's measurement for Camden was 69% - which means that Camden's development plan policies are treated as being out-of-date in relation to housing proposals, the presumption in favour of sustainable development in paragraph 11(d) of the NPPF is engaged, and there is a need to place great weight on the provision of housing in decision making. The NPPF indicates that applications should be granted unless their adverse impacts would significantly and demonstrably outweigh their benefits when assessed against NPPF policies as a whole.
- 7.2 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.
- 7.3 The proposed eight new dwellings within a sustainable location on existing residential blocks would contribute towards the strategic objectives of the CLP and contribute to the borough's housing, which must be given significant weight.

8. AFFORDABLE HOUSING AND VIABILITY

Affordable Housing Requirements

- 8.1 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.

- 8.2 The proposed development would provide 1239.5sqm of residential uplift (capacity for twelve homes). In this specific instance the Council will accept a payment-in-lieu (PIL) of affordable housing due to site constraints which make it difficult to provide on-site affordable housing. These include the lack of separate lift cores, the existing and proposed internal layouts, and low number of units which would be difficult for a registered provider to independently manage.
- 8.3 Given the proposed residential uplift of 1239.5sqm, the sliding scale in Policy H4 (d) applies, starting at 2% for one home and increasing by 2% for each home added to capacity. The additional residential area would have a home capacity of 12 which equates to a target of 24% affordable housing on the sliding scale.
- 8.4 Applying the payment in lieu of £5,000 per sqm set out in Housing CPG, the total payment under the policy target would be:

Additional residential floorspace (GIA sqm)	Capacity (rounded floorspace addition/100sqm)	Additional housing % target	Affordable housing floorspace target	Payment in lieu required
1239.5	12	24%	24% x 1239.5 = 297.48	297.48 x £5,000 = £1,487,400

Viability

- 8.5 A Viability Assessment has been provided and independently assessed by BPS, the Council’s third-party viability assessors. The audit confirms that the proposed scheme would generate a residual land value below the developer’s benchmark land value. Further research was conducted by BPS, adjusting the sales period, which is noted as making a nominal difference to the overall viability position. Therefore, it is accepted the scheme cannot provide an affordable housing contribution and the audit suggests that 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.
- 8.6 Given the findings of the sensitivity assessment, there are concerns whether any payment could be delivered at a late-stage review, and whether it represents a good deal for the Council and for the residents of Camden, in financial terms and in terms of the delivery of affordable housing. Should the Council accept the upfront payment then the remainder of the maximum

deferred contribution would not be securable. Conversely, the Council may not receive any money at all with the review mechanism, should the viability of the scheme not improve over time.

8.7 Further negotiation was undertaken with the applicant to secure an upfront payment of £500,000, for a payment in lieu which represents approximately 33% of the contribution required by policy. As such, no late-stage review mechanism would be secured in this instance. Given the above, on balance, Officers consider that this approach provides the best outcome for the Council based on current circumstances. The upfront payment of £500,000 would be secured by means of the S.106 legal agreement.

8.8 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.

9. HOUSING MIX

9.1 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 1 - Dwelling Size Priorities (Local Plan Table 1)

9.2 The CLP priorities table above shows the higher priorities for **Market homes** are for 2 and 3-bed homes. All eight of the proposed new flats are 2 or 3-bed homes.

9.3 The market home mix 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	-	-
2-bed	6	75%
3-bed	2	25%
Total	8	100%

Table 2 - Dwelling mix summary for market homes

9.4 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.

10. QUALITY OF PROPOSED HOUSING

10.1 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.

10.2 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.

10.3 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

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

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

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

10.5 All of the residential units in the detailed scheme exceed the minimum standards. The new units would have good ceiling floor to heights and good room sizes. They are well laid out with a simple and rational plan form. All flats have private terraces.

10.6 CLP policy A2 states developments should seek opportunities for providing private amenity space, and LP policy D6 says that 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

10.7 The units all have their own secure front door which and are served by residential lift cores with one staircase (on in each of the five buildings). The cores provide access to secure lobbies leading to Gloucester Avenue.

10.8 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

10.9 At roof level, new plant facilities (ASHPs) are proposed to serve each of the new units. A Noise Impact Assessment was submitted indicating that, with the provision of mitigation measures such as acoustic enclosures, the noise emitted from the units would be within the requirements of Policy A4. The proposals have been reviewed by the Council's Environmental Health Officer who deem them to be acceptable.

10.10 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.

- 10.11 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 building, in accordance with the development plan.

Dual Aspect Units

- 10.12 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.

- 10.13 All eight of the homes would be triple or quadruple aspect and are considered to receive adequate passive ventilation, daylight and privacy, and avoid overheating.

Daylight and Sunlight

Methodology

- 10.14 The internal daylight/sunlight report applies the relevant BRE guidelines to the proposed units. The leading industry guidelines on daylight and sunlight are published by the Building Research Establishment in BR209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (third edition, 2022) (BRE). The development plan supports the use of the BRE guidance for assessment purposes, however, it should not be applied rigidly and should be used to make a balanced judgement.

- 10.15 Paragraph 125 of the NPPF supports making efficient use of land and says that authorities should take a flexible approach in applying policies or guidance relating to daylight/sunlight where they would otherwise inhibit making efficient use of a site if the resulting scheme would provide acceptable living standards.

- 10.16 Looking at the floor plans and layout of the residential units, each unit is provided with multiple windows and from different perspectives. It is clear from the floor plans that all eight of the units, due to their size and number of windows, would easily comply with BRE guidance and provide a good level of daylight/sunlight.

Outlook and Privacy

- 10.17 The proposal has been sensitively designed to mitigate amenity impacts on neighbouring residential occupiers of both Darwin Court and those on the western side of Gloucester Avenue. Due to the proposed setbacks from the front roof edge (over 3m) and the significant separation distance (at least 30m), the new units would not have direct views into the properties along the west side of Gloucester Avenue.

10.18 The proposed roof terraces are oriented away from Gloucester Avenue and set in from each other, further reducing any potential privacy impacts on existing or future neighbouring occupiers.

10.19 These design measures mean that a high-quality sense of outlook and privacy can be maintained, even in a denser environment.

External Amenity Space

10.20 CLP policy A2 states developments should seek opportunities for providing private amenity space, and LP policy D6 says that 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant, and it must achieve a minimum depth and width of 1.5m.

10.21 Each of the proposed flats has its own private amenity space in the form of a roof terrace, which range in size from 15sqm to 50sqm, depending on the unit size, and ensure a good depth and width of 1.5sqm or more, with all units meeting the LP policy requirements.

10.22 Overall, the provision of private amenity space complies with policy and would result in a high-quality development and provision for future occupiers.

Accessible Homes

10.23 CLP policy H6 requires 90% of new-build homes to comply with M4(2) (accessible and adaptable dwellings) and a requirement for 10% of new build homes to comply with M4(3) (wheelchair user dwellings). The flats have been designed to meet these requirements and offer a high standard of accessible and inclusive design. Para 3.153 of the CLP indicates that the percentage requirements will be rounded to the nearest whole number of dwellings. Each of the units would be provided with level access via the extended internal lifts and upgraded external platform lifts at each of the building entrances.

10.24 The proposed homes have been designed to accommodate 10% as M4(3) of the Building Regulations, with the remaining 90% meeting M4(2). 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), and Wheelchair Accessible Dwellings under M4(3)(2)(b) (ones which are fully adapted for a wheelchair user when constructed).

10.25 A condition would be attached to secure the provision of the accessible and wheelchair dwellings.

Conclusion

10.26 The proposed homes are considered acceptable in terms of aspect, outlook, noise, light, and amenity space and would provide an acceptable level of amenity. They would provide accessible homes for all, allowing the buildings

to house an inclusive community that can use them safely, easily and with dignity.

11. IMPACT ON NEIGHBOURING AMENITY

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

Daylight and Sunlight

11.2 A Daylight, Sunlight and Overshadowing Report has been submitted as part of the application which details any impacts upon neighbouring properties.

11.3 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.

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

Methodology

11.5 The methodology and criteria used for the assessment is based on the approach set out by BRE guidance. The report makes use of several 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.*

11.6 The assessment has set significance criteria which is the approach recommended by BRE guidance in the case of EIAs. Officers endorse the approach, and the criteria used in the table below.

BRE compliant	20.1% to 30% reduction	30.1% to 40% reduction	More than 40.1% reduction
Negligible	Minor Negative	Moderate Negative	Major Negative

Table 4 - Impact criteria

11.7 The analysis carried out an assessment for the properties within close proximity to the site and who would be impacted. Below is a screenshot from the document demonstrating the site and the properties assessed.

No:	Address	Assumed Use	Proximity to the Site
1	17 Gloucester Ave	Residential	South
2	19 Gloucester Ave	Residential	South
3	21 Gloucester Ave	Residential	South
4	23 Gloucester Ave	Residential	South
5	25 Gloucester Ave	Residential	South
6	27 Gloucester Ave	Residential	South
7	29 Gloucester Ave	Residential	South
8	31 Gloucester Ave	Residential	South
9	33 Gloucester Ave	Residential	South
10	35 Gloucester Ave	Residential	South
11	39 Gloucester Ave	Residential	West
12	41 Gloucester Ave	Residential	West
13	43-45 Gloucester Ave	Residential	West
14	47 Gloucester Ave	Residential	West
15	49 Gloucester Ave	Residential	West
16	Darwin Court	Residential	West

Assessment

- 11.8 The figures from the assessment confirm that all windows comply with BRE guidelines in terms of VSC, NSL, and ASPH. There are mostly very minimal losses for all measurements, therefore the daylight/sunlight impact of the proposed development is acceptable.

Outlook and Enclosure

- 11.9 Due to the siting of the proposed extensions at roof level, and the fact that they're set back from the roof edges, it is not anticipated that the extensions will have a demonstrable impact on the any neighbouring occupier with regards to loss of outlook or sense of enclosure.

Privacy and Overlooking

- 11.10 The proposal includes new windows on all elevations, as well as private terraces on the north, south, and west elevations.
- 11.11 The proposed windows are considered to be sufficiently set back from the north, south, and west roof edges, thus limiting the impact on neighbouring properties with regards to loss of privacy or overlooking.
- 11.12 The Amenity CPG (2021) sets out the parameters of what can be considered harmful and what would not be in terms of overlooking and privacy. In terms of separation between buildings, paragraph 2.4 states that a minimum of 18m between the windows of habitable rooms in existing properties directly facing the proposed development should be sought. The properties to the west of the site on Gloucester Avenue are all over this 18m threshold in distance from windows and terraces. Therefore, the development would not incur a harmful impact in terms of overlooking or loss of privacy.

12. DESIGN

- 12.1 The Council's design policies are aimed at achieving the highest standard of design in all developments, including where alterations and extensions are proposed. Policy D1 of the Local Plan requires development to be of the highest architectural and urban design quality which improves the function, appearance, and character of the area. The Council welcomes high quality contemporary design which responds to its context. Camden's Local Plan Document is supported by Supplementary Planning Guidance CPG (Design).
- 12.2 Local Plan 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. To comply with Policy D2, extensions to properties within conservation areas should integrate with and enhance the host building and not be dominant or obtrusive.

- 12.3 Camden's Design CPG emphasises Camden's commitment to design excellence and expects development schemes to consider: the context of a development and its surrounding area; the design of the building itself; the use and function of buildings; using good quality sustainable materials; creating well connected public spaces and good quality public realm; opportunities for promoting health and well-being; and opportunities for improving the character and quality of an area.
- 12.4 The existing buildings are good quality and well-designed apartment buildings that are well proportioned and feature a rhythm to the bays and windows which result in generous dwellings. The verticality of the bays and alternating projections are of particular note, creating a generous and pleasant front elevation. The setback from Gloucester Avenue coupled with the mature green buffer allows the existing buildings to sit comfortably within the site and not to overwhelm the streetscape.
- 12.5 The existing building features notable design choices which create a pleasant front elevation namely the projecting bays creating depth internally and externally, in addition to the recessed entrances. This is enhanced further with the simple brick flank details creating interest and shadow to the corners – all of which contribute to breaking up the massing of the four to six storey buildings.

Roof Extensions

- 12.6 The principle of roof extensions on each of the five existing buildings is acceptable from a design point of view. The proposed single-storey roof extensions on each of the five buildings are considered modest in scale and will not have a significant impact to neighbouring buildings or the public realm. This is rationalised further through the scale and set back of the extensions from the existing roof edge. It is considered that compared to previous iterations, the design of the current proposal has been significantly enhanced to complement the host buildings and provide an acceptable terminus. The use of green roofs both on top of the existing building and extensions also help soften the impact and appearance of the roof extensions. Details of the green roofs will be secured by condition.
- 12.7 The proposed design aims to enhance the character of the existing building, with comments and concerns from previous iterations addressed to the satisfaction of the Council. This included taking more design elements from the host buildings into the design of the roof extensions, specifically on the primary elevation. The result is the roof extensions now read as a continuation of the buildings design intent, rather than a separate structure as proposed in previous iterations. They feature depth in the facade by including projecting bays, alignment and proportion to the windows below, and address the verticality of the brick flanks. This design choice closely echoes those of the lower floors and provides a more suitable terminus to

the building than previous designs. It is worth noting that the presence of mature trees along the site boundary, and the angles at which the buildings are situated, allow for the proposed roof extensions to be largely obscured when viewed from the public realm. This feature will also lessen the impact on the wider Primrose Hill Conservation Area, discussed in further detail below.

- 12.8 Given the new construction and modern interpretation of the existing architecture, the proposal has continued the use of brick for the facade treatment; however, a lighter, complimentary tone has been selected which is considered acceptable. The colour of the proposed brick should remain tonally similar to that of the main buildings. Samples will be submitted and reviewed prior to implementation, which would be secured by condition.
- 12.9 The fenestration of the roof extensions features a combination of full height windows (along flank elevations) and patio doors, and windows that match those of the existing building. This is considered acceptable and will result in a complementary design that also reads as a legible and subordinate extension to the host buildings.
- 12.10 Concerns were raised during the application process that the proposed west and south facing windows would result in overheating of the new units. Amendments were made to reduce the height of the west facing windows by increasing the cill height, as well as including overhangs to the south facing windows to increase shading. These measures are considered to satisfactorily address the concerns raised and will ensure that, in combination with passive cooling measures, the new units will not be subject to overheating.

Other Works

- 12.11 The proposal includes alterations to the communal entrances of each building, allowing for accessibility upgrades including a platform lift. Officers initially had concerns with the impact of the lift on the design of the entrances, which are domestic in nature and feature planting boxes. However, the current design is considered acceptable and includes a platform lift that is more integrated into the landscape materially and will not negatively impact the high-quality hardwood entrances. Landscape metalwork should be kept filigree and not dominant against the upgraded soft landscaping. Further details on finishes will be conditioned to review and secure high quality detailing around the platform lifts and bin stores. Upgrades and improvements to the entrance landscaping will be a welcome addition, providing more diversity in greening, biodiversity, domesticity to the homes, and aspect on the streetscape.

13. HERITAGE

Designated and non-designated heritage assets

- 13.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special regard must be given to the preservation of a listed building, its setting or its features of special architectural or historic interest. Section 72 of the same Act sets out that special regard must be given to preserving or enhancing the character and appearance of a conservation area.
- 13.2 The Site is located in the Primrose Hill Conservation Area and noted in the Conservation Area Appraisal as a 'negative' contributor. It is considered that the buildings detract from the character and appearance of this part of the Conservation Area due to inappropriate qualities such as bulk, scale, height, and materials. The Primrose Hill Conservation Area is made up of a series of well laid out Victorian terraces and has a predominately residential character. Because of the vicinity to Primrose Hill and Regent's Park, it is also well provided with open space. The Darwin Court blocks are therefore in a prominent position on Gloucester Avenue and are appreciated in a number of longer views.

Impact on the Conservation Area

- 13.3 There is a long history of applications on this site, with refusals and appeals referenced above in the planning history section. Of note are the reasons for refusal and comments made by the Planning Inspector.
- 13.4 The delegated report for 2010/3788/P states: *"This application seeks to reduce the footprint of the new roof storey compared to earlier schemes. Nevertheless, the issues of the proposed height, bulk, and location of the additional built form, and the adverse impact on the Primrose Hill Conservation Area remain"*.
- 13.5 The Primrose Hill Conservation Area Statement (2001) states that *"roof extensions and alterations which change the shape and form of the roof, can have a harmful impact on the Conservation Area and are unlikely to be acceptable where: ... the building is higher than many of its surrounding neighbours"*. It continues to state that any further roof extensions which change the shape and form of the roof are unlikely to be acceptable at the following properties: Gloucester Avenue, Darwin Court.
- 13.6 The current proposal aims to strengthen the qualities of Darwin Court within the context of the Conservation Area and include qualities of the Conservation Area in the design of the extensions, as well as addressing concerns cited in previous refusals and appeal decisions that particularly relate to impact on the conservation area.

- 13.7 The 1996 appeal dismissal states that *“Views of the extensions from Gloucester Avenue and Regent’s Park Road, especially in winter, would reveal blocks which would be even more dominant and overbearing than they are at present. I do not accept that the roofs would be difficult to see when passing along these roads. In an area where domestic architecture is of a modest scale, I consider that any further increase in the height and massing of these blocks would be seriously harmful to the street scene”*. An analysis submitted with the application reveals that the blocks in general (and rooftops in particular) will be largely invisible from late spring to autumn, and largely visible in winter and early spring. The existing blocks are considered to appear most austere and unresolved in the winter months. It is considered that the carefully designed roof extensions have the potential to improve the views of Darwin Court from Gloucester Avenue and Regent’s Park Road (and other views into the conservation area).
- 13.8 The current design iteration seeks to reduce the footprint of the roof extensions compared to earlier schemes, while taking a careful and considerate design approach that incorporates existing architectural elements and materials. The result is a roof extension that does not overwhelm or significantly add to the bulk of the existing buildings, but rather complements the buildings and provides them with a suitable and proportionate terminus.

Impact on nearby Listed Buildings

- 13.9 In terms of the setting of nearby listed buildings, the most contextual setting to the site is 15-31 Gloucester Avenue. The existing southernmost block of Darwin Court has a good form and scale relationship with this terrace. The southernmost block of Darwin Court also has a relatively close relationship to the orientation and height of the C19th villas which it replaced, which gives a residual townscape setting/context to the C19th terrace opposite, particularly in longer axial views from the road, pavement and junctions.
- 13.10 The site is within the setting of Cecil Sharp House, but it has a less meaningful existing relationship to this building because Cecil Sharp House sits in a peninsular position in the general streetscape and has less of a formal, scale and character relationship to the subject site. The legibility of the silhouette and roofline of Cecil Sharp House would remain unchanged by the proposals because even in views where the subject site and Cecil Sharp House are visible in conjunction, there would be almost no alteration to the appreciation of the legible form and scale of the listed building. There would be some perceptible alteration to views out of the gardens and windows of Cecil Sharp House as a result of the proposed development; however, these views do not contribute to its significance. Thus, the proposed development will not have any impact on the building’s special architectural or historic interest.

- 13.11 It is stated that 10 Regent's Park Road, a Grade II Listed post-war development designed by Erno Goldfinger, is one of the influences on the proposed scheme. The proposed scheme is not considered to harm the significance of 10 Regent's Park Road given the lack of existing visual relationship between the two sites.
- 13.12 The proposed works would result in an alteration to a prominent roofscape, partly visible in long views. The majority of the host buildings are higher than the majority of the surrounding neighbours. However, the greater harm is actually caused not by the extension of the tallest blocks but by the extension of the lowest block (A). This block has the most coherent scale-relationship with the historic environment and also the most directly meaningful relationship with the setting of neighbouring listed buildings.
- 13.13 The proposed development would not result in the loss of any features of special architectural or historic interest. There is some harm to the significance of Numbers 15-31 Gloucester Avenue because the additional height of the southernmost block (A) of the subject site results in a less coherent height, mass, and form relationship between the two sides of the street (as evidenced by submitted View 7 and, by extrapolation, the long/wide winter views from Gloucester Avenue and Oval Road junction). However, the harm caused is at the lower end of less than substantial harm. It is not considered that the setting of Cecil Sharp House is meaningfully affected by the proposed works at anything beyond a very minor level, equating to a very small degree of harm in terms of views out of the site, but not in public views of or towards the site. The setting of 1-22 Regent's Park Terrace and 10 Gloucester Avenue are not affected.

Heritage Harm and Planning Balance

- 13.14 It is not disputed that the roof extensions would be visible from within and outside of the conservation area, specifically in the winter season and from longer views. This is considered to result in less than substantial harm (lower end) to the character and appearance of the conservation area, which requires a balanced approach in analysing the proposal against the public benefits that would arise as a result of the proposed scheme.
- 13.15 Considerable weight and importance should be given to that harm, and it should be outweighed in the balance by considerable public benefits.
- 13.16 Paragraph 208 of the NPPF states:

208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

13.17 The proposal results in several public benefits including the provision of eight, high-quality and high-priority dwellings; a financial contribution towards affordable housing (£500,000); and improved accessibility access for existing residents of Darwin Court. The additional housing has been given significant weight. Further, it is considered that the employment of high-quality materials, architectural details, landscape and public realm improvements, and sensitive design further mitigate the harm caused. Under these circumstances, it is considered that the proposal balances the harm caused by the roof extensions and is therefore acceptable on conservation grounds.

14. SUSTAINABILITY AND ENERGY

14.1 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.

14.2 In line with London Plan (LP) policies, SI1, SI2, SI3, SI4, SI5 and SI7 and Camden Local Plan (CLP) policies CC1, CC2, CC3, and CC4, development should follow the core principles of sustainable development and circular economy, make the fullest contribution to the mitigation of and adaptation to climate change, to minimise carbon dioxide emissions and contribute to water conservation and sustainable urban drainage.

Energy and Carbon Summary

14.3 To minimise operational carbon, development should follow the energy hierarchy in the London Plan (2021) Chapter 9 (particularly Policy SI2 and Figure 9.2). 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).

14.4 Paragraph 8.8 of the Local Plan requires all new residential development (of 1 – 9 dwellings) to meet a 19% reduction in carbon dioxide, below Part L of the 2013 Building Regulations. Reductions are measured against a baseline, the requirement set out in the Building Regulations.

Policy requirement (on site)	Min policy target	Proposal reductions
Be lean stage (low demand): LP policy SI2	10%	33.3%
Be green stage (renewables): CLP policy CC1	20%	39.83%
Total carbon reduction: LP policy SI2 and LP CC1	35%	73.13 %

Table 5 - Carbon saving targets (for majors) and the scheme results

- 14.5 In this case, the development far exceeds the policy target of 19% reductions, achieving an excellent overall on-site reduction of 67.1% below Part L requirements, as shown in the table below.
- 14.6 In terms of Be Clean, combined heat and power (CHP) and connection to district heat networks are unsuitable due to the size of the scheme.
- 14.7 In terms of Be Green, space heating and hot water will be provided via a central high-efficiency air-source heat pump system. A condition has been included to require that the air-source heat pump not be used for air conditioning, as active cooling is discouraged.
- 14.8 In terms of Be Lean, the use of water-efficient fittings and decreased hot water temperatures will minimise the energy use associated with domestic hot water (DHW). The proposal uses high-efficiency mechanical ventilation with heat recovery (MVHR). The system will have a summer bypass to support nighttime free cooling of thermal mass. Low-energy fixed lighting, generally comprising high-efficiency LED fittings, will be installed throughout the property. All building services systems will comply with and exceed the efficiency requirements outlined in the Building Service Compliance Guide.
- 14.9 The operational carbon savings and measures set out below will be secured under an Energy and Sustainability Strategy secured by Section 106 legal agreement which includes monitoring, in compliance with the development plan.

Climate change adaptation and sustainable design

- 14.10 The proposal includes sustainable drainage and biodiverse, blue, or green roofs. Active cooling is not proposed, and the proposal uses passive measures such as deep window reveals, high-performance glass, and aspects to avoid or minimise active cooling (air conditioning) in line with policy CC2.
- 14.11 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.
- 14.12 In this case, the development incorporates the provision of a green roof, which would enhance the site's biodiversity and reduce water runoff. Condition 5 will secure details of this system. Condition 10 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).

15. TRANSPORT

- 15.1 In line with policy T1 of the Local Plan, cycle parking should be provided in accordance with the standards set out in the London Plan. For residential units with two or more bedrooms, the requirement is for two spaces per unit, which gives an overall requirement for 16 spaces. The proposed ground floor plan shows eight cycle stores, each capable of accommodating two cycles in the rear ground floor service area. The provision of the 16 cycle parking spaces will be secured by condition.
- 15.2 In accordance with Policy T2 of the Local Plan, all eight residential units should be secured as on-street Residents parking permit (car) free by means of a Section 106 Legal Agreement. This will prevent the future occupants from adding to existing on-street parking pressures, traffic congestion and air pollution, whilst encouraging the use of more sustainable modes of transport such as walking, cycling and public transport.
- 15.3 Given the sensitive residential location of the site and the extent of construction works required across the five blocks, it is considered that a Construction Management Plan and associated Implementation Support Contribution of £4,194 and Impact Bond of £8,000 will need to be secured by means of a S.106 Legal Agreement. This will help ensure that the proposed development is carried out without unduly affecting neighbouring amenity and the safe and efficient operation of the local highway network.
- 15.4 Concerns were raised during the public consultation process that construction of the proposed extension would unduly impact existing residents of Darwin Court in terms of noise, dust, and vibration. Concerns were also raised that replacement of the lifts would severely impact older resident's access and ability to leave the building. The developer has advised that temporary stair lifts would be installed at every level to provide access for mobility impaired residents during the works.
- 15.5 In terms of construction of the extension itself, the developer will utilise a modular construction system whereby sections of the extensions are constructed off-site and craned to the roof level to be assembled and then finished internally. Utilising this method removes the requirement for scaffolding the entirety of the building, avoiding the need to obscure windows on the existing buildings. This method also reduces noise and disruption on site, as the works are contained to the roof level.
- 15.6 In addition to a Construction Management Plan, the developer is proposing that Construction Working Group be set up as part of the process. The group would see construction timeframes, programme, and discussions about communication throughout the construction process discussed in an open forum. This would also enable feedback to be provided and measures

identified to prevent issues from occurring again. This group would be set up by the developer and would be separate from the Council's CMP process.

- 15.7 Given that the proposals will lead to an increase in pedestrian and cyclist activity at the site, it would be appropriate to seek a contribution towards pedestrian, cycling and environmental improvements in the vicinity of the site. As such, a s.106 contribution of £16,000 towards Pedestrian, Cycling and Environmental improvements should be secured in respect of the increased pedestrian and cyclist activity at the site. This will be used towards providing improved cycling and road safety measures in the vicinity of the site such as provision of segregated cycle lanes, providing healthy school streets, and new pedestrian priority junctions.

16. LAND CONTAMINATION

- 16.1 Council records indicate the site is partially located on former railway land, which poses a moderate risk of contamination. In addition, the site was previously developed for houses prior to the current development. Background surveys across Camden indicate that shallow soils are impacted with high concentrations of heavy metals.
- 16.2 Given the above, and the potential for contaminant pathways to be present from the proposed development (including communal soft landscaping areas) impacting the future and current site users, a contaminated land condition is recommended in order to determine the potential risks to end users.

17. TREES, BIODIVERSITY, AND BNG

- 17.1 The proposed works, aside from minor landscaping and accessibility improvements at ground floor level, are limited to the roof level. To facilitate the development, partial removal of two trees (G1 and G2) located at the rear of the site (adjacent to the rail lines) is required. The trees are of minimal public visibility and are not considered to significantly contribute to the character and appearance of the Primrose Hill Conservation Area, thus their removal is accepted. Minor additional pruning works are proposed on other trees on the site, which is considered to be of an acceptable level.
- 17.2 An arboricultural report and tree protection plan were submitted to and reviewed by the Council's Tree Officer who concluded that the impact of the scheme on the trees to be retained would be of an acceptable level. However, a schedule of monitoring has not been submitted which will be secured by condition.
- 17.3 Minor landscaping works are proposed for the front garden area of the five buildings, which are considered an improvement to the existing condition and

will improve biodiversity on the site. Details of all new hard and soft landscaping will be secured by condition.

17.4 A green roof is proposed on the roofs of the new extensions as well as on the roofs of the existing buildings. This is welcomed as will help improve biodiversity on the site. Details of the green roof, including specifications on species type and maintenance schedule will be secured by condition.

17.5 The proposal will not require the approval of a BGP before development has begun as it is a non-major application submitted before 2 April 2024.

18. REFUSE & RECYCLING

18.1 To make sure that future residents can properly store and sort their waste and to make household recycling as easy as possible, the Council will require developments to provide adequate facilities for recycling and the storage and disposal of waste in accordance with Local Plan Policy CC5.

18.2 The submitted plans show new refuse and recycling storage to be located between Blocks C and D. The specific details on the refuse and recycling storage will be secured through condition, thus complying with Policy CC5 and CPG Design.

19. COMMUNITY INFRASTRUCTURE LEVY (CIL)

19.1 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.

19.2 The proposal will be liable for the Mayor of London's Community Infrastructure Levy (MCIL2) with an estimated liability of **£99,160**.

19.3 The proposal will also be liable for the Camden Community Infrastructure Levy (CIL). The site lies in Zone C where CIL is calculated using rates based on the relevant proposed uses. The estimated Camden CIL liability is **£798,238**.

19.4 The final CIL liability will be determined by the CIL team.

20. CONCLUSION

20.1 The scheme is a positive development which will provide much needed homes in an appropriate location within the borough, and with a £500k payment towards the Council's affordable housing fund. Given the council's current housing delivery position, significant weight should be given to the housing delivery. The development comfortably exceeds minimum space standards and would provide a high-quality living environment for future

occupiers. The scheme is highly sustainable and complies with adopted energy and sustainability targets within the development plan and there would be no harm to neighbouring amenity.

Public benefits

20.2 Harm has been identified to a heritage asset (Conservation Area) but that harm is less than substantial. Considerable weight and importance must be given to that harm and there are a number of public benefits that outweigh that harm.

- Delivery of 8 new family sized homes
- £500,000 affordable housing contribution
- Accessibility improvements to the existing communal entrances
- Landscaping and public realm improvements
- The provision of Community Infrastructure Levy contributions and other financial contributions to be secured through a Section 106 agreement.

21. RECOMMENDATION

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

- Affordable Housing Contribution £500,000
- Car Free Development
- CMP Implementation Support Contribution £4,194
- CMP Impact Bond £8,000
- Energy and Sustainability Plan
- Pedestrian, Cycling and Environmental Improvements Contribution £16,000
- Project architect retention

22. LEGAL COMMENTS

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

23. CONDITIONS

1	<p>Three years from the date of this permission</p> <p>The development hereby permitted must be begun not later than the end of three years from the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>
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2	<p>Approved Drawings</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans and documents:</p> <p>306_PL_001, 306_PL_002, 306_PL_010, 306_PL_100, 306_PL_101, 306_PL_102, 306_PL_103, 306_PL_104, 306_PL_105, 306_PL_106, 306_PL_107, 306_PL_108, 306_PL_109, 306_PL_200, 306_PL_201, 306_PL_202, 306_PL_203, 306_PL_204, 306_PL_205 Rev A, 306_PL_206, 306_PL_207, 306_PL_208, 306_PL_209, 306_PL_210, 306_PL_211, 306_PL_212, 306_PL_300, 306_PL_301, 306_PL_302, 306_PL_303, 306_PL_304, 306_PL_305, 306_PL_306, 306_PL_307, 306_PL_308, 306_PL_309, 306_PL_310, 306_PL_311, 306_PL_312, 306_PL_313, 306_PL_320 Rev A, 306_PL_321 Rev A, 306_PL_322 Rev A, 306_PL_323 Rev A, 306_PL_324, 306_PL_325 Rev A, 306_PL_326 Rev A, 306_PL_327, 306_PL_328 Rev A, 306_PL_329 Rev A, 306_PL_330 Rev A, 306_PL_331, 306_PL_332 Rev A, 306_PL_333, 306_PL_340 Rev A, 306_PL_341 Rev A, 306_PL_342 Rev A, 306_PL_343 Rev A, 306_PL_9000, 306_PL_9001, 306_PL_9015, 306_PL_9016, 306_PL_9017, 306_PL_9018, DC-001 Rev B</p> <p>Documents: Covering Letter (prepared by Icení), Planning Statement (prepared by Icení, dated March 2024), Design and Access Statement (prepared by Airspace and Tony Fretton Architects, dated March 2024), Heritage and Townscape Assessment (prepared by Icení, dated February 2024), Material and Brick Study Documents, Floor Area Schedule (prepared by Airspace), Arboricultural Implications Report (prepared by SJA Trees, dated August 2024), Sustainability and Energy Strategy (prepared by Envision, dated 17 January 2024), Noise Impact Assessment (prepared by Scotch Partners, dated 21 December 2023), Daylight and Sunlight Report (prepared by Schofield, dated 8 August 2023), MEP Services Concept Report (prepared by Envision, dated January 2024), Structural Feasibility Assessment (prepared by SPH Structures), Building Regulations Part O Briefing Note (prepared by Envision, dated 12 August 2024), Assessment of the Financial Viability of the Proposed Scheme (prepared by Bidwells, dated March 2024), Fire Engineering Assessment (prepared by Delta Fire Engineering, dated 12 March 2024), Statement of Community Involvement (prepared by Your Shout, dated January 2024)</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
4	<p>Material Details to be Submitted</p> <p>Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:</p>

	<p>a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and balustrades;</p> <p>b) Manufacturer's specification details of all facing materials (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).</p> <p>c) Manufacturer's specification details of the platform lifts, and associated railing/balustrading, and planter boxes.</p> <p>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.</p> <p>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.</p>
5	<p>Green Roof Details</p> <p>Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include:</p> <ul style="list-style-type: none"> i. a detailed scheme of maintenance ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used iii. full details of planting species and density <p>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.</p> <p>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, D1, D2, and A3 of the London Borough of Camden Local Plan 2017.</p>
6	<p>Cycle Storage</p> <p>Before the development commences, details of secure and covered cycle storage area for 16 cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.</p>

	<p>Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.</p>
7	<p>The external noise level emitted from plant, machinery or equipment at the development with specified noise mitigation hereby approved shall be lower than the typical existing background noise level by at least 10dBA, by 15dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity and thereafter be permanently retained.</p> <p>Reason: To ensure that the amenity of occupiers of the development site/surrounding premises are not adversely affected by noise from mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.</p>
8	<p>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.</p> <p>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.</p>
9	<p>Refuse and Recycling Details</p> <p>Before the development commences, details of the location, design and method of waste storage and removal including recycled materials, shall be submitted to and approved by the local planning authority in writing. The facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.</p> <p>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.</p>
10	<p>Water Efficiency</p> <p>The development hereby approved shall achieve a maximum internal water use of 110litres/person/day. The dwelling/s shall not be occupied until the Building Regulation optional requirement has been complied with.</p> <p>Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with</p>

	<p>Policies CC1, CC2, CC3 of the London Borough of Camden Local Plan 2017.</p>
11	<p>Tree Protection</p> <p>Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the local planning authority in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details. Such details shall include a full auditable schedule of arboricultural site monitoring and supervision in accordance with BS5837:2012</p> <p>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.</p>
12	<p>Landscaping Details</p> <p>No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.</p> <p>Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1, and D2 of the London Borough of Camden Local Plan 2017.</p>
13	<p>Landscaping Compliance</p> <p>All hard and soft landscaping works shall be carried out in accordance with the approved landscape details [by not later than the end of the planting season following completion of the development or any phase of the development] [, prior to the occupation for the permitted use of the development or any phase of the development], whichever is the sooner. Any trees or areas of planting (including trees existing at the outset of the development other than those indicated to be removed) which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end</p>

	<p>of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.</p> <p>Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1, and D2 of the London Borough of Camden Local Plan 2017.</p>
14	<p>PV Solar Panel Details</p> <p>Prior to commencement of above ground works, drawings and data sheets showing the location, extent and predicted energy generation of photovoltaic cells / energy generation capacity 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.</p> <p>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.</p>
15	<p>Land Contamination</p> <p>No development shall commence until a preliminary risk assessment report is submitted to and approved in writing by the local planning authority. This report shall comprise: a desktop study which identifies all current and previous uses at the site and surrounding area as well as the potential contaminants associated with those uses. A conceptual site model should be produced indicating potential pollutant linkages between sources, pathways and receptors, including those in the surrounding area and those planned at the site; and a qualitative risk assessment of any potentially unacceptable risks to identified receptors. All works must be carried out in compliance with LCRM (2020) and by a competent person.</p> <p>Subsequent parts are subject to the findings of the desk study:</p> <p>No development shall commence until a site investigation is undertaken and the findings are submitted to and approved in writing by the local planning authority.</p> <p>The site investigation should assess all potential risks identified by the desktop study and should include a generic quantitative risk assessment</p>

	<p>and a revised conceptual site model. The assessment must encompass 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.</p> <p>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.</p> <p>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.</p> <p>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 offsite receptors, in accordance with policies G1, D1, A1, and DM1 of the London Borough of Camden Local Plan 2017.</p>
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24. 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	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.
3	This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval

	<p>of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.</p>
4	<p>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)</p> <p>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.</p>
5	<p>Your attention is drawn to the fact 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 Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.</p>
6	<p>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://beta.camden.gov.uk/web/guest/construction-management-plans or contact the Council's Planning Obligations Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444). 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.</p>
7	<p>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</p>

	<p>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. Camden adopted new CIL rates in October 2020 which can be viewed at the above link.</p>
8	<p>You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973)] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.</p>
9	<p>Biodiversity Net Gain (BNG)</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan.</p> <p>The local planning authority (LPA) that would approve any Biodiversity Gain Plan (BGP) (if required) is London Borough of Camden.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are summarised below.</p> <p>Based on the information available this permission will not require the approval of a BGP before development is begun because the application is a non-major application submitted before 2 April 2024.</p>
10	<p>Irreplaceable Habitat:</p> <p>If the onsite habitat includes Irreplaceable Habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements. In addition to information about minimising adverse impacts on the habitat, the BGP must include information on compensation for any impact on the biodiversity of the irreplaceable habitat. The LPA can only approve a BGP if satisfied that the impact on the irreplaceable habitat is minimised and appropriate arrangements have been made for compensating for any impact which do not include the use of biodiversity credits.</p>

The effect of section 73(2D) of the Town and Country Planning Act 1990
If planning permission is granted under section 73, and a BGP was approved in relation to the previous planning permission (“the earlier BGP”), the earlier BGP may be regarded as approved for the purpose of discharging the biodiversity gain condition on this permission. It will be regarded as approved if the conditions attached (and so the permission granted) do not affect the post-development value of the onsite habitat, or any arrangements made to compensate irreplaceable habitat, as specified in the earlier BGP.

Phased development

In the case of phased development, the BGP will be required to be submitted to and approved by the LPA before development can begin (the overall plan), and before each phase of development can begin (phase plans). The modifications in respect of the biodiversity gain condition in phased development are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

Planning Committee

14 November 2024

2024/1039/P

Darwin Court
Gloucester Avenue
London
NW1 7BG



























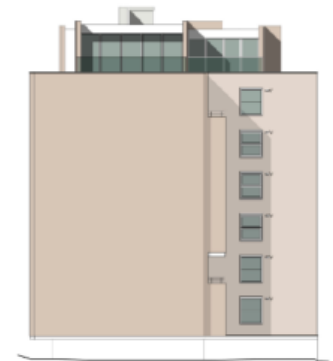
Elevation 1



Elevation 2



Elevation 3



Elevation 4



















Close-up of proposed brickwork



Proposed mix of windows in brick panels contrasting with light-coloured elements with larger glazed areas.

Proposed decorative details to leading edges of brickwork to echo existing building.

Proposed brickwork returns framing fenestration and doors.

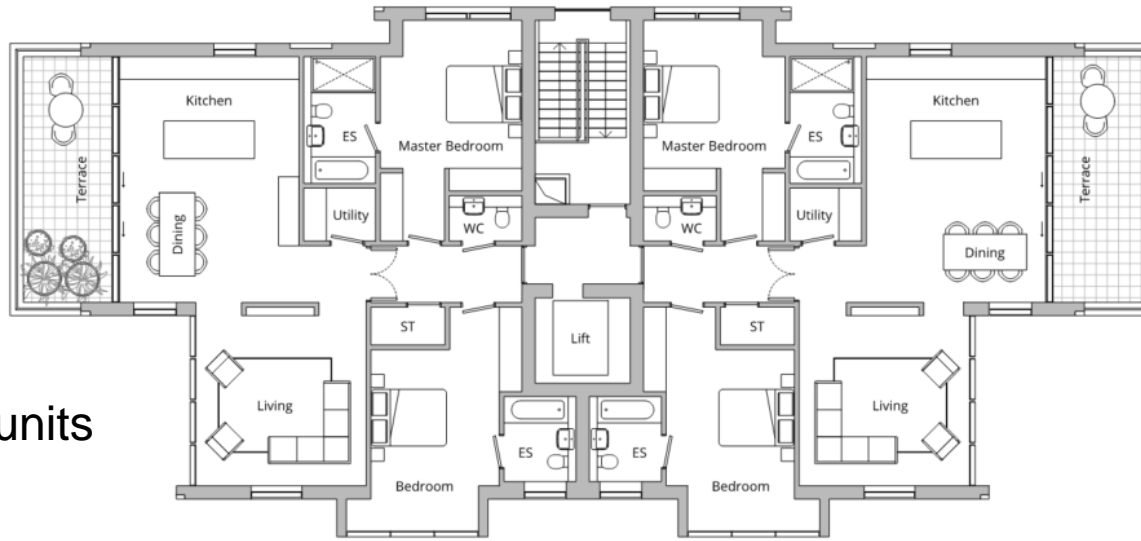


Close up of brickwork



Windows in brick panels contrasting with light coloured panels with larger glazed areas.

6x 2-bedroom units



2x 3-bedroom units



