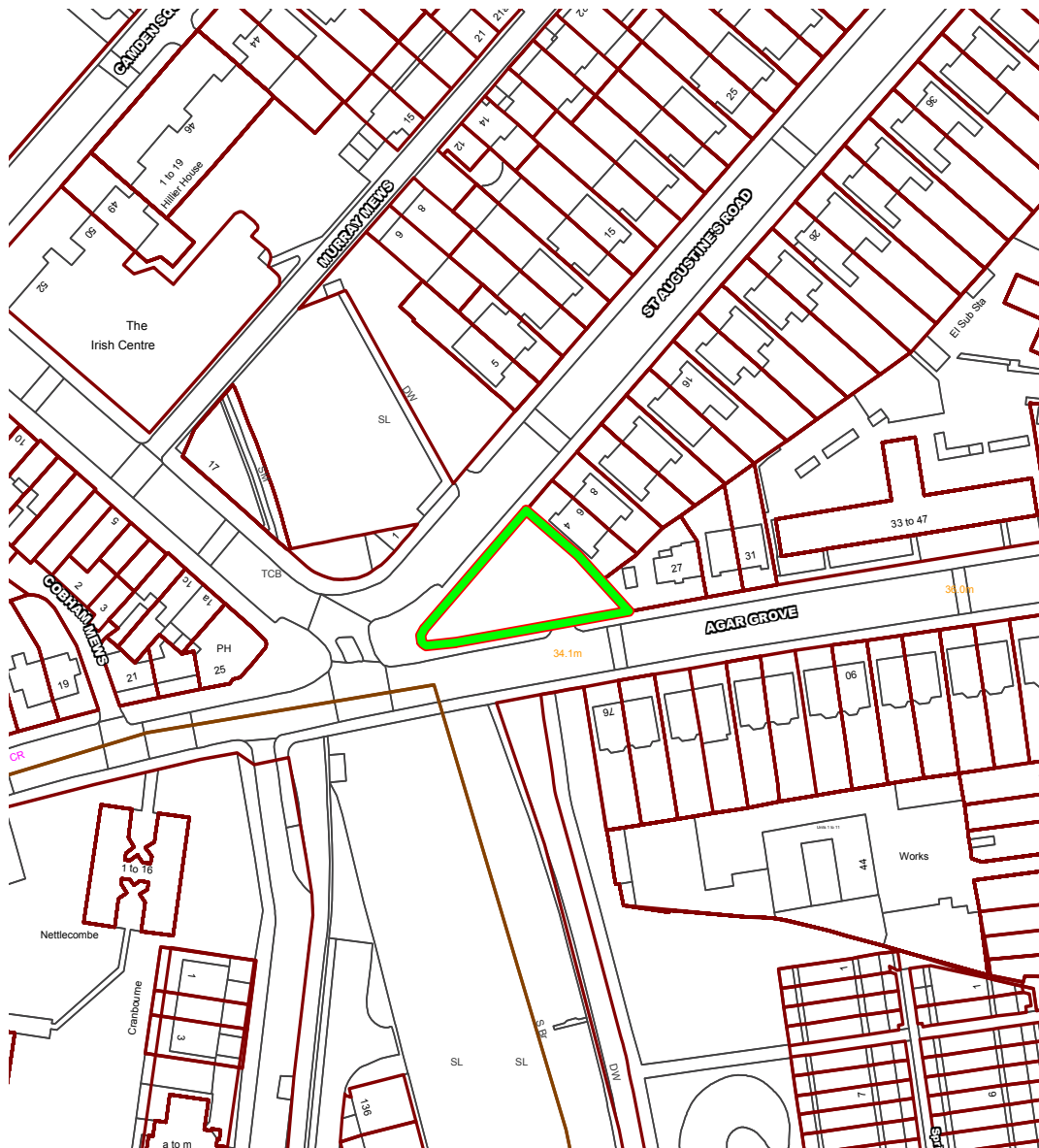


4 St. Augustines Road – 2013/5863/P



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Delegated Report		Analysis sheet		Expiry Date:	13/12/2013
		N/A		Consultation Expiry Date:	31/10/2013
Member's Briefing					
Officer			Application Number(s)		
Ben Le Mare			2013/5863/P		
Application Address			Drawing Numbers		
4 St Augustines Road London NW1 9RN			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of five storey building comprising 9 residential units (2x 2 bedroom and 7x 3 bedroom flats) (Class C3).					
Recommendation(s):		Refuse planning permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	88	No. of responses	04	No. of objections	04
Summary of consultation responses:	<p>The application was advertised by site notice from 04/10/2013 - 25/10/2013. An advert was placed in the Ham and High on 10/10/2013 with the consultation expiry period ending on 31/10/2013.</p> <p>9 & 16 St Augustine’s Road, 29 Agar Grove, Belvard Point Residents object:</p> <ul style="list-style-type: none">Proposed building is still overbearingReducing the height does not address the reasons for refusal in terms of scale, massing and detailed designImpact on sight lines from St Augustine’s Road and Murray StreetOut of keeping with the conservation areaDesign is still bland and unimaginativeProposal does not enhance the site <p><u>Officers comment:</u> Matters discussed in paras 2.1 – 2.8)</p> <ul style="list-style-type: none">Will lead to parking stressHarm the local transport network <p><u>Officers comment:</u> Matters discussed in paras 6.1 – 6.9)</p> <ul style="list-style-type: none">Loss of light to neighbouring properties <p><u>Officers comment:</u> Matters discussed in paras 5.1 – 5.3)</p> <p><u>Thames Water</u> has no objections but makes comments on technical requirements (to be included in an informative).</p>					
CAAC/Local groups comments:	Camden Square CAAC were notified, but did not respond.					

Site Description

The application site is a triangular site at the junction of St Augustine's Road, Agar Grove and Murray Street. It is enclosed by a 2m high brick wall facing St Augustine's Road and Agar Grove and backs onto the side boundaries of 4 St Augustine's Road and 27 Agar Grove. It lies within the Camden Square Conservation Area and is identified as making a negative contribution to the character and appearance of the conservation area.

Agar Grove, to the south and east of the site, consists of three-storey semi-detached Victorian villas raised on basements and dating from the 1860s. Both sides of the street have strong building lines and unity of design, although this rhythm is interrupted by two long 1950s blocks of flats at nos. 33-47. St Augustine's Road has a similar uniformity comprising three storey semi detached Victorian villas with stuccoed fronts, dormer windows and raised entrances.

The application site originally housed a pair of 19th century villas with triangular front garden, which were demolished after the widening of the railway in 1898. It is currently a vacant site with no authorised use, although there have been some unauthorised uses in recent past such as a waste transfer and storage use, and car and caravan parking. The most recent lawful use of the site was as a builders yard on a temporary planning consent which has now expired.

Relevant History

2013/1210/P Erection of five storey building comprising 9 residential units (2x 2 bedroom and 7x 3 bedroom flats) (Class C3). Refused 22/08/2013. This application is currently the subject of an appeal, with a public inquiry scheduled to take place on 18th December 2013.

The primary reason for refusing planning permission was:

The proposed development, by reason of its scale, massing and detailed design, would appear as an unsympathetic addition to the street scene and would fail to achieve the necessary quality of architectural design befitting of this prominent site. As such it would neither preserve nor enhance the character and appearance of the Camden Square Conservation Area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

A further 8 reasons for refusal related to the absence of a legal agreement for: car-free housing, construction management plan, open space contribution, education contribution, highways contribution, a pedestrian/highways/environmental contribution, a Code for Sustainable Homes post-construction review, and a deferred affordable housing contribution.

The decision has been appeal and will be subject to a public inquiry on the 18 December 2013.

2011/6045/P Use of the site for a car valet business (Class B2). Planning permission refused 13/02/2012

2010/6748/P Erection of basement and part three and four storey building of 1,214sqm to create nine residential units (Class C3). Planning permission refused 08/04/2011

The primary reason for refusing planning permission was:

The proposed development, by reason of its scale and design, would appear as an incongruous feature on this prominent site, failing to preserve and enhance the character and appearance of the

Camden Square Conservation Area or the wider area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

A further 5 reasons for refusal related to the absence of a legal agreement for: car-free housing, open space contribution, education contribution, highway contribution, and Code for Sustainable Homes post-construction review.

2008/4783/P Erection of basement and part three, four and five storey building of 1,200sqm to create nine residential (5x 2-bed, 3x 3-bed, 1x 4-bed) units (Class C3) plus associated disabled parking, cycle and refuse stores and landscaping. Planning permission refused 01/07/2009

The primary reason for refusing planning permission was:

The proposed development, by reason of its scale and detailed design, would appear as an incongruous feature on this prominent site, failing to preserve or enhance the character and appearance of the Camden Square Conservation Area or the wider area contrary to policies B1 (General design principles) and B7 (Conservation areas) of the London Borough of Camden Replacement Unitary Development Plan 2006, guidance within the Camden Planning Guidance (2006) and Camden Square Conservation Area Statement.

A further 7 reasons for refusal related to the absence of a legal agreement for: car-free housing, affordable housing, construction management plan, open space contribution, education contribution, highway contribution, and Code for Sustainable Homes post-construction review.

A subsequent appeal (ref: APP/X5210/A/09/2110690) was dismissed on 28/01/2010.

The Inspector concluded that having regard to its materials, window treatment, height and scale, the development would be a discordant and incongruous building that would distract from the street scene and overwhelm the junction, thus harming the character and appearance of the conservation area. The Inspector agreed that without a car-free agreement the proposal would put the Controlled Parking Zone under further stress and upheld that reason for refusal. However, he felt that the absence of a construction management plan and affordable housing contribution were not reasons enough for refusal. He further considered that there was not enough information to justify a highways contribution or open space/education contribution. It was considered that a sustainability assessment and post-construction review could be achieved via condition.

2008/2989/P The erection of basement and part three, four and five storey building to create nine residential units (Class C3) and associated parking and landscaping. Planning application withdrawn 23/09/2008

Enforcement

EN11/0727 Investigation into the use of the site as a waste transfer and storage site, for the storage and repair of motor vehicles and parking of caravan and porta cabins for residential purposes. The matter was raised with the tenant and freeholder of the site and the site was substantially cleared following pressure from the Council and freeholder on the tenant. However it appeared that the site was continuing to be used for waste transfer and the site was in an untidy state. As such, a section 215 (Untidy Land) Notice was issued 01/06/2012

Relevant policies

LDF Core Strategy and Development Policies 2010

CS1 Distribution of growth
CS5 Managing the impact of growth and development
CS6 Providing quality homes
CS11 Promoting sustainable and efficient travel
CS13 Tackling climate change and promoting higher environmental standards
CS14 Promoting high quality places and conserving our heritage
CS15 Protecting and improving our parks and open spaces and encouraging biodiversity
CS18 Dealing with our waste and encouraging recycling
CS19 Developing and monitoring the Core Strategy

DP2 Making full use of Camden's capacity for housing
DP3 Contributions to the supply of affordable housing
DP5 Homes of different sizes
DP6 Lifetime homes and wheelchair homes
DP16 The transport implications of development
DP17 Walking, cycling and public transport
DP18 Parking standards and limiting the availability of car parking
DP19 Managing the impact of parking
DP21 Development connecting to the highway network
DP22 Promoting sustainable design and construction
DP24 Securing high quality design
DP25 Conserving Camden's heritage
DP26 Managing the impact of development on occupiers and neighbours
DP28 Noise and vibration
DP31 Provisions of, and improvement to, open space and outdoor sport and recreation facilities
DP32 Air quality and Camden's Clear Zone

Supplementary Planning Policies

Camden Planning Guidance 2013

CPG1: Design, chapters 1, 2, 3, 6, 10
CPG2: Housing, chapters 1, 2, 4, 5
CPG3: Sustainability, chapters 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13,

Camden Planning Guidance 2011

CPG6: Amenity, chapters 1, 2, 4, 5, 6, 7, 8, 9, 11, 12
CPG7: Transport, chapters 1, 2, 5, 7, 8, 9
CPG8: Planning obligations, chapters 1, 2, 3, 4, 5, 6, 7, 10, 11

Camden Square Conservation Area Appraisal and Management Strategy 2011

Local and regional policies

National Planning Policy Framework 2012
London Plan 2011

Assessment

1. Background and planning considerations

1.1 The application follows on from three previous schemes. The first two schemes were refused by the Council in 2009 and 2011, the former was also dismissed at appeal. The schemes were similar in nature as both proposed 9x flats with a total floorspace of approximately 1,200sqm. The primary reason for both refusals related to the scale and design of the proposed schemes. All other reasons for refusal related to the absence of necessary Section 106 agreements.

1.2 A third scheme was refused on 22/08/2013. This scheme is now the subject of an appeal. As mentioned above, the primary reason for refusal was:

The proposed development, by reason of its scale, massing and detailed design, would appear as an unsympathetic addition to the street scene and would fail to achieve the necessary quality of architectural design befitting of this prominent site. As such it would neither preserve nor enhance the character and appearance of the Camden Square Conservation Area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

1.3 The applicant seeks to address this reason for refusal by reducing the height of the building by 10%, and thereby the scale and massing. The overall height of the proposed building would be reduced by 1.3m from 15.1m to 13.8m.

1.4 All other aspects of the proposal including the overall floorspace and number of units, remain the same, and were previously considered acceptable by the Council. The eight other reasons for refusal related to the absence of a section 106 agreement and would not have been reasons for refusal had the design been acceptable. As such, the main issue for determination is the revised design of the proposed building and whether the proposal has addressed the previous reason for refusal.

1.5 The principal consideration material to the determination of this application and summarised as follows:

- Design
- Land use
- Standard of proposed residential accommodation
- Amenity
- Transport
- Sustainability
- Trees
- Planning obligations
- Community Infrastructure Levy

2. Design

2.1 In terms of character zones identified in the Camden Square Conservation Area Appraisal St Augustine's Road is part of the 'Grid of Streets', planned estate development of paired villas, terrace houses and with a few individual villas. In this context the scale and character of St Augustine's Road has a high degree of uniformity. The greater the uniformity of the conservation area the greater the risk of a contrasting new building height, mass, form and design disrupting its established scale and character. By contrast there are many conservation areas elsewhere which have a more diverse character and appearance with a wide variety of building types, stylistic periods, and scales which

stand in harmony together, and where there may be an opportunity for a contrasting new larger scale building to make its mark.

2.2 Both St Augustine's Road and Agar Grove may be characterised by the repeated pattern of development of stucco & brickwork paired villas, whose architectural form, layout and alignment gives a strong sense of visual unity and coherence to the appearance of these streets. There are some individual villas as well as rows of terrace houses at the north eastern end of St Augustine's Road, however the predominant building type is the paired semi-detached villa. The individual plot sizes tend to be regular in width, typically 7-8m wide per demi-detached house, with 6m deep front gardens and 10m – 15m deep rear gardens.

2.3 An appropriate design for this corner site would need to be well related to its context and would need to be of the highest quality, displaying a thorough understanding of the architectural language of the predominant pattern of development. It should intensify the well established local character of the conservation area, and as an addition to the townscape make a positive contribution to the ambience and visual quality of the locality.

2.4 The scheme is of significantly contrasting massing and design to the historic villas of its immediate context and its effect would be significantly harmful to the local character and appearance of the conservation area. The proposed reduction of the height of the building by approx by 1.3m, and the resulting 10% reduction in the over scale and massing from the previous scheme is considered not to overcome the council's decision to refuse consent. The established rhythm of St Augustines Road and Agar Grove would be broken by the development's intrusive design. Overall the design of the building still appears as an overscaled, disparate separate entity. Its height bulk and mass as a 5 storey building appears overdominant and out of scale with the historic villas along both St Augustine's Road and Agar Grove. The effect would appear visually jarring in this sensitive corner site, and be obtrusive in local views.

2.5 The proposed asymmetrical fenestration pattern is lopped sided with windows unbalanced across the elevation, and the effect would appear seriously incongruous. The incongruity would be even more marked on St Augustine's Road. The solid to void ratio, i.e, the brickwork to window ratio, on this elevation is visually jarring. The narrow brickwork nib on the east end of the elevation contrasting with the 3.5m width of blank brickwork on the west side of the elevation, appears especially stark and incongruous.

2.6 Whilst it is acknowledge that the proposed fenestration pattern has a hierarchy, its effect appears tentative and unconvincing. The size and proportions of the windows set in these elevations are wider and squatter, and would contrast significantly with the established fenestration pattern on the existing villas on the road. Its elevational treatment is asymmetrical and irregular. It does not have comparable floor to floor heights. Its 4 floors do not extend up to the eaves line of the building as per the typical villas, but are reduced in height to facilitate the top floor accommodation, as illustrated by the cross-section through the building. The effect of this adversely affects the fenestration pattern, the window proportions, and the solid to void ratios across the main elevations.

2.7 It is understandable that the architect may wish to enhance its visual prominence, a new building in this sensitive context should reinforce the particular sense of place of the conservation area, rather than diluting and diminishing it. The effect in this instance is an overdominant, out of scale design which disturbs the harmony and settled character and appearance of this part of Camden Square Conservation Area, and is harmful to its special historic and architectural interest.

2.8 In summary, the proposed building is considered, by reason of its scale, massing and detailed design, appear as an unsympathetic addition to the street scene and would fail to achieve the necessary quality of architectural design befitting of this prominent site within the conservation area.

As such it would neither preserve nor enhance the character and appearance of the Camden Square Conservation Area, this is contrary to policies CS14, DP24 and DP25 and the application should be refused on this basis.

3. Land use

3.1 The last known lawful use of the application site was as a builder's yard, and the site has been vacant for a number of years. The principle of the loss of a vacant builder's yard and the provision of residential accommodation on the site is considered acceptable in general land use terms, and has not been an issue in previous applications.

3.2 The current proposal, like the scheme being appealed, does not include an affordable housing provision and to justify the lack of an affordable housing contribution the applicant has submitted a viability assessment by Douglas Birt Consulting. The assessment justifies the mix of units proposed as maximising the site potential and responding to the constraints of the site. Any building would only be able to cover 75% of the site due to a TFL agreement and their requirements, this maximum area is further constrained by the need to respect established building lines. To prevent overlooking on the east of the site the core has been located on the east side of the building which results in larger units. The applicant also contends that a larger number of units would result in greater build costs and would further reduce the viability of the scheme.

3.3 The assessment also refers to additional constraints on the site, such as being partially above a railway line, a main sewer directly under the site, and contiguous piling required to ensure there is no infrastructure/utility damage. It considers that these constraints add exceptional costs to the development that would negate an affordable housing contribution. The viability assessment is accompanied by a "Three Dragons" toolkit, which is the GLA's standard appraisal method. This demonstrates that after taking into account a developer contribution of £136,275 (which is the amount the Council is seeking to meet open space, education and transport infrastructure requirements) the developer profit would be 15.7%. This is below the accepted level of 20% normally allowed for in the toolkit and would mean that the viability of the development is already marginal.

3.4 The submitted viability assessment was assessed for the Council by BPS Surveyors. BPS considered that the applicant's benchmark figure for the site is a fair reflection of the site's market value, which has been based on the agreed prices paid for comparable sites in the area and is lower than the amount which the applicant had paid for this site. The viability assessment based the proposed sales figures for the proposed flats on a schedule of second hand residential units in the immediate vicinity, and BPS also undertook their own research on comparable new and existing flats in the area, and considers the estimated sales values to be realistic market assumptions. BPS also considered the proposed build costs to be accurate. As such, BPS considered that the applicant's viability assessment was reasonable and that an affordable housing contribution would not be viable based on the projected sales figures.

3.5 The viability assessment also included a Three-Dragons toolkit assessment of a notional 12-unit scheme utilising the same floorspace for comparison purposes, notwithstanding that this has not been tested from a design perspective and may not be practically achievable given the site constraints. The assessment considers that the overall value of the scheme would be unlikely to change, or that the residual value could even decrease as smaller units would be less attractive to the market, whilst build costs would increase. BPS consider this to be a reasonable assumption.

3.6 The BPS report pointed out that were sale prices to increase the scheme could become more profitable, therefore it was considered appropriate that a deferred payment be added to any Section

106 Agreement, if the proposal were approved, whereby a further viability assessment will be required once 50% of the units have been sold, and if sales prices increased to the point where an affordable housing contribution would be viable, the Council would be entitled to the relevant contribution. Such a clause is supported by CPG2 (Housing).

3.7 It is therefore considered that, as with the previous application, based on the subsequent BPS report, an affordable housing contribution would not be viable based on current evidence, but the Council should seek a deferred contribution. This approach was previously considered acceptable and if the application was supported on design grounds then the requirement for a deferred contribution would be secured a clause in a s106 agreement. In the absence of such an agreement this forms a reason for refusal.

Housing Mix

3.8 Housing is the priority land use of the LDF and the proposal to provide x family-sized units is in accordance with the aims of policies CS6 and DP2 which seek to maximise the supply of additional housing. Policy DP5 (Homes of different sizes) seeks to provide a range of unit sizes to meet demand across the borough. The highest priority for private housing in the "Dwelling Size Priority Table" is 2 bedrooms, with a medium priority for 3 bedrooms and lower priority for 1 bedroom/studios.

3.9 As mentioned above it is accepted that the constraints of the site limit the number of units being provided, and although altering the mix to provide more 2 bedrooms units was considered, this would have provided very large two bed units and was therefore not considered to be making full use of the site in line with DP2.

3.10 The proposed unit mix breaks down as follows:

2x 2-bed (4 person) units of internal areas 80.5sqm & 83sqm

2x 3 bed (5 person) units of internal areas 96sqm & 96sqm

5x 3-bed (6 person) units of 107 (x3), 109 & 139sqm

3.11 The LDF states that the Council will be flexible when assessing development against policy DP5 and the dwelling size priority table, and that the mix of dwelling sizes appropriate in a specific development will be considered taking into account the character of the development, the site and the area. The proposed mix is considered to achieve a reasonable balance between realising the dwelling size priorities of DP5 and maximising the opportunities afforded by this particular site and area in this case.

4. Standard of proposed residential accommodation

4.1 The proposal would provide nine self-contained flats. Double bedrooms would exceed 11sqm, with single bedrooms in excess of 7sqm. The size of the proposed units and bedrooms would comply with both the London Plan and the Council's own residential development standards.

4.2 The units would benefit from generously sized and regular shaped rooms, and be dual aspect. All of the proposed units would have access to outdoor amenity space in the form of balconies or terraces. It is considered that the proposal would provide a good standard of accommodation for the future occupiers.

Lifetime Homes

4.3 The scheme was submitted with a Lifetime Homes assessment which indicates the proposal would comply with all the relevant criteria. The development would have level access with level thresholds, all floors will be accessible by a wheelchair compliant lift. Flats would be on one level so

would have entrance level living and bed spaces, and w.c's/showers. Hallway widths would be compliant, with adequate circulation space within the flats. Flats would also have the potential for hoists and grab rails, and window handle heights and service controls would also be compliant.

Refuse/storage

4.4 It is proposed to store refuse in the northern corner of the site, and it is considered that there is sufficient space for the storage of residual waste containers. If the proposal were acceptable then a condition would be recommended requiring further details of the design of the enclosure in order to ensure it would not harm the character and appearance of the wider conservation area.

Noise

4.5 The site is located close to railway lines which are 8m below the pavement level, with environmental noise levels dominated by local road traffic movements. Train movements increase the background noise for short periods. An Environmental Noise Assessment was submitted as part of the previous application, but not with the current one. The previous report concluded that the site can be demonstrated to be suitable for residential development but would require conditions to ensure that the building fabric is designed to provide appropriate internal noise levels within the residential dwellings. The report specified that a proprietary acoustic glazing system in conjunction with acoustically rated passive air intake systems would be required in order to enable the internal noise criteria to be achieved. A condition would have been necessary requiring the submission of details of such measures should the development have been considered acceptable.

5. Amenity

Daylight / Sunlight

5.1 The same Sunlight/Daylight Report has been submitted as accompanied the previous application. The report states that no windows to Nos. 3 and 5 St Augustine's Road would see a reduction in VSC to less than 27% or a reduction in ADF to below the minimum guidelines. Nos. 6 and 8 St Augustine's Road are immediately north east of the application site with no. 6 having windows in its flank wall directly facing the proposed development. The report indicates that four windows in the flank elevation would see reductions in VSC of more than 20%, three of these windows are secondary windows to rooms being lit by other windows that do not suffer a significant loss of daylight. Only one window would suffer a reduction in APSH to below the guideline levels, but again this is judged to be a secondary window. Two windows at no. 8 are adjudged to see reductions in VSC to 0.74 and 0.75 times their former values, which the report considers to be minor, and as they serve a single room and are not the only windows, the report does not consider the loss of daylight to this room will be significant. The report also assessed the impact on 27A, 29, 76, 78, 80 & 82 Agar Grove, and 17-17A Murray Street and assessed all would comply with the BRE guidelines in terms of sunlight.

5.2 The only amenity spaces that were considered to be potentially affected by the proposal are the rear gardens of nos. 6 and 8 St Augustine's Road. The report considers that although there will be some limited overshadowing during the winter months, they will be BRE compliant during the summer. The report concludes that the proposal would have a limited impact on neighbouring properties and would not materially affect their daylight and sunlight amenity.

5.3 Sunlight and daylight impacts were considered acceptable for the previous application, and although the submitted sunlight daylight report is unchanged, the reduction in height of the building means that the proposed scheme would have less of an impact on adjoining properties than the previous scheme.

Overlooking

5.4 The main elevations of the proposed development on St Augustine's Road and Agar Grove, and the western elevation with balconies, would mainly look out onto open space as the site is largely beyond the extent of St Augustine's Road and Agar Grove. Only no. 76 Agar Grove would directly face the eastern end of the Agar Grove elevation, and the distance between the two sites exceeds 18m, which is considered to be the minimum acceptable distance for direct overlooking.

5.5 The flank wall of no. 6 St Augustine's Road has seven windows and would only be 3m away from the eastern elevation of the proposed development. This elevation would have two columns of three windows, one column would directly face the flank wall of no. 6. These are to the staircase, and a condition will require these windows to be obscure glazed to prevent overlooking. The other column of windows is closer to Agar Grove and set at an angle so would not directly face any windows in the flank wall of no. 6. As such, as few windows to neighbouring properties would directly face the site, it is not considered that there would be a significant loss of privacy or outlook.

5.6 The earlier schemes were not considered to have a harmful impact on amenity of adjoining occupiers. In the 2008 scheme, which went to appeal, the Inspector raised no concerns with the impact of a part three, part five storey development on any of the neighbouring properties commenting *'Given the tight urban nature of this area the proposal would not unduly affect the levels of light, outlook, privacy or noise enjoyed in neighbouring properties and their gardens'*.

6. Transport

6.1 The site has a Public Transport Accessibility Level (PTAL) of 3 (Moderate) which suggests that it is not easily accessible by public transport. However, it should be noted that bus stops are located nearby on Agar Grove, St Pancras Way, Royal College Street and Camden Road. The site is also located in the Camden Square controlled parking zone (CPZ). The Camden Square CPZ operates on Monday to Friday between 0830 and 1830 hours. The ratio of parking permits to parking spaces in the CPZ is 0.74. This suggests that parking stress may be an issue in this part of the Borough.

Car Parking

6.2 The proposal would not involve the provision of any parking spaces within the site and would have been the subject of a car-free clause in a s106 agreement in line with policy DP18.

6.3 The applicant proposes providing an electric vehicle charging bay and associated infrastructure on St Augustine's Road, directly adjacent to the site. The Council would generally only seek to secure electric vehicle charging points for developments with on-site parking, and this element of the proposal is not strictly necessary in planning terms. Nevertheless, the applicant has indicated they are willing to provide such a facility as part of the proposal. It should be pointed out that electric vehicle charging bays cannot be used for general parking, they are merely for charging of electric vehicles and have a maximum time of occupancy of 3 hours.

Cycle Parking

6.4 The proposal would provide 18 cycle parking spaces in an external bicycle store to be located in the south eastern corner of the new building. This is slightly in excess of the minimum requirements of the London Plan which refers to the TfL cycle parking design standards. It is not clear from the information provided if the proposed bicycle store would actually be covered and secure and further details will be secured by condition.

Managing the impacts of construction on the surrounding highway network

6.5 It is anticipated that the proposed works would have a noticeable impact on the public highway in the vicinity of the site. As such, a Construction Management Plan (CMP) would have been required via a clause in a s106 agreement. The CMP would have needed to be approved by Camden and TfL prior to any works commencing.

Highway and Public Realm Improvement Works adjacent to the site

6.6 The footways adjacent to the site are in poor condition with various items of street furniture constituting unnecessary street clutter. In addition, the footways are likely to be damaged significantly as a result of the proposed works. The footways would therefore need to be repaved following completion of the works. The Council would also need to remove 2 redundant vehicular crossovers adjacent to the site on Agar Grove and St Augustine's Road. Street furniture which would obstruct access to the site would need to be relocated (e.g. phone boxes, telecommunications cabinets, street name plates, traffic sign posts, lamp columns, bollards etc). The Council may also consider removing any redundant street furniture items as a means of reducing unnecessary street clutter. The footway works would be undertaken adjacent to the site on Agar Grove, Murray Street and St Augustine's Road. Such works would require a financial contribution of £31,529.09 would have been secured through a clause in the s06 agreement.

Pedestrian, Cycling and Environmental Improvements

6.7 In order to attempt to mitigate the wider impacts of the increase in trips, particularly on St Augustine's Road, Agar Grove, Camley Street, a financial contribution of at £18,000 would be required towards Camden's Pedestrian, Cyclist, Environmental and Safety Improvement Initiative. All of the schemes detailed in this section below could be delivered under Camden's Pedestrian, Cyclist, Environmental and Safety Improvement Initiative. The funding would be split between implementation of full schemes and as a contribution towards larger schemes. This is because a single development rarely generates enough impact by itself for a financial contribution from one development alone to fund an entire Pedestrian, Cyclist, Environmental and Safety Improvement Initiative and consideration must be given towards the cumulative impacts on transport infrastructure; past, present, and future.

6.8 In context of this development site at 4 St Augustine's Road the following is an approximate breakdown of how the Pedestrian, Cycling and Environmental contribution would be allocated to local schemes:

- A contribution of £7,000 towards the installation of one sign in the immediate vicinity of the site towards Legible London which is a way finding initiative to encourage walking and cycling;
- Financial contribution of £7,000 towards road safety and environmental improvement schemes in connection to Camley Street and Agar Grove. This will assist in improving permeability, provide an increase in sustainable movements along these key north-south (Camley Street) and east-west (Agar Grove) routes and subsequently improve the environmental surrounds for pedestrians and cyclists.
- Contribution of £4,000 towards cycle network provisions within the locality of the site as part of the Council's aspirations to intensify the cycling network provision to increase cyclist activity.

6.9 This financial contribution would have been secured by a clause in s106 Agreement.

7. Sustainability

7.1 The applicant submitted an Energy Statement with the previous scheme which referred to an overall 32% reduction in carbon emissions through fabric enhancement and photovoltaic panels/tiles. The applicants state that the reduction in floor to ceiling heights as a result of the overall reduction in height of the building would result in a nominal reduction in CO2 emissions over the previous scheme. A condition would have been needed to require the applicant to submit further details of the location and design of the photovoltaics.

7.2 The applicant submitted a Code for Sustainable Homes pre-assessment which indicated that the proposal would achieve Level 4 with a score of 70.94%. In the energy category it is predicted to achieve 18.2 out of 31 credits (or 58.7%). In the water category the proposal is expected to achieve 5 out of 6 credits (83.3%) through water consumption of less than 105 litres of water per person per day and no increase in surface water run-off. In terms of materials the assessment predicts 9 out of 24 credits (37.5%). Policy DP22 requires new housing to attain at least 50% in these categories and the applicant will be required to meet these targets. The applicant has indicated that the revision to the scheme would have no negative impacts on the pre-assessment. A post-construction review would have been secured via a clause in a s106 agreement.

8. Trees

There is one tree in close proximity to the site on Agar Grove. There are no proposals to remove this tree as part of the application. No information relating to how the existing tree would be protected has been submitted as part of the application. A condition would therefore have been required for the submission of details of the method of protection during construction in order to ensure the tree is protected. A condition requiring the submission of details of all hard and soft landscaping would also have been required.

9. Additional Planning obligations

Open space

9.1 In line with policies CS15 and DP32, and CPG8, a contribution to public open space provision would have been required as the scheme results in a net increase of five or more dwellings. The current financial contributions are £1,304 per 2-bed unit and £2,317 per 3-bed unit. As such, the proposal would be required to have contributed the sum of £16,801 ($£1,304 \times 4$) + ($£2,317 \times 5$)).

Education

9.2 In line with CPG8, a contribution towards education would have been required as the development results in a net increase of five or more dwellings. Contributions are only sought for dwellings of two bedrooms or more, as single bedroom units are unlikely to provide accommodation for children. The figure for education contributions are £2,213 per 2-bed unit and £6,322 per 3-bed units, thus the education contribution would have been £ ($£2,213 \times 4$) + ($£6,322 \times 5$).

10. Community Infrastructure Levy (CIL)

10.1 The development would have been liable for the maximum CIL charge because it involves the creation of additional residential units. Based on the Mayor's CIL charging schedule and the information given on the plans, the charge would have been £60,000 ($1,200\text{sqm} \times £50$).

11. Conclusions / Recommendation

11.1 The main reason for refusal of the most recent scheme was the scale, massing and detailed

design of the proposed development. The proposed changes to the scheme by reducing the height has failed to reduce the overall massing and bulk of the building or improved its relationship with the buildings on St Augustine's Road and Agar Road. The detailed design of the proposed building is also not considered to be of standard which preserves and enhances the character and appearance of the consideration area.

11.2 Other issues such as unit mix, affordable housing provision, amenity and transport impact, were not previously considered unacceptable and are still considered to be acceptable subject to an appropriately worded legal agreement.

11.3 For the reasons outlined above the development should be refused planning permission. However, if it had been acceptable on all other grounds then a s106 agreement would have been required with the following Heads of Terms:-

- Open space contribution of £18,827
- Education contribution of £48,680
- Financial contribution of £31,529.09 for various highway works to cover the costs of repaving the footways and the removal of 2 redundant vehicular crossovers adjacent to the site
- All units to be designated as car-free
- The submission of a construction management plan
- A full Code for Sustainable Homes post-construction review.
- An affordable housing deferred payment contribution requiring an additional viability assessment when 50% of the units are sold
- A financial contribution of £18,000 towards Pedestrian, Cycling and Environmental improvements in the vicinity of the site.

Recommendation: Refuse planning permission

DISCLAIMER

Decision route to be decided by nominated members on *Monday 25 November 2013*. For further information please go to www.camden.gov.uk and search for 'members briefing'

Cunnane Town Planning LLP
67 Strathmore Road
Teddington
Middlesex
TW11 8UH

Application Ref: **2013/5863/P**
Please ask for: **Ben Le Mare**
Telephone: 020 7974 1278

21 November 2013

Dear Sir/Madam

DRAFT
DECISION

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) Order 2010
Town and Country Planning (Applications) Regulations 1988

Full Planning Permission Refused

Address:
4 St Augustines Road
London
NW1 9RN

DECISION

Proposal:

Erection of five storey building comprising 9 residential units (2x 2 bedroom and 7x 3 bedroom flats) (Class C3).

Drawing Nos: Site Location Plan; 1913-00-SK-0100 Rev P02; 0101 Rev P02; 0102 Rev P01; DR-100 Rev P03; 0101 Rev P03; 0102 Rev P03; 0103 Rev P04; 0104 Rev P04; 0105 Rev P03; 0106 Rev P03; 0401 Rev P03; 0402 Rev P03; 0601 Rev P03; 0602 Rev P03; 0603 Rev P03; 0604 Rev P03; 0610 Rev P03; Design and Access Statement by CZWG Architects dated September 2013; Daylight and Sunlight Report by GL Hearn dated 20th February 2013; Code for Sustainable Homes Report by Callao Housing Consultancy dated February 2013; Energy Statement by SRS Partnership dated 27th February 2013; Planning Statement by Cunnane Town Planning dated September 2013; Viability Assessment by Douglas Birt Consulting dated 12 September 2013; Independent Viability Assessment Review by BPS Surveyors dated 12th September 2013

The Council has considered your application and decided to **refuse** planning permission for the following reasons:

Reasons for Refusal

- 1 The proposed development, by reason of its scale, massing and detailed design, would appear as an unsympathetic addition to the street scene and would fail to achieve the necessary quality of architectural design befitting of this prominent site. As such it would neither preserve nor enhance the character and appearance of the Camden Square Conservation Area contrary to policies CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 2 The proposed development, in the absence of a legal agreement to secure the provision of a Construction Management Plan, would be likely to contribute unacceptably to traffic disruption, and be detrimental to the amenities of the area generally, contrary to CS11 (Promoting sustainable and efficient travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP21 (Development connecting to the highway network) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.
- 3 The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area, contrary to policies CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy, and policies DP18 (parking standards), DP19 (Managing the impact of parking) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies.
- 4 The proposed development, in the absence of a legal agreement securing necessary contributions towards highway works would fail to make provision to restore the pedestrian environment to an acceptable condition after construction contrary to policy CS11 (sustainable travel) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and DP17 (walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.
- 5 The proposed development, in the absence of a legal agreement securing a sustainable energy strategy, would fail to take sufficient measures to minimise the effects of, and adapt to, climate change contrary to policies CS13 (tackling climate change) and DP22 (sustainable design and construction) of the London Borough of Camden Local Development Framework Core Strategy and Development Policies.
- 6 The proposed development, in the absence of a legal agreement for securing a contribution to open space provision, would be likely to contribute unacceptably to pressure and demand on the borough's existing open space facilities, contrary to policies CS15 (Protecting and improving our parks and open spaces & encouraging biodiversity) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP31

(Provision of, and improvements to, open space) of the London Borough of Camden Local Development Framework Development Policies.

- 7 The proposed development, in the absence of a legal agreement for securing a contribution to education provision, would be likely to contribute unacceptably to pressure and demand on the borough's existing educational facilities, contrary to policies CS10 (Supporting community facilities and services) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy and policy DP15 (Community and leisure) of the London Borough of Camden Local Development Framework Development Policies.
- 8 The proposed development, in the absence of a legal agreement securing a necessary contribution towards pedestrian, cycling and environmental improvements in the area would fail to make sufficient provision in a sustainable manner for the increased trips generated by the development contrary to policy CS11 (sustainable travel) of the London Borough of Camden Local Development Framework Core Strategy and DP17 (walking, cycling and public transport) of the London Borough of Camden Local Development Framework Development Policies.
- 9 The proposed development, in the absence of a legal agreement to secure a deferred affordable housing contribution, would fail to maximise the contribution made by the development to the supply of affordable housing in the borough, contrary to policies CS6 (Providing Quality Homes) and CS19 (Delivering and monitoring the Core Strategy) of the London Borough of Camden Local Development Framework Core Strategy, policy DP3 (Contributions to the supply of affordable housing) of the London Borough of Camden Local Development Framework Development Policies.

Informative:

- 1 Without prejudice to any future application or appeal, the applicant is advised that reasons for refusal numbers 2 - 9 could be overcome by entering into a Section 106 Legal Agreement for a scheme that was in all other respects acceptable.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Your attention is drawn to the notes attached to this notice which tell you about your Rights of Appeal and other information.

Yours faithfully

Culture and Environment Directorate
(Duly authorised by the Council to sign this document)

Photos of the site and surroundings



View North East



View North West



View East



Aerial photo of the site (red)



The proposed building