

<b>Address:</b>	4 St Augustine's Road London NW1 9RN	
<b>Application Number:</b>	2013/1210P	<b>Officer:</b> Rob Tulloch
<b>Ward:</b>	Cantelowes	
<b>Date Received:</b>	13/12/2010	
<b>Proposal:</b> Erection of five storey building to create 9 residential units comprising 2x 2 bedroom and 7x 3 bedroom flats. (Class C3).		
<b>Drawing Numbers:</b> Site Location Plan; 1913-00-SK-0100 Rev P02; 0101 Rev P01; 0102 Rev P01; DR-0101 Rev P02; 0102 Rev P02; 0103 Rev P02; 0104 Rev P02; 0105 Rev P02; 0106 Rev P02; 0401 Rev P02; 0402 Rev P02; 0601 Rev P02; 0602 Rev P02; 0603 Rev P02; 0604 Rev P02; 0610 Rev P02; Design and Access Statement by CZWG Architects dated February 2013; Daylight and Sunlight Report by GL Hearn dated 20 <sup>th</sup> February 2013; Code for Sustainable Homes Report by Callao Housing Consultancy dated January 2013; Energy Statement by SRS Partnership dated 27 <sup>th</sup> February 2013; Planning Statement by Cunnane Town Planning dated February 2013		
<b>RECOMMENDATION SUMMARY:</b> Grant planning permission subject to a Section 106 Agreement.		
<b>Applicant:</b>	<b>Agent:</b>	
Mr Paul Godfrey Hillview House 1 Hallswelle Parade London NW11 0DL	CZWG Architects Llp 17 Bowling Green Lane London EC1R 0QB	

### ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	<i>Sui Generis</i>		633m <sup>2</sup>
Proposed	<i>C3 Dwelling House</i>		1200 <sup>2</sup>

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	9+
Existing	<i>Flat/Maisonette</i>									
Proposed	<i>Flat/Maisonette</i>		2	7						

Parking Details:		
	Parking Spaces (General)	Parking Spaces
Existing	0	0

Proposed	0	0
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## OFFICERS' REPORT

**Reason for Referral to Committee:** This application is referred to Development Control Committee because it proposes a major development of more than 1,000m of floorspace [clause 3(i)]

### 1. SITE

- 1.1 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.
- 1.2 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.
- 1.3 The application site originally housed a pair of 19<sup>th</sup> 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

### 2. THE PROPOSAL

#### Original

- 2.1 The application is for the erection of a 5 storey building to provide 9x flats.

#### Revision

- 2.2 The design of the proposed building was amended during the planning application to address concerns about the design of the western elevation, which although neither facing St Augustine's Road nor Agar Grove, is a prominent elevation occupying a "gateway position". The balconies on this elevation have been

reduced from four floors to three floors, and their width reduced in ascension to relate to the traditional window hierarchy of Agar Road and St Augustine's Road.

### 3. RELEVANT HISTORY

- 3.1 **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 to create nine residential units (Class C3). Planning permission refused 08/04/2011

The primary reason for refusal 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 to create nine residential 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 ca-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 reason 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

## 4. **CONSULTATIONS**

### **Statutory Consultees**

- 4.1 Thames Water – No objection however have suggested a number of informatives to be attached to any permission granted.

### **Conservation Area Advisory Committee**

4.2 Camden Square Conservation Area Advisory Committee

- Consider the overall scheme to be disappointing and not an enhancement to the conservation area.
- Although the proposal is bulkier than its neighbours it suits the prominent position and is not overwhelming
- Concern about window hierarchy - no hierarchy in graded heights to glazed doors to balconies on west elevation and unnecessarily high railings
- St Augustine Road frontage relates poorly to street
- Porch/portico is ungainly
- Landscaping is unimaginative
- Agar Road and St Augustine's Road elevations seem disconnected from the Murray Street side of the building
- May affect light to neighbouring properties
- They also comment that the lift overrun not shown on drawings and window surrounds would not comply with Building Regulations.

## **Local groups**

- 4.3 Belvard Point Residents do not object to the principle, but consider the proposal to be out of context with the street scene and neighbouring properties, harmful to the character of the area, and inappropriate for this important gateway site in the Conservation Area. The scale, massing and footprint are also out of character and the proposal will harm outlook from neighbouring properties.
- 4.4 The Committee of Belvard Point object that the bulk of the building and corner elevation with overhanging balconies is inappropriate. The St Augustine's Road elevation is inappropriate and does not match the villas in St Augustine's Road. The bulk of the building overpowers the adjoining property at no. 4 St Augustine's Road.

## **Adjoining Occupiers**

	<b>Original</b>	<b>R1</b>
<i>Number of letters sent</i>	89	8
<i>Total number of responses received</i>	8	4
<i>Number of electronic responses</i>	4	0
<i>Number in support</i>	0	0
<i>Number of objections</i>	6	4

- 4.5 A site notice was displayed from 27<sup>th</sup> March to 17<sup>th</sup> April 2013 and a notice published in the Ham and High on 4<sup>th</sup> April 2013. 89 consultation letters were sent out on 25<sup>th</sup> March 2013, 8 further letters were sent out notifying respondents of the revision to the scheme. Objections were received from 29 & 84 Agar Grove, 6, 9 & 16 St Augustine's Road, and 95 Camden Mews. The objections are summarised as follows;

### **Design**

- Does not respect the current setting in terms of materials, scale and bulk
- 5 storeys is too high where neighbouring buildings taper down from 4 storeys to 3 storeys
- Will harm the view from Murray Street towards Kings Cross
- Out of keeping with the properties in St Augustine's Road
- Does not continue the height of the terrace, but takes its cue from no. 14 St Augustine's Road which is at a higher elevation up the street
- The building is too high
- Poor design
- Looks like a workhouse

### **Residential amenity**

- Loss of sunlight
- Loss of daylight
- Overshadowing
- Direct overlooking
- Light and noise disturbance from cycle store

### Construction

- Harm from materials and dust
- Site access/vehicles

### Parking

- 9x flats will add to parking stress
- Plans show space for one car on site

#### 4.4 Three other respondents commented that:

- The proposal is more in keeping with the area than the previous proposal and respects the heights of buildings on St Augustine's Road. Although there are concerns about loss of light, increased parking, and impact of construction.
- The western elevation and balconies are a poor design.
- The proposal looks like a workhouse and this prominent site needs a more inventive design with less dense brickwork

### **Revision**

- 4.6 The revision primarily addressed concerns about the western elevation and its balconies. All respondents stated that their objections were unchanged.

## **5. POLICIES**

### **5.1 LDF Core Strategy and Development Policies**

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

DP23 Water

DP24 Securing high quality design

DP25 Conserving Camden's heritage

DP26 Managing the impact of development on occupiers and neighbours  
DP28 Noise and vibration  
DP32 Air quality and Camden's Clear Zone  
DP28 (Noise and vibration)

## **5.2 Supplementary Planning Policies**

Camden Planning Guidance 2006  
Camden Square Conservation Area Appraisal and Management Strategy 2011

## **5.3 Local and regional policies**

National Planning Policy Framework 2011  
London Plan 2011

## **6. ASSESSMENT**

6.1 Two schemes have previously been refused by the Council, one of which 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, and in the case of the appeal, the Inspector only concurred with the absence of a car-free agreement as a sustainable reason for refusal.

6.2 The principal consideration material to the determination of this application are summarised as follows:

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

### **Land use**

6.3 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. Therefore in principle 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.

6.4 The gross external area of the proposal would be approximately 1200sqm and generally the Council will seek to achieve a contribution to affordable housing for developments with a capacity for 10 or more units. The LDF considers 1,000sqm of floorspace as having the capacity for 10 units

- 6.5 The applicant's justification for why only nine units are provided, and no affordable housing included as part of the scheme, is that all of the units are designed to be in accordance with Lifetime Homes, with one to be wheelchair compliant, which has created larger units to accommodate the necessary circulation spaces. Furthermore, the two previous schemes did not propose affordable units given the site constraints.
- 6.6 The applicant contends that there are a number of constraints specific to this site restricting the number of units, including the triangular shape of the site and its position above a railway bridge. The building line of the proposed development follows the established building lines of Agar Grove and St Augustine's Road, which is key to ensure the new building respects the relationship within adjacent pavements and highways. As approximately 25% of the site is above the bridge, the form of the building has to be located within a site area of 479sqm rather than the full site area of 630sqm. The building envelope is also determined by the physical constraints of the site which include the established heights and building lines of the wider area.
- 6.7 The proposed density of the site complies with the table (3.2) set out in the London Plan. The scheme has 35 habitable rooms and a site area of 0.063 ha, which amounts to a density of 555 habitable rooms per hectare, which is within the 300-650 habitable rooms per hectare for 'central' locations.
- 6.8 Planning permission was refused for the first scheme (ref: 2008/4783/P) with one of the reasons being the absence of affordable housing, but this was not supported by the Council at appeal, and the Inspector did not consider the absence of affordable housing as a reason for refusal.
- 6.9 The more recent scheme (2010/6748/P) did not include any affordable housing for the reasons set out above, and the lack of affordable housing was not a reason for refusal. Although the UDP had been replaced by the LDF by this time, there was considered to have been no changes in the policy context since the initial application was assessed.
- 6.10 It is therefore considered that given the constraints of the site and the previous history, in this instance the capacity of the site to provide of 9x flats is considered acceptable, and as this is below the number of units required for an affordable housing contribution, no affordable housing would be required at this application site. In order to prevent circumstances whereby the building would be subdivided or extended in the future to increase the overall number of units on the site, a clawback clause in the Section 106 agreement is recommended to ensure that affordable housing would be provided on the basis of the number of units.

#### Housing Mix

- 6.11 Housing is the land use priority of the LDF and the proposal to provide 7x 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. The table recommended that the aim should be 40% of 2 bedroom units. The scheme proposes a mix comprising 7 x 3 bedroom units (78%) and 2 x 2 bedroom units (22%).

- 6.12 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. It goes on to say that when considering the proportion of large homes appropriate within a specific development, the Council will take account of any features that make the development particularly suitable for families with children, such as outdoor amenity space, and the flexibility that larger dwellings create for other types of households, such as allowing for arrangements such as shared households and adults caring for elderly or infirm relatives. The Core Strategy states that the specified dwelling size priorities are a borough-wide objective and should not be used prescriptively to determine the mix of individual sites. In this instance the provision of predominantly larger units is considered appropriate.

### **Design**

- 6.13 Agar Grove and St Augustine's Road are both characterised by confident semi-detached classical detailed town houses with strong principle floors. The proposal site however, gives way to a more varied townscape and raises more complex urban design considerations. The site is open to a number of views and unlike much of the buildings in the Camden Square Conservation Area, which present only one elevation to the public realm, a multi faceted form is required at this site.
- 6.14 As mentioned previously, two schemes have been refused by the Council primarily on the grounds of scale and design. The first scheme, which was also dismissed at appeal, was 3-5 storeys high with a complicated design that included a five storey element clad in white tiles, with balconies on three sides and asymmetrical fenestration. It also included a rendered three storey element providing a transition to the terraces to the east. The Inspector considered the tiles and distribution of windows to relate poorly to adjacent buildings, and along with the scale of the development the proposal would have been unduly dominant and overwhelming.
- 6.15 The second proposal featured a part 3, part 4 storey building of a simpler design finished in brick with more uniform fenestration. This was refused as it was considered its scale and design would appear as an incongruous feature on the prominent site, failing to preserve and enhance the character and appearance of the Camden Square Conservation Area or the wider area.
- 6.16 The overall concern of the Inspector with the original scheme was the impact on the development on the wider conservation area. The Inspector considered that it was not necessary for a proposed development "to replicate the height, form or design of buildings on the neighbouring streets". Indeed it was considered that a contemporary approach may well be acceptable, however any new building should "respect its context" and fit "appropriately into the historic urban fabric".

- 6.17 The proposed building is five storeys high, but this is not readily apparent. The lower ground floor would be largely shielded from public view by the boundary wall, and the top floor would be akin to an attic floor with rows of windows on the St Augustine's Road and Agar Grove elevations set into the pitched roof behind the parapet.
- 6.18 The proposed building would be built in London stock brick to three of its elevations, resting on a white stuccoed lower ground floor. The use of brick responds to the established building materials in the area. The windows to the main elevations would be set in projecting stucco surrounds also taking their cue from neighbouring buildings, and be similarly hierarchical with the tallest at upper ground floor level, reducing in height by 0.4m and 0.8m upwards to the first and second floors. This has the effect of spacing the windows further apart as they rise. The Inspector, in his assessment of the original scheme, was concerned with the proposed asymmetrical windows given the lack of an "appreciable sense of hierarchy" which resulted in a design that "would contrast sharply with the established patterns on the houses adjacent".
- 6.19 The only rendered elevation would be the western elevation, which although a side elevation is particularly prominent in the street scene. This elevation features balconies from upper ground to second floor level. The scheme has been revised to reduce the width of the ascending balconies to reflect the hierarchy of the windows on the main elevations.
- 6.20 The existing boundary wall would be retained and rebuilt where necessary. A dedicated refuse and bike store area has been designed into the scheme, concealed from view behind the boundary walls and are considered to be acceptable. A condition is recommended requiring the submission of details of the design of these stores.
- 6.21 In terms of scale, the site is considered to be a "gateway" or entrance to the Conservation Area which can accommodate additional scale to "mark" the entrance. The parapet line and roof line are not dissimilar to the scale of building found along Agar Grove. The height of the proposed development is similar to the prominent height of buildings along St Augustine's Road, the two pairs of cottages adjoining the site do step down in scale, however this is not considered a requirement of the site, due to its gateway location. The local Conservation Area Advisory Committee have also confirmed they have no objection to the proposed height and scale.
- 6.22 The Conservation Area Appraisal acknowledges that the site is a "difficult and key triangular plot". It is considered the proposed building would provide a high quality residential scheme which seeks to respond to distinct elements found on the adjoining properties, and the vocabulary of the wider conservation area. It is considered that the scale and mass of the proposed building are appropriate for this gateway location, and as such the proposal would enhance and preserve the character and appearance of the wider conservation area.

## **Amenity**

- 6.23 Sunlight/Daylight Report has been submitted as part of the application and has assessed the impact of the development on neighbouring properties. In line with British Research Establishment (BRE) guidelines if a proposed development does not subtend an angle of 25° when measured perpendicularly from the lowest window of an existing building, daylight will not be significantly affected. Similarly, if a proposed development does not subtend an angle when measured at an angle of 25° perpendicularly from a window facing within 90° of due south it is not considered to have a significant impact on sunlight. If a proposed development does subtend these angles then further assessment is required.
- 6.24 In terms of daylight, The BRE guidelines state that the Vertical Sky Component (VSC) should be a minimum of 27%, and if a development reduces the VSC of a room to less than 27% and less than 80% of its former value, the impact will be significant. Average Daylight Factor (ADF) assess absolute levels which should remain at least 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. For sunlight, the BRE guidelines recommend south facing rooms should receive a minimum of 25% Annual Probable Sunlight Hours (APSH), 5% of these to be during winter, with a reduction of more than 20% being significant.

#### Daylight/sunlight

- 6.25 Nos. 3 and 5 St Augustine's Road are across the road to the north of the site. The report states that no windows to these properties 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.
- 6.26 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., and 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.

#### Overlooking

- 6.27 The main elevations of the proposed development on St Augustine's Road and Agar Road, 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.

- 6.28 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.
- 6.29 The previously schemes did not consider the proposal to have a harmful impact on amenity of adjoining occupiers. The Inspector, in his assessment of the previous 3- 5 storey building (ref: APP/X5210/A/09/2110690), raised no concerns with the impact of a part three, part five storey development on any of the neighbouring properties. The Inspector considered that *'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'*.

#### **Residential amenity of future occupants**

- 6.30 The proposal would provide nine self-contained flats comprising 7x 3-bed and 2x 2- beds. 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.
- 6.31 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. A communal bin store with external access would be provided at ground floor level. It is considered that the proposal would provide a good standard of accommodation for future occupiers.

#### **Lifetime Homes**

- 6.32 The scheme was submitted with a Lifetime Homes assessment which indicates the proposal would comply with the relevant criteria. The development would have level access with level thresholds, all floors will be assessable 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**

- 6.33 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. However a condition is 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

- 6.34 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 will be required requiring the submission of details of such measures.

### **Sustainability**

- 6.35 The applicant has submitted an Energy Statement which refers to an overall 32% reduction in carbon emissions through fabric enhancement and photovoltaic panels/tiles. a condition will require further details of the location and design of the photovoltaics to be submitted.
- 6.36 Policies CS13 and DP22 require new build housing to meet Code for Sustainable Homes Level 4, requiring a minimum of score of 68%. The applicant has submitted a Code for Sustainable Homes pre-assessment which indicates that the proposal would achieve 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.
- 6.37 As such, the proposal is considered to meet the required levels of sustainability, including Code level 4 of the Code for Sustainable Homes, and is therefore considered to comply with policies CS13, DP22 and Camden Planning Guidance (CPG3). A post-construction review will be secured via the Section 106 Agreement.

### **Transport**

- 6.38 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

- 6.39 The proposal would not involve the provision of any parking spaces within the site. As records indicate that parking stress may be an issue in the CPZ the proposed units should be car-free to comply with policy DP18. The applicant has suggested 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. 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

- 6.40 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. The Council would generally expect cycle parking to be provided within the building at ground floor level for a development of this type. However, external bicycle stores are acceptable if they are covered and secure. 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

- 6.41 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) will be required via Section 106 agreement. The CMP would need to be approved by Camden and TfL prior to any works commencing:

#### Highway and Public Realm Improvement Works adjacent to the site

- 6.42 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 secured via a Section 106 agreement.

#### Pedestrian, Cycling and Environmental Improvements

- 6.43 The Council would also seek to secure a financial contribution of £18k towards Pedestrian, Cycling and Environmental improvements for the local area. This funding could be used to improve road safety, and to improve cycling and pedestrian facilities in the local area, or it could be spent on other sustainable transport initiatives for the area, including bus stop improvements, Cycle Hire and Legible London schemes. This financial contribution would need to be secured by a Section 106 Agreement.

#### **Trees**

- 6.44 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 have been submitted as part of the application. A condition is therefore recommended requiring 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 is also recommended.

#### **Further Planning obligations**

##### Open space

- 6.45 In line with policies CS15 and DP32, and CPG8, a contribution to public open space provision is required when a 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 contribute the sum of £18,827 ((£1,304 x 2) + (£2,317 x 7)).

##### Education

- 6.46 In line with Camden Planning Guidance CPG8, a contribution to education is also required when a scheme 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 be £48,680 ((£2,213 x 2) + (£6,322 x 7)).

#### **Community Infrastructure Levy (CIL)**

- 6.47 The development would be 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 be £60,000 (1,200sqm x £50). This will be collected by Camden after the scheme is implemented and could be subject to surcharges for failure to assume liability, for failure to submit a commencement notice and/or for late payment, and subject to

indexation in line with the construction costs index. An informative will be attached advising the applicant of this charge.

## **7. CONCLUSION**

7.1 The proposed redevelopment of this site to provide residential accommodation is considered acceptable. The proposed materials, window treatment, height and scale are considered appropriate and are considered to overcome the concerns with the previously refused schemes. The new building would respond well to the adjacent buildings and would preserve and enhance the character and appearance of the wider conservation area. The building would be designed to ensure the amenity of neighbouring occupiers in terms of outlook, light, privacy or sense of enclosure are not detrimentally affected.

7.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following heads of terms:

- Open space contribution of £18,827
- Education contribution of £48,680
- Financial contribution 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.
- In the circumstances that any of the residential units are subdivided or the building is extended in the future then a contribution would be made for affordable housing purposes.
- A financial contribution of £15,000 to cover the cost of providing an electric vehicle charging bay and associated infrastructure
- A financial contribution of £18,000 towards Pedestrian, Cycling and Environmental improvements in the vicinity of the site.

## **8. LEGAL COMMENTS**

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