

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	10/03/2015
		N/A / attached		Consultation Expiry Date:	12/02/2015
Officer			Application Number(s)		
Gideon Whittingham			2014/7710/P		
Application Address			Drawing Numbers		
St Paul's Mews Land to rear of 128 Agar Grove London NW1 9TY			Refer to Draft Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of two storey dwelling with basement.					
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	17	No. of objections	34	No. of support	00
Summary of consultation responses:	<p>A site notice was displayed from 21/01/2015 A press notice was displayed in the Ham & High from 22/012/2015</p> <p>34 objection letters have been received from the occupiers of 124 Agar Grove, 126 Agar Grove x 5, 130 Agar Grove x 2, 2 St Paul's Mews x 2, 3 St. Paul's Mews, 4 St Paul's Mews, 6 St Paul's Mews, 7 St Paul's Mews, 9 St Pauls Mews x 2, 10 St Paul's Mews x 3, 11 St Paul's Mews, 13 St Paul's Mews x 3, 15 St Paul's Mews, 16 St Paul's Mews, 18 St Paul's Mews, 20 St Paul's Mews, 21 St Paul's Mews, 23 St Paul's Mews, 27 St Paul's Mews x 2, 28 St Paul's Mews x 2, 29 St Paul's Mews commenting on:</p> <ol style="list-style-type: none"> 1. Inconsiderate design with surrounding conservation area 2. Harm to trees/biodiversity 3. Accuracy of submission information and land ownership 4. Loss of parking spaces/increase in traffic congestion 5. Noise/traffic associated with construction 6. Impact on amenity – loss of light privacy 7. Structural instability of development upon neighbours 8. Quality of accommodation provided by development 9. Land is registered as an asset of community value <p>Officer Comment:</p> <ol style="list-style-type: none"> 1. See Conservation and Design Section 2. See Trees Section 3. See Section 1 – 1.3 4. See Transport Section 5. See Transport Section 6. See Amenity Section 7. See Basement Impact Section 8. See Quality of accommodation Section 9. See Section 1 – 1.3 					

**CAAC/Local groups
comments:**

Quadrant (Louise Morton) – on behalf St Paul's Mews Residents

Association objected:

1. Inconsiderate design with surrounding conservation area
2. Loss of community asset
3. Harm to trees/biodiversity
4. Accuracy of submission information and land ownership
5. Loss of parking spaces/increase in traffic congestion
6. Noise/traffic associated with construction

Councillor Angela Mason– objects:

7. Out of keeping in terms of material to be used, its proximity to the nearest building and with the design of this development
8. Noise/traffic associated with construction

Officer Comment:

1. See Conservation and Design Section
2. See Asset of Community Value Section
3. See Trees Section
4. See Section 1 – 1.3
5. See Transport Section
6. See Transport Section
7. See Conservation and Design Section
8. See Transport Section

Site Description

This application enquiry relates to St Paul's 'Square', an area of hardstanding (an annexed car park) located on the north side of St Paul's Mews, forming part of a housing development built in the early 1990's.

The area falls within the Camden Square Conservation Area, included in 2002. The site is neither listed nor located near a listed building.

The site is bounded to the rear by Nos. 126, 128, 130 and 132 Agar Grove, each of which are noted within the Camden Square conservation area appraisal and management strategy as making a positive contribution to the character and appearance of the conservation area.

The area of hardstanding is considered to be of a significant value to the community and as such has been designated as an Asset of Community Value (ACV) since 03/01/2014.

**It must be noted that the ACV nomination listed the site as a 'Square' and shall be used for descriptive purpose only and in the body of the following report.*

Relevant History

8701220 - Redevelopment to provide twenty-eight 3-bedroom and two 2-bedroom houses with integral garages and six car parking spaces. Granted 23/07/1987

Condition 2 states:

The garages and parking spaces shall be retained and used for the accommodation of private motor vehicles only and no trade or business shall be carried on therefrom.

Relevant policies

LDF Core Strategy and Development Policies

National Planning Policy Framework 2012 - Paragraphs 12, 14, 17, 56-66, 69, 70, 73- 74, 126-141.
London Plan 2016 - Policies 3.1, 3.6, 7.4, 7.6 and 7.8

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development
CS6 Providing quality homes
CS10 Supporting community facilities
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 & encouraging biodiversity
CS19 Developing and monitoring the Core Strategy
DP2 Making full use of Camden's capacity for housing
DP5 Homes of different sizes
DP6 Lifetime homes and wheelchair homes
DP15 Community and leisure uses
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
DP20 Movement of goods and materials
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
DP27 Basements and lightwells

DP28 Noise and vibration
DP32 Air quality and Camden's Clear Zone

Other Planning Policies / Guidance

CPG1 (Design) 2015 – Sections 2, 3, 4 and 10
CPG2 (Housing) 2016 – Sections 4 and 5
CPG3 (Sustainability) 2015 – Section 2, 3 and 10
CPG4 (Basements and lightwells) 2015 – Section 2 and 3
CPG6 (Amenity) 2011 – Sections 4, 6, 7, 8 and 11
CPG7 (Transport) 2011 – Sections 5, 6, 7, 8 and 9
CPG8 (Planning Obligations) 2015 – Section 10

Camden Square conservation area appraisal and management strategy (2011), pages 10, 12-15, 17, 19-21, 24-25, 27-29, 32 and 35

Assets of Community Value List

Emerging Planning Policy - Draft Camden Local Plan 2015 – Policy C3 Cultural and leisure facilities
Community Right to Bid: Non-statutory advice note for local authorities - Department for Communities and Local Government (October 2012)
Government response to the Communities and Local Government Select Committee Inquiry into the Community Rights (March 2015)

Assessment

1. Proposal

1.1 This application proposes:

- The erection of a 2 storey dwelling at ground and basement floor level and associated boundary treatment.
- At highway level (ground floor), the dwelling would rise 3.8m in height. From basement floor level, the dwelling would rise 7.7m in height.
- The dwelling would provide 224 m² of accommodation, 93 m² at ground floor level and 135 m² at lower ground floor level.
- Lightwells would be located to the rear and front to provide courtyards associated with the bedrooms at lower floor level.
- The dwelling would be flat topped and feature glazing on the north and south facing elevation
- The boundary wall facing the St Paul Mews Highway, currently 1.7m in height and 14.2m in length, would be replaced with a 1.3m dwarf wall and 2.5m timber pedestrian gate.

1.2 Revisions:

- The application, following officer comment was amended. The off-street car parking space originally proposed has since been removed; boundary treatment has been included as well as a revised Basement Impact Assessment.

1.3 Matters of clarification:

- The plot of land is registered solely to the applicant.
- The plot of land is under private ownership separate to St Paul's Mews.

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

- Asset of Community Value
- Conservation and Design
- Basement Impact
- Quality of accommodation
- Amenity
- Transport
- Trees

2. Asset of Community Value (ACV)

2.1 Under the Localism Act 2011, voluntary and community organisations can nominate an asset to be included on a list of 'assets of community value' (ACV). An ACV is a building or piece of land which currently, or in the recent past, furthers the social wellbeing or cultural, recreational or sporting interests of the local community and is expected to do so in the future.

2.2 St Paul's Mews Square was nominated by the St Paul's Mews Residents Association on 11th November 2013 as an ACV for the following reasons:

'St Paul's Mews is a thriving, Camden, local community of 30 houses which close to 100 people call home. Residents support and look out for one another and hold regular meetings and social functions. The street is a gated, cobbled road in a conservation area containing high quality homes. The square is an area half way along the street which children often play in and which the residents association use on a regular basis for social functions. Residents look after the area to see that it stays tidy and that the plants are looked after. We are all very proud of our street, its appearance and the incredibly friendly atmosphere. If the square were ever to be lost to the community it would do lasting damage to the area and negatively impact the wellbeing of residents.'

2.3 On 3rd January 2014, the nomination was successful and the Council designated St Paul's Mews Square as an ACV which furthered social wellbeing and social interest encouraging a wide range of social activities taking place for the local community.

2.4 As evidenced by the St Paul's Mews Residents Association, the Square has been used for residents events, parties and barbecues on at least 6 occasions in 2013 and 2014, until 'works' took place involving taking up/pilling cobbles, which now compromise and undermine the use of the Square for such events.

2.5 As per, paragraph 14 of the Government response to the Communities and Local Government Select Committee Inquiry into the Community Rights, *'current legislation allows local authorities to take ACV status into account as a material consideration when determining planning applications. This is a matter for local planning authorities and other decision makers who will take a view on what is a material consideration and the weight to be accorded on a case by case basis'*. Within this context and in mind of the preceding paragraphs, the designation is adjudged to be relevant and shall be apportioned a reasonable degree of weight as an indication of the significance of the current use to the local community.

2.6 A key part of our strategy for managing Camden's future growth is making sure that the services, facilities and infrastructure to support the local community and visitors to the borough are provided in suitable locations to meet increasing demand caused by our growing population. Camden's community facilities provide people with opportunities to meet, learn, socialise and develop skills and interests and, by doing this; help improve their quality of life. Making provision for these needs locally plays an important part in developing community life in the borough by bringing people together and encouraging them to take responsibility for the local area.

2.7 Policy CS10 sets out our overarching approach to protecting and providing the community facilities that meet the needs of Camden's growing population. Part F of CS10 states that the Council will *'support the retention and enhancement of existing community, leisure and cultural facilities'*.

2.8 In conjunction with Policy CS10, Policy DP15 helps to deliver the Core Strategy by providing a detailed approach to the protection of existing community and leisure facilities and on contributions towards the provision of new facilities. The Council will protect existing community facilities by resisting their loss unless:

c) a replacement facility that meets the needs of the local population is provided; or,
d) the specific community facility is no longer required in its current use. Where this is the case, evidence will be required to show that the loss would not create, or add to, a shortfall in provision for

the specific community use and demonstrate that there is no demand for any other suitable community use on the site. Where this is successfully demonstrated, the Council's preferred new use will be affordable housing.

2.9 Community facilities provide opportunities for residents to meet, share their interests and access services such as education, health care and family support. We will protect existing community facilities to ensure that Camden's residents have access to a range of buildings and facilities for community use.

2.10 It is acknowledged that Policies CS10 and DP15, do not contain any reference to car park/squares amongst the community facilities mentioned. It should be noted however, that many types of facilities that are not mentioned perform a community function and their omission of a specific reference in the policy would not mean that they cannot be a community facility. A community facility provides an opportunity for people, amongst other things, to meet and socialise which is an important function of an ACV and indeed are for the community to congregate. Therefore Policies CS10 and DP15 are adjudged to be relevant and shall be apportioned a reasonable degree of weight.

2.11 Separate from listing as an ACV being a material consideration, the provisions of the NPPF also need to be taken into account when determining a planning application. In particular, paragraph 70 seeks to deliver the social, recreational and cultural facilities and services the community needs, therefore planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

2.12 The proposal would develop and cover the Square to provide a single dwelling with associated external space. As a result, the potential to host future community events would be detrimentally compromised and undermined, leaving the closest areas of designated open space, for example, located to the south east (North London Line approximately 200m as the crow flies) and the west (Agar Grove Open Space approximately 220m as the crow flies). It should be noted that each open space has a different character and function and it is adjudged they would not offset the particular accessibility and community benefits of the Square.

2.13 A replacement facility that meets the needs of the local community such as the Square has not been provided nor is it proposed as part of this application. As a result, the community would be expected to host gatherings elsewhere outside of the locality.

2.14 The number and nature of involvement during the consultation process by the local community is a strong indicator of local support and evidence of its value as an important local community asset.

2.15 It is therefore considered that proposal does not accord with the requirements as set out in policy CS10 and DP15 of Camden's Local Development Framework.

2.16 The emerging Local Plan being prepared by Camden seeks to safeguard ASVs, particularly Policy C3. The Camden Local Plan will replace the Core Strategy and Development Policies in 2016. The submission draft has now been approved by Cabinet and Full Council and a period of public consultation took place between 08/02/2016 to 04/04/2016. Following this consultation the Plan has been formally submitted to the Secretary of State for public examination. The submission draft is therefore a material consideration in planning decisions. At this stage the Plan has limited weight in

decision making but as a statement of the Council's emerging thinking it can influence planning proposals.

3. Conservation and design

3.1 The area of development relates to a paved hardstanding, serving as a car park/communal area within St Pauls Mews.

3.2 St Paul's Mews was built in the late 20th century (1987-91) and laid out in a double curve. The composition is similar to a 'parade' of shops. The townhouses are linked by a ground floor plinth consisting of panelled garages and entrances, with two storeys of accommodation above in brick.

3.3 St Paul's Mews therefore represents a modern shift from a characteristic mews, albeit of a taller and a homogeneous composition.

3.4 Later development has taken place within this mews, the majority relate to fenestration alterations and works at roof level. The homogeneous composition of the mews remains however.

3.5 The proposed scheme has sought to provide a high quality contemporary dwelling, of modern appearance and simple form, set behind surrounding boundary walls.

3.6 The dwelling would rise 3.4m in height, set behind the 3m east and west boundaries, 3.4m north boundary (all Agar Grove) and 1-2m St Pauls Mews boundary (south). The height of the boundary wall along St Pauls Mews would also screen the depth of the basement level and associated lightwells. Therefore the majority of the dwelling and associated lightwells/courtyards would be screened from ground floor level view.

3.7 The overall form, appearance and use of materials are considered to be of a suitably high quality to address the requirements of the LDF policies. The materiality of the front section of the house, a mix of brick and render is considered appropriate without detracting from the homogeneous composition of the mews. The colour and texture of the brick as well as the remainder of the facing materials shall therefore be secured by way of a condition, to ensure the highest standards are maintained.

4. Basement Impact

4.1 Policy DP27 states that developers will be required to demonstrate with methodologies appropriate to the site that schemes maintain the structural stability of the building and neighbouring properties; avoid adversely affecting drainage and runoff or causing other damage to the water environment; and avoid cumulative impact upon structural stability or water environment in the local area.

4.2 The proposed basement would have a footprint of 135 m² and excavate 3.9m (taken from pavement floor level) beneath the new building. The basement would cover 86% of the site, with the ground floor covering 53%.

4.3 A Basement Impact Assessment (BIA) has been submitted as part of this application. This document has been independently reviewed by Campbell Reith during the course of the application.

4.4 The BIA was prepared by Card Geotechnics Ltd and reviewer of the BIA has suitable qualifications. A Construction Method Statement was provided subsequently which has been prepared by a chartered structural engineer with experience in basement design.

4.5 The BIA has confirmed that the proposed basement will be located within the London Clay and that, although small quantities of perched groundwater might exist, the basement will not have an adverse impact on subterranean water flows

4.6 With respect to stability, the BIA has confirmed that the surrounding area is not sloping. Although the site is underlain by London Clay and the basement will extend into the root protection zones of

some trees, it is accepted that there will be no impact to the trees and the depth of the basement will be below the depth of any existing desiccation.

4.7 The revised BIA has correctly identified that the nearest neighbouring property is some 6m from the basement. A ground movement assessment for that property and the highway confirms that ground movements will be small and supports the statement in the CMS that damage should not exceed Burland Category 1.

4.8 The independent reviewer is satisfied that the correct analysis and assessment of the basement development has been used. In addition, the applicant has comprehensively demonstrated that the proposed development would be unlikely to cause harm to the built and natural environment and local amenity and would not result in flooding or ground instability.

5. Quality of accommodation

5.1 The dwelling would comprise 3 bedrooms, located at lower ground floor level with the ground floor level comprising a kitchen, living room and bedroom.

5.2 The dwelling would provide a high standard of accommodation with an overall floorspace of 224sqm (GIA) and bedroom sizes of at least 14sqm (double bedrooms), in compliance with the residential development standards set out in the London Plan.

5.3 The dwelling would benefit from good natural daylight and sunlight as well as each bedroom benefiting independently from associated lightwells. The ADF method quantifies the level of daylight in a room (kitchen, living room and bedroom), to establish whether each habitable room will have a predominantly daylit appearance. The minimum levels for different room types are Kitchens: 2%; Living rooms: 1.5% and Bedrooms: 1%. The applicant has submitted a daylight and sunlight report, in accordance with CPG6 (Amenity), in this regard. At lower ground floor level, the bedrooms achieve 3.2%, 3.3%, 2.4% and 0.56%. At ground floor level the bedroom achieves 5.5%, with the living room at 6.3% and kitchen/dining room achieving 12.5%. The majority of rooms therefore meet minimum ADF levels. Whilst a single bedroom at the rear at basement floor level is below minimum ADF levels, this bedroom is located in the most tightly constrained part of the site. It is noted however, that it would feature a lightwell to access natural light and ventilation and in this instance is acceptable.

5.4 In the context of the urban constraints (namely the height of the existing boundary walls and matters of privacy) it is considered that the proposal introduces a priority land use of high specification to Camden's housing stock. It is considered that the development strikes an acceptable balance between responding to the urban constraints of the site with the need to make full use of the underused and vacant site to deliver much needed housing.

6. Amenity

Daylight and sunlight

6.1 The existing site is bounded by walls 3m in height along the west and east elevations and 3.4m on the north elevation facing the gardens of Nos.126, 128 – 130 and 132 Agar Grove. The entrance onto St Pauls Mews is 1.7m in height and faces No.15, 16, 17, 18 and 19 St Pauls Mews.

6.2 The boundary walls are located 8m from the rear of 128 – 130 and 10m from the rear (oblique angle) from 126 and 132, albeit across rear gardens.

6.3 The boundary wall along St Pauls Mews is 7-9 m from Nos.15, 16, 17, 18 and 19 St Pauls Mews, albeit located across the highway.

6.4 The single storey dwelling would rise 3.4m in height and be set behind the existing boundary walls, other than the increased boundary wall facing south.

6.5 Within this context, the resultant height of the proposed dwelling would reduce sunlight/daylight

and increase overshadowing to the adjacent homes along Agar Grove, however the impact would not only be negligible but only affect the rearmost garden spaces and not the residential accommodation. Therefore the proposal would not result in a materially harmful loss in this respect.

6.6 The proposed dwelling, by virtue of its distance and its northern orientation from houses along St Pauls Mews would not have a detrimental impact upon sunlight/daylight or overshadowing.

Privacy

6.7 The proposed dwelling would feature windows/balconies on the north and south facing elevation, set behind the boundary walls at ground floor level.

6.8 To the north, the rear facade would feature full length windows/doors up to 2.8m in height; however these would be screened, as would the dwelling, by the existing 3.4m boundary wall. Therefore mutual views at ground floor level with properties along Agar Grove would not take place.

6.9 To the south, the front facade would also feature full length windows/doors up to 2.8m in height. With a boundary wall between 1-2m in height, this would otherwise provide 0.8m - 1.4m for potential mutual overlooking across the highway towards Nos.15, 16, 17, 18 and 19 St Pauls Mews. It should be noted however, the ground floor level elevations of Nos.15, 16, 17, 18 and 19 St Pauls Mews do not serve or feature openings associated with habitable areas, but rather the garage and entrance doorways. Direct overlooking would not occur at ground floor level and overlooking at upper floor levels about would be extremely oblique.

6.10 Within this context, the proposal would not result in a materially detrimental loss of privacy or overlooking and is therefore considered acceptable.

6.11 The use of the main roof as a terrace is neither depicted nor afforded access to be used as such. A condition shall however secure this matter.

Outlook

6.12 Given the location of the building set within and behind surrounding boundary walls, in addition to its terminating height, the proposal would not result in a materially detrimental decrease in outlook to the adjacent occupiers on Agar Grove or St Pauls Mews.

7. Transport

Car parking

7.1 The site was previously permitted as a car park (ref:8701220) in relation to the mews development. This area has subsequently become annexed (as a result of a change ownership) and no longer serves this purpose for the residents of St Pauls Mews, however it still remains in use as a private off street parking area for 6 vehicles.

7.2 In the policy context of DP19, the loss of the private off street parking area would be acceptable as it would not result in a shortfall in parking spaces for non-general car parking (e.g. cycle, disability parking, service vehicles); would not cause difficulties for existing users of the mews, given it no longer serves this purpose in any case; and, it would not displace vehicles to 'stressed' controlled parking zones on street.

Car-free

7.3 The site has a Public Transport Accessibility Level (PTAL) of 3 which indicates that it is moderately accessible by public transport. In accordance with Policies DP18 and DP19, the new dwelling should therefore be made car-free, secured by a Section 106 planning agreement. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

Cycle parking and refuse

7.4 Although not depicted on plan, an area of hardstanding to the front of the property (but set within

the curtilage walls) could provide adequate cycle and refuse storage, albeit secured by way of a condition.

Construction Management Plan

7.5 The proposal would involve a significant amount of demolition and construction works. This is likely to generate a large number of construction vehicle movements during the overall construction period. The primary concern is public safety but also the need to ensure construction traffic does not create (or add to existing) traffic congestion. The proposal is also likely to lead to a variety of amenity issues for local people (e.g. noise, vibration, air quality).

7.6 The Council needs to ensure that the development can be implemented without being detrimental to amenity or the safe and efficient operation of the highway network in the local area. A Construction Management Plan (CMP) must therefore be secured as a Section 106 planning obligation. In the absence of an acceptable scheme (and hence no section 106 agreement) this becomes a reason for refusal.

8. Trees

8.1 The site itself does not comprise any trees or vegetation, however the adjacent garden of No.128 Agar Grove comprises a sycamore tree (category B), the garden of No.132 Agar Grove comprises 2 x common Limes (category B & C) and a Maple (category C) on the highway within the mews.

8.2 Although the site is flat with no significant inclines, it is approximately 1m-1.5m lower than the adjoining gardens on Agar Grove set behind the retaining north, east and west boundary walls.

8.3 Significant trial pits dug along the boundary suggest the adjacent tree roots do not encroach onto the application site as a result of the wall and would not therefore be detrimentally impacted as a result.

8.4 The Council's Trees and Landscape Officer has assessed the submitted details, including photographs of the trial pit and is satisfied the adjacent trees would be protected from construction works and retained. The tree protection measures recommended are in line with BS5837:2012 and are considered to be adequate to protect the trees to be retained. A condition will however secure this matter.

9. CIL

9.1 The proposal would be CIL liable – 224m² (new build floorspace) x £500 (Zone B CIL Tariff) = £112,000.

10. Conclusion

10.1 The existing site, in its current form, is considered to serve the needs of the local community and is registered as an asset of community value in accordance with the requirements of the Localism Act 2011. Its proposed development would severely compromise the potential future use of the site and would no longer be of benefit to the community, which would fail to enhance the sustainability of communities, contrary to policy CS10 (Supporting community facilities and services) of the London Borough of Camden Local Development Framework Core Strategy and policies DP15 (Community and leisure uses) of the London Borough of Camden Local Development Framework Development Policies.

Recommendation: Refuse Planning Permission