

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:		16/03/2016	
		N/A		Consultation Expiry Date:		19/02/2016	
Officer				Application Number(s)			
Patrick Marfleet				2016/0070/P			
Application Address				Drawing Numbers			
Kings College Court 55 Primrose Hill Road London NW3 3EA				See draft decision notice			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
Details pursuant to conditions 4 (external finishes); 5 (details of windows, railings, balconies); 7 (tree protection) and 9 (noise report) of planning permission reference 2013/6388/P dated 19/06/2014 (Erection of three storey roof extension to provide 4 self-contained flats, single storey extension to east elevation for new entrance, installation of balconies to all flats together with insulated cladding to all elevations, landscaping works throughout the site, erection cycle store for 50 cycles to the south of the building and provision of two disabled car parking spaces).							
Recommendation:		Part grant / part refuse and warn of enforcement action					
Application Type:		Approval of Details					
Conditions or Reasons for Refusal:		Refer to Draft Decision Notice					
Informatives:							
Consultations							
Adjoining Occupiers:		No. notified	00	No. of responses No. electronic	02 02	No. of objections	02
Summary of consultation responses:		<p>Objections were received from the occupiers of 11 Tobin Close and 31 Fellows Road with the following concerns raised:</p> <ol style="list-style-type: none"> 1. The new plant equipment to be installed at roof level will cause unacceptable levels of noise and disturbance to neighbouring residents. 2. The marketing website for the proposed new units indicates that 6 parking space will be provided for the new dwellings which is contrary to the s106 agreement for a car capped development. <p><i>Officer comments</i></p> <ol style="list-style-type: none"> 1. The submitted acoustic report demonstrates that the new plant equipment would comply with Camden's minimum noise standards and would not cause an undue loss of amenity to neighbouring residents. 2. The car parking arrangements for the site are not being assessed as part 					

of this application.

CAAC/Local groups
comments:

N/A

Site Description

The site is located to the western side of Primrose Hill Road between the junctions of Fellows Road and Adelaide Road and is comprised of a nine storey residential building containing 48 one and two bedroom residential dwellings.

The site is not located within a conservation area, however the Belsize Park Conservation Area is located approximately 45m to the north and the site can be seen in short and long range views within the neighbouring conservation area. The site does not contain any listed buildings.

Relevant History

Application site

2013/6388/P - Erection of three storey roof extension to provide 4 self-contained flats (2x2beds and 2x3beds), single storey extension to east elevation for new entrance, installation of balconies to all flats together with insulated cladding to all elevations, landscaping works throughout the site, erection cycle store for 50 cycles to the south of the building and provision of two disabled car parking spaces (**approved subject to s106 agreement 19/06/2014**).

This application seeks to discharge certain conditions of this permission.

2013/0074/P - Erection of a four storey roof extension to provide five self-contained flats to three floors and a service level to the 9th floor together with remodelling of the existing building including addition of insulated rainscreen cladding, new balconies to all flats, new entrance with ramp, general refurbishment work, re-landscaping and provision of two disabled car parking spaces (**refused 12/07/2013 - due to the detrimental impact the height, scale, design and proposed materials would have on the character and appearance of the immediate area and the neighbouring conservation area**).

Relevant policies

NPPF 2012

The London Plan March 2016

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

CS15 Protecting and improving our parks and open spaces and encouraging biodiversity

DP24 Securing high quality design
DP25 Conserving Camden's Heritage
DP26 Managing the impact of development on occupiers and neighbours
DP28 Noise and vibration

Camden Planning Guidance (2015)

CPG1 Design
CPG6 Amenity

Assessment

1.0 PROPOSAL

Planning permission was granted on 19/06/2014 (ref: 2013/6388/P) for the erection of a three storey roof extension to provide 4 self-contained flats, a single storey extension to the eastern elevation to provide a new entrance, installation of balconies to all flats together with insulated cladding to all elevations, landscaping works throughout the site, erection of cycle store for 50 cycles to the south of the building and the provision of two disabled car parking spaces. This permission was granted subject to a s106 legal agreement and the subsequent discharge of relevant pre-commencement conditions.

Condition 4 - No development shall take place until samples and manufacturers details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted and approved in writing by the local planning authority. The materials panel must include an on-site facing brickwork panel demonstrating the proposed colour, texture, face-bond and pointing. Development shall be carried out in accordance with the approved details.

Reason: In order to safeguard the character and appearance of the area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

Condition 5 - No development shall take place until detailed drawings in respect of the following, are submitted to and approved in writing by the Council:

- a) Typical details of new railings at a scale of 1:10 with finials at 1:1, including materials, finish and method of fixing into the plinth;
- b) Plan, elevation and section drawings, including jambs, head and cill, of all new window and door openings at a scale of 1:10 with typical glazing bar details at 1:1;
- c) Section drawings at a scale of 1:10 drawings of the new:
 - i) infill panels,
 - ii) Junction between existing roof and new extension
 - iii) New balconies including method of fixing

The relevant part of the works shall then be carried in accordance with the approved details

Reason: In order to safeguard the character and appearance of the area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

Condition 7 - Prior to the commencement of any works on site, details demonstrating how trees to be retained shall be protected during construction work shall be submitted to and approved by the Council in writing. Such details shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

Condition 9 - Prior to commencement of development, a full acoustic report including acoustic isolation, sound attenuation and anti-vibration measures for the plant at 11th floor shall be provided in accordance with a scheme to be approved in writing by the local planning authority. All such measures shall thereafter be retained and maintained in accordance with the manufacturers' recommendations.

Reason: To safeguard the amenities of the residents of Kings College Court, adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

2.0 ASSESSMENT

- 2.1 It is noted that the applicant has applied to discharge condition 10 of permission reference 2013/6388/P. However, this is a compliance condition that does not require the submission of any further information and has therefore not been assessed as part of this application.
- 2.2 **Condition 4** - When determining the original application for this site (2013/6388/P) it was made clear in the officer report that the success of the proposed cladding would depend largely on the appropriate use of high quality materials, the details of which would be secured by condition. The details submitted to discharge this condition propose the use of a Sto External Wall Insulation System which includes the use of synthetic render brick slips as opposed to the required clay brick slip.
- 2.3 As stated in paragraph 1.0 of this report, condition 4 specifically refers to brickwork and limits the choice of materials to brick and it therefore cannot be determined as the details provided do not meet the requirements of the condition. Moreover the original application was proposed, and gained conditional approval, on the basis of recladding the existing brick block with new brick (as well as render cladding) which the applicant has now reneged on.
- 2.4 When development is proposed in close proximity to heritage assets and conservation areas, facing materials are chosen to ensure a high level of quality and design integrity. This has been the Council's objective throughout the process hence the requirement at application stage for the use of brick, which is a material that offers the desired architectural and visual integrity that the synthetic fabric proposed, does not.
- 2.5 The proposed product has been amended during the application by the applicant. The material sample, submitted on submission of the condition discharge, was replaced in July

2016 following concerns by Council officers. A new sample was submitted in writing on the 14th July 2016 and inspected on site on the 26th July 2016. This sought to address officers concerns about the product. Whilst the revised sample better matches the existing brickwork on the building it is not considered to overcome the principle concern regarding the material choice.

- 2.6 Brick at high level can contribute to the character of a building. The proposed product is essentially a tile, glued to the prefabricated insulated panes which are hung to the existing façade. It cannot replicate the texture, colour, patina, character and appearance of brick. It also weathers very differently to true brick and this will mean that in the short-term and over time, the appearance of this material will be at odds with the natural feel of brick and the surrounding area.
- 2.7 It is the Council's opinion that the proposed synthetic render slips would reduce the quality as well as the long term durability of the building particularly as rendered slips do not weather to the same patina, have the same long term durability or offer the same character and appearance to a building as clay brick slips. The lack of quality and design integrity would not be appropriate within the setting of the conservation area and would detract and cause harm to its character and appearance. There is a clear visual connectivity between the site and the conservation area and the proposed material would not result in the quality of building that is expected within the borough.

The samples of the other materials including white render are considered to suitably match the approved scheme and the existing render on the building and are considered satisfactory.

Given the above, the proposed render slips are not considered to be a suitable cladding material for this particular site given the size, scale and prominence of the host building within the existing street scape and the damage the use of synthetic brick slips could have on the character and appearance of the neighbouring conservation area. Therefore, it is recommended that the details submitted in accordance with condition 4 are refused.

- 2.8 **Condition 5** - The details of the windows; balconies and railings and infill panels are considered suitable. Full scale samples of the details have been viewed on site. Additional information has been requested with regard the finishing details of the balconies, including the finish of their underside (the elements viewable from the street). Therefore, the details submitted in accordance with condition 5 are considered acceptable.
- 2.9 **Condition 7** - The root protection encroachments at the site were approved as part of the original application and the submitted arboricultural statement demonstrates that the trees to be retained at the site will be adequately protected during the development. Therefore, the details submitted in accordance with condition 7 are considered acceptable.
- 2.10 **Condition 9** - The council's noise officer has reviewed the submitted acoustic report and is satisfied that the proposed plant equipment to be installed at the site would comply with Camden's minimum noise standards. Therefore, the details submitted in accordance with condition 9 are considered acceptable.

3.0 Recommendation

- 3.1 Approve details submitted in accordance with conditions 5, 7 and 9 and refuse details submitted in relation to condition 4 (external finishes).

- 3.2 Given that enabling works have commenced at the site the applicant is currently in breach of a pre-commencement condition and it is recommended that an enforcement notice is served to prevent any development on site which involves the use of inappropriate cladding which would harm the character of the building and the area.
- 3.3 The Head of Legal Services shall be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.