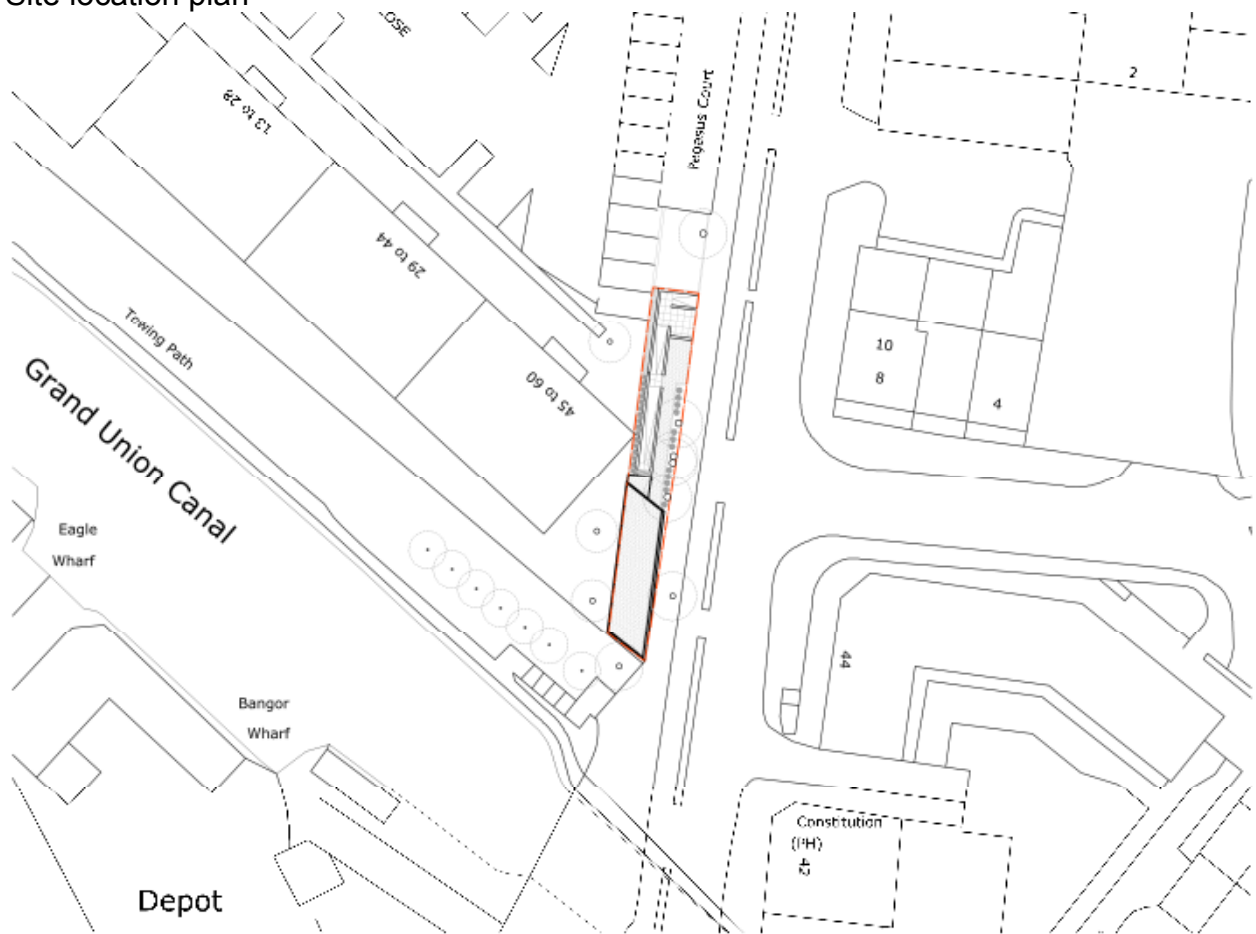


2015/2810/P – Land adjacent to Pegasus Court, 105 St Pancras Way

Site location plan



2015/2810/P – Land adjacent to Pegasus Court, 105 St Pancras Way

1. The site with Pegasus Court in the background



2. View from Barker Drive opposite the site



3. View of site looking towards canal and The Constitution pub



Delegated Report (Members Briefing)		Analysis sheet		Expiry Date:	24/07/2015
		N/A		Consultation Expiry Date:	09/07/2015
Officer			Application Number(s)		
Rachel English			2015/2810/P		
Application Address			Drawing Numbers		
Land adjacent to Pegasus Court 105 St Pancras Way London NW1 0RA			Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of a single storey, 1-bed dwellinghouse					
Recommendation(s):		Grant conditional planning permission subject to a Section 106 Legal Agreement			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	17	No. of responses	01	No. of objections	01
			No. Electronic	00		
Summary of consultation responses:	<p>Press notice displayed from 18/06/2015 until 09/07/2015 Site notice displayed from 17/06/2015 until 08/07/2015</p> <p>Objection received from 24 Reachview Close with the following comments; 1) We were not informed of the application. 2) This piece of wasteland has been a problem over the past decades – there are rough sleepers and it is used as a rubbish dump</p> <p><u>Officer response</u> 1) Consultations were carried out with letters sent to occupiers with a contiguous boundary and a site and press notice displayed in accordance with the requirements of the Statement of Community Involvement. 2) This is noted.</p> <p>Councillor Robinson – objects to the application. The land overlooks Reachview Court and its perimeter and garages. The Reachview Close Residents Association and residents were not consulted and the decision should be deferred to wait for their opposition.</p> <p><u>Officer response</u> Consultations on the application were carried out in accordance with the requirements of the Statement of Community Involvement.</p>					
CAAC/Local groups* comments: *Please Specify	Regents Canal CAAC – no response received					

Site Description

The site contains a vacant strip of land on the west side of St Pancras Way, parallel to the road. To the west of the site is the residential block at Reachview Close and to the north of the site is Pegasus Court (a three-storey residential block). To the south of the site is a tow path along the Regents Canal and the Gray's Inn Bridge. The site contains an existing layer of asphalt.

There are a number of mature trees located within the site and on the adjacent pavement. These include four trees protected by Tree Preservation Orders. A two-way cycle path runs along the pavement near to the site.

The site is not located in a conservation area but is located adjacent to the Regents Canal conservation area.

Relevant History

2011/3579/P - The erection of a canal boat with green roof to provide 1 x 2 bedroom residential unit (Class C3) with timber decking and new boundary fence. Refused on 19th September 2013 for the following reasons:

- 1) The proposed development, by virtue of its siting, scale and design, would be an over-development of the site and would represent an incongruous feature which would harm the appearance of the streetscene and adjacent Regents Canal conservation area.
- 2) The proposed development, by reason of the siting and design of the decked amenity spaces, would cause harm to the amenity of neighbouring occupiers through an unacceptable loss of visual privacy and overlooking.
- 3) In the absence of sufficient supporting information, the proposed development would result in harm to or the loss of trees on site, including sycamore trees subject to Tree Preservation Orders, resulting in visual harm to the streetscene.
- 4) The proposed residential unit, by reason of its insufficient floorspace, would fail to provide an acceptable standard of living accommodation for future residents.
- 5) The proposed development fails to meet the necessary Lifetime Homes Standards and would be unable to meet an adequate range of need for people with mobility difficulties.
- 6) The applicant has failed to demonstrate that the proposed new build would achieve compliance with Level 4 of the Code for Sustainable Homes, which ensures improvements in environmental sustainable performance in line with the government's timetable towards zero carbon housing.
- 7) The proposed development, in the absence of a legal agreement to secure the provision of a construction management plan, would be likely to give rise to conflicts with other road and cycle users, and be detrimental to the amenities of the area generally
- 8) The proposed development fails to secure provision of cycle parking for future residents
- 9) 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 and cycle environment to an acceptable condition after the construction works
- 10) 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

PEX0000148 – Erection of a two storey single family dwelling house. Refused on 30/05/2000 for the following reasons:

- 1) The proposed development would result in a loss of existing trees on the site and be likely to threaten the retention of other trees both on and off the site, to the detriment of the visual amenity and character of the Regents Canal Conservation Area.
- 2) The proposed development would result in a loss of open space, which has approval to be converted into communal gardens associated with the approved development of the site to the rear. This would be harmful to the character and appearance of the Regent Canal Conservation Area.

PE9800582/R2 – Erection of a three storey building to accommodate one self-contained three bed dwellinghouse, two self-contained one bedroom maisonettes and one self-contained two bed flat together with associated landscaping works and boundary treatment. Approved on 16th March 2000 subject to a S106 legal agreement.

Relevant policies

LDF Core Strategy and Development Policies

CS1 (Distribution and growth)
CS5 (Managing the impact of growth and development)
CS6 (Providing quality homes)
CS11 (Promoting sustainable and efficient travel)
CS13 (Tackling climate change through 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)
CS19 (Delivering and monitoring the Core Strategy)
DP2 (Making full use of Camden's capacity for housing)
DP5 (Homes of different sizes)
DP6 (Lifetime Homes Standards)
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)

Camden Planning Guidance

CPG 1 Design 2015
CPG 2 Housing 2015
CPG3 Sustainability 2015
CPG6 Amenity 2011
CPG 7 Transport 2011

The London Plan March 2015, consolidated with alterations since 2011

NPPF 2012

Assessment

1.0 Proposal

1.1 Planning permission is sought for the erection of a single storey residential dwelling on a piece of land adjacent to Pegasus Court. The dwelling would have a flat roof and be constructed using timber framed load bearing walls with brick slip cladding, inset aluminium windows and stone cills. It is considered that the material planning considerations relating to the proposal include:

- a) Principle of the development
- b) Design and the impact on the character and appearance of the Conservation Area,
- c) Standards of the residential accommodation
- d) Impact on the amenity of the occupiers of neighbouring properties,
- e) Impact on the trees

- f) Sustainability
- g) Transport implications

2.0 Principle of the development

2.1 Policy DP2 seeks to maximise additional homes in the borough and expects the majority of the contribution to come from vacant or underused sites like this site. This application will assist in providing an additional 2-person residential unit on a vacant piece of land which suffers from anti-social behaviour and fly tipping.

2.2 A previous reason for refusal on application PE9800582/R2 was that the site would lead to a loss of open space earmarked to be communal space for the occupiers of Reachview Court. The Applicant has confirmed that this site is in his ownership and separate from Reachview Court. The site is separated from Reachview Court by a 2.3metre high brick wall.

3.0 Design and impact on the character and appearance of the adjacent Conservation Area

3.1 LDF policy DP24 (Securing high quality design) states “The Council will require all developments, to be of the highest standard of design and will expect developments to consider:

- character, setting, context and the form and scale of neighbouring buildings;
- the character and proportions of the existing building, where alterations and extensions are proposed;”

Although the proposal is not within the Conservation Area it is positioned immediately adjacent to the Regents Canal Conservation Area therefore any new buildings should positively address the canal side, whilst striking a balance with its established historic character

3.2 The existing site contains mature trees and is an area of greenery adjacent to the canal. The Applicant has highlighted that the site is used for fly tipping and other anti-social behaviour. As set out in section 2 above, the proposal would bring an underused site into use to meet the Council’s top priority of housing. The dwelling would be single storey only with a maximum height of 3.5metres. The southern elevation, adjacent to the Conservation Area would be largely screened by an existing tree and would have a similar appearance to the brick wall which separates the site and Reachview Court. The proposal would maintain all but two of the existing trees (see section 6 below).

3.3 Following Officer’s advice, the design of the dwelling has been revised in order to improve the visual interest, articulation and detailing. The revised scheme is considered acceptable in design terms as it would mimic the surrounding brick wall and Reachview Court. The proposed dwelling would use brick slips so that the structure is lightweight to protect the trees. The proposed brick would be similar in colour to the existing building at Reachview Court and the brick wall on the western boundary. It is recommended that a condition is added that requires a sample of the brick to be provided.

3.4 The applicant proposes new planting and landscaping on the site. It is recommended that a condition is added requiring further details to be submitted at application stage.

4.0 Standards of the residential accommodation

4.1 The proposed house would contain one bedroom and would be 50sqm. This would comply with the National space standards and be an appropriate size for a 2-person dwelling. Whilst the building would be single storey and have an element of shading from the existing trees, the building would have windows facing south, north and east to maximise the natural light and outlook for the residential occupiers.

4.2 From the 1st October 2015 local planning authorities are no longer able to apply Lifetime Homes

standards, although compliance is welcomed. New build residential developments must now comply with the access standards in Part M of the Building Regulations. A Lifetime Homes assessment is submitted with the application with all of the relevant criteria being met. Compliance with the access standards referred to in Part M of the Building Regulations will be secured via condition.

5.0 Impact on the occupiers of neighbouring properties

5.1 The previously refused application (2011/3579/P) was considered to give rise to an unacceptable impact on the occupiers of Reachview Court in terms of overlooking due to the installation of raised decked amenity areas. This current scheme removes this reason for refusal as there is no raised decking within this scheme. There would be no windows from the new dwelling facing the existing flats at Reachview Court. The existing boundary wall would be 2.3metres high which would not allow for any overlooking from proposed occupiers of the new dwelling. There is a ramp leading up to the front door which would reduce the height of the brick wall in the area immediately adjacent to the front door to just 1.7metres. This is just 10cm below the recommended 1.8metres minimum height of walls or screens to prevent overlooking. The applicant proposes the planting of hedging adjacent to the front door to overcome any overlooking issues from the area outside the front door.

5.2 The proposed dwelling would be 1metre higher than the existing boundary fence. It would be located adjacent to the east corner of 45-60 Reachview Close which is a 4-storey block. The flank elevation of the existing residential block has 2 windows at ground floor level. These appear to be habitable rooms however the units also get light and outlook from the rear and front facades. As the proposed development would be single storey and due east of the residential flats at Reachview Close, it is considered that it would not cause significant harm to the daylight and sunlight of the occupiers of the ground floor flat at 45-60 Reachview Close.

6.0 Trees and green roof

6.1 Policy DP24 requires all developments to consider existing natural features such as trees. Paragraph 24.21 states that development will not be permitted which fails to preserve or is likely to damage trees on a site which make a significant contribution to the character and amenity of an area.

6.2 There are a number of TPO and mature trees on the site or near the site. These include ash, sycamore and lime trees. The Applicant has submitted a Tree Survey and Arboricultural Report which proposes the felling of T3 and T4 (both sycamore trees) which are not the subject of a TPO. Both of these trees are categorised in the Arboricultural Report as being category “U” which means they have structural defects. The Applicant acknowledges that the presence of the mature trees limits any development with deep foundations on the site therefore the proposal has been designed so that the house has no substantial grounds works in order to minimise the impact on the surrounding TPO trees.

6.3 The existing asphalt layer covering of the site would be removed which would improve the soil rooting environment across the site. Rainwater runoff from the roof would be redirected under the footprint of the building, and the under floor void of the building will be ventilated, which would allow the natural infiltration of rainwater and gaseous exchange at the soil surface. As a result this would improve the soil rooting environment under the dwelling. The proposed design of the dwelling would overcome the previous reason for refusal on application 2011/3579/P which considered that the proposal would harm the existing trees on site. The foundations would be hand dug with no machinery to ensure minimal risk of damage to tree roots during excavation stage.

6.4 The Council's tree officer has commented on the submitted Arboricultural Report and considers that sufficient information has been submitted in relation to how the trees would be affected by the proposals and accepts the loss of T3 and T4. It is recommended that a condition is added that

requests details to be submitted demonstrating how trees to be retained shall be protected during construction work.

6.5 Following Officer advice, the applicant has explored the option of introducing a green roof in order to encourage biodiversity. Due to the shading of the existing trees, a Green Roof specialist has confirmed that it would not be possible to introduce a green or brown roof to the proposals.

7.0 Sustainability

7.1 The applicant has submitted a Code for Sustainable Homes Statement demonstrating how selected energy efficiency measures have been incorporated into the development. The report expects the scheme to score 70.73% (Code Level 4) by using high thermal insulation, using less than 105 litres/person/day, installing a water butt and using responsibly sourced materials.

7.2 In March 2015 the government announced a new approach to the setting of technical housing standards in England which withdrew the requirement for Code for Sustainable Homes. Instead all new residential developments are required to demonstrate that the development is capable of achieving a maximum internal water use of 105 litres per person/day, with an additional 5 litres person/day for external water use. The CSH statement confirms that this will be met and a condition is recommended to ensure that such measures are implemented and confirmation submitted to the Council.

8.0 Transport implications

8.1 The site has a Public Transport Accessibility Level of Level 6a and there is no vehicular access for the site. Policy DP19 seeks to ensure that the creation of additional off-street parking will not have a negative impact on on-street parking, highways or the environment. Development of off-street parking will be resisted where it would cause unacceptable parking pressure. As the site has a high PTAL and is highly accessible, the Council seek to enter into a S106 legal agreement with the Applicant in order that the development is car-free so that the occupier of the new residential unit could not apply for car parking permits.

8.2 Access from St Pancras Way from construction would be very difficult due to the two-way segregated cycle track located adjacent to the site and no direct vehicular access. It is recommended that a Construction Management Plan would be secured via Section 106 agreement as well as highways contributions towards reinstating the pedestrian footpath and cycle paths following construction works.

8.3 The application includes provision of two cycle parking spaces, shown on the floorplan. This is above the Council and London Plan standards for a new 1 bedroom dwelling and it is recommended that further details of the cycle storage be submitted via condition.

9.0 Community Infrastructure Levy

9.1 The proposal will be liable for the Mayor of London's CIL and Camden CIL as the proposal results in a new unit of residential accommodation. 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.

10.0 Conclusion and Section 106

10.1 Whilst the proposal would lose the open nature of the site, it has consistently been used for anti-social behaviour and fly tipping in recent years. The proposal would allow an underused piece of land

to provide residential accommodation which is considered to be the Council's top priority land use. On balance, the proposals are acceptable in terms of design, amenity, standard of accommodation, transport, impact on trees and sustainability.

10.2 It is recommended that a section 106 legal agreement is required to secure the following heads of terms:

- Construction Management Plan
- Car Free Development
- Highways Contribution (£TBC)

Recommendation: Grant conditional planning permission subject to a S106 legal agreement

DISCLAIMER

Decision route to be decided by nominated members on Monday 21st December 2015. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

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planning@camden.gov.uk
www.camden.gov.uk/planning

Application Ref: **2015/2810/P**

17 December 2015

Dear Sir/Madam

FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:

**Land adjacent to Pegasus Court
105 St Pancras Way
London
NW1 0RA**

Proposal: Erection of a single storey, 1-bed dwellinghouse

Drawing Nos: (10118.) 01, 02, 03revD, 04revB, 05, 06revD (option 1), 07revC (option 1), 08revD (option1), 09,

Supporting documents

Design and Access Statement dated May 2015

Feasibility Statement dated April 2015

MJC Tree Services Tree Survey and Arboricultural Statement dated 20th April 2015

Code for Sustainable Homes Pre-Assessment dated April 2015

Lifetime Homes Standards Compliance statement dated April 2015

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(10118.) 01, 02, 03revD, 04revB, 05, 06revD (option 1), 07revC (option 1), 08revD (option1), 09.

Supporting documents

Design and Access Statement dated May 2015

Feasibility Statement dated April 2015

MJC Tree Services Tree Survey and Arboricultural Statement dated 20th April 2015

Code for Sustainable Homes Pre-Assessment dated April 2015

Lifetime Homes Standards Compliance statement dated April 2015

Reason: For the avoidance of doubt and in the interest of proper planning.

- 3 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

Reason: To safeguard the appearance of the premises and the character of the immediate 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.

- 4 A sample panel of the facing brickwork demonstrating the proposed colour, texture, face-bond and pointing shall be provided on site and approved in writing by the local planning authority before the relevant parts of the works are commenced and the development shall be carried out in accordance with the approval given. The approved panel shall be retained on site until the work has been completed.

Reason: To safeguard the appearance of the premises and the character of the immediate 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.

- 5 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.

- 6 The new unit hereby approved shall be designed and constructed in accordance with Building Regulations Part M 4 (2) in relation to accessible dwellings and shall be maintained thereafter.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy CS6 of the London Borough of Camden Local Development Framework Core Strategy and policy DP6 of the London Borough of Camden Local Development Framework Development Policies.

- 7 No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. [Such details shall include details of any proposed earthworks including grading, mounding and other changes in ground levels.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policy CS14 and CS15 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.

- 8 The development hereby approved shall achieve a maximum internal water use of 105 litres/person/day, allowing 5 litres/person/day for external water use. Prior to occupation, evidence demonstrating that this has been achieved shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the development contributes to minimising the need for further water infrastructure in an area of water stress in accordance with policies CS13 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22 and DP23 of the London Borough of Camden Local Development Framework Development Policies.

- 9 Before the development commences, details of secure and covered cycle storage area for cycles shall be submitted to and approved by the local planning authority. The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy CS11 of the London Borough of Camden Local Development Framework Core Strategy and policy DP17 of the London Borough of Camden Local Development Framework Development Policies.

Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.
- 3 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 4 You are reminded that this decision only grants permission for permanent residential accommodation (Class C3). Any alternative use of the residential units for temporary accommodation, i.e. for periods of less than 90 days for tourist or short term lets etc, would constitute a material change of use and would require a further grant of planning permission.

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.

Yours faithfully

DRAFT

DECISION