

|   |  |  |          |
|---|--|--|----------|
| <b>Address:</b>   | <b>51-53 Agar Grove<br/>London<br/>NW1 9UE</b> |  | <b>4</b> |
| <b>Application Number:</b>  | 2014/2833/P                                    | <b>Officer: Jonathan Markwell</b>  |          |
| <b>Ward:</b>  | Cantelowes                                     |  |          |
| <b>Date Received:</b>   | <b>22/04/2014</b>                              |  |          |
| <b>Proposal:</b> Erection of a basement and 4-storey pair of buildings fronting Agar Grove and a basement and 3-storey building fronting St Paul's Crescent, to create 8 (3x1, 3x2 and 2x3-bed) residential units (Class C3) and associated works, following demolition of remaining parts of 51 & 53 Agar Grove (nil use)  |  |  |          |
| <b>Background Papers, supporting documents and drawing numbers:</b> A5; A10; A20 Rev A; A21 Rev A; A22 Rev A; A23 Rev A; A24 Rev A; A30 Rev A; A31 Rev A; A32 Rev A; A35 Rev A; A36 Rev A; A40 Existing Ground Floor Plan; A41 Rev A; A42; A43 Rev A; A50; A90; A100 Rev C; A101 Rev E; A102 Rev E; A103 Rev D; A104 Rev D; A105 Rev D; A110 Rev C; A200 Rev D; A201 Rev D; A202 Rev D; A300 Rev D; A301 Rev E; A302 Rev D; A303 Rev D; A304 Rev D; A305 Rev D; A306 Rev D; A307; A400 Rev D; A401 Rev D; A402 Rev D; A403 Rev D; A404 Rev D; A405 Rev D; A410 Rev D; A411 Rev D; A500; A501; Design and Access Statement by Dmfk; Planning and Heritage Statement by NLP dated April 2014; Arboricultural Impact Assessment by ACD Arboriculture Ref PRI18839aia dated 10/04/2014; Tree Report by ACD Arboriculture Ref PRI18839tr dated 08/01/2014; Code for Sustainable Homes Pre-Assessment by hurleypalmerflatt Ref WED07348 Issue 4 dated 05/06/2014; Energy Strategy by hurleypalmerflatt Ref WED07348 Issue 1 dated 06/06/2014; Planning Compliance Report by KP Acoustics Ltd Ref 11241.PCR.01 dated 04/06/2014; Daylight, Sunlight and Shadow Assessment by NLP Ref 13545/IR/BK dated April 2014; Construction Management Plan by 3PM Rev 0 dated 17/04/2014; Basement Impact Assessment by Webb Yates Engineers Ref J1879-Doc-03 Rev X6 dated 28/10/2014; Statement of Community Involvement by Four, dated April 2014; Letter from NLP ref 13545/IR/BK/7939104v1 dated 01/12/2014; Appendices 1-5 ID13545-002; Independent Review of Basement Impact Assessment for planning application 2014/2833/P UPDATED by LBH Wembley Ref LBH4268 Ver 3.0 dated 10/11/14. |  |  |          |
| <b>RECOMMENDATION SUMMARY: Grant Planning Permission subject to conditions and a Section 106 Legal Agreement</b>  |  |  |          |
| <b>Applicant:</b>   |  | <b>Agent:</b>  |          |
| C/O Agent   |  | Nathaniel Lichfield & Partners<br>14 Regent's Wharf<br>All Saints Street<br>London<br>N1 9RL |          |

#### ANALYSIS INFORMATION

| Land Use Details:       |                   |                 |                   |
|-------------------------|-------------------|-----------------|-------------------|
|                         | Use Class         | Use Description | Floorspace (GEA)  |
| Pre-existing condition* | C3 Dwelling House |                 | 432m <sup>2</sup> |

|          |                   |                   |
|----------|-------------------|-------------------|
| Existing | Nil use           | n/a               |
| Proposed | C3 Dwelling House | 958m <sup>2</sup> |

| Residential Use Details: |                  |                          |   |   |   |
|--------------------------|------------------|--------------------------|---|---|---|
|                          | Residential Type | No. of Bedrooms per Unit |   |   |   |
|                          |                  | 1                        | 2 | 3 | 4 |
| Pre-existing condition*  | Flat/Maisonette  | 0                        | 4 | 0 | 0 |
| Existing                 | Flat/Maisonette  | 0                        | 0 | 0 | 0 |
| Proposed                 | Flat/Maisonette  | 3                        | 3 | 2 | 0 |

\* The pre-existing details are provided for background information purposes only. Please see the site section below for an explanation of the exact site context in this case.

## OFFICERS' REPORT

**Reason for Referral to Committee:** The Director of Culture and Environment has referred the application for consideration as it involves the creation of five residential flats from the change of use / conversion of an existing building [Clause 3 (iii)] and is subject to the completion of a Section 106 Legal Agreement for matters which the Director of Culture and Environment does not have delegated authority [Clause 3(vi)].

### 1. SITE

- 1.1 The application site sits on the north side of Agar Grove on the eastern junction of St Paul's Crescent. Until 2009/2010 the site comprised a pair of four-storey (lower ground, upper ground, first and second floor) residential buildings, No's 51 and 53 Agar Grove. Each building contained two self-contained maisonettes, providing four residential units in total at the site. No. 51 was largely demolished in June 2010 after it was considered to be unsafe, following unauthorised excavation works beneath the building in 2009 (see relevant history section below). A Dangerous Structure Notice was served by the Council on 02/09/2009. On site only part of the lower ground floor level of the property now remains, as has been the case since 2010.
- 1.2 A consequence of the unauthorised works at No. 51 was that the neighbouring building, No. 53, was also required to be partially demolished on safety grounds. On site only the lower ground and ground floor levels of the property now remain, as has been the case since 2010. As such, both buildings have been largely demolished, are unoccupied and are in nil use. The site as a whole (No's 51 & 53) is now under new private ownership and a proposal is submitted encompassing both No. 51 and 53. This is in contrast to the 2009, 2010 and 2011 planning applications, which were submitted solely in relation to No. 51 Agar Grove (see relevant history below). At the time of the previous applications No. 51 was under

separate private ownership, whereas No. 53 was then owned by the Council (since disposed of).

- 1.3 Previously the two buildings formed a semi-detached pair of properties. The pair formed part of a large group of semi-detached properties (from No's 51 to 69). The majority of properties have very similar features. The subject buildings, before they were substantially demolished, had however been altered. The quoins and archives had been rendered; the banding removed from the stucco; and the windows had been replaced with what was considered to be an incongruous mixture of casements and aluminium units. Moreover, the staircase to the front door was on the side rather than front of the building (the first edition 1875 OS suggests this was the original location of the entrance).
- 1.4 The site is within the Camden Square Conservation Area. The Conservation Area Appraisal and Management Strategy states that Agar Grove "was originally lined with semi-detached houses, with the gradation from larger houses to the west leading to terraces at the York Way end. This pattern is still legible; however the character of the street has been eroded progressively, particularly on the north side".....and that "The condition of many properties is also poor and in need of investment and reinstatement of detail." Furthermore the street Gazetteer confirms that "[no.71- 79 is followed by five pairs of semi-detached four storey houses nos. 51 to 69, of similar height but with stucco banded render to the entrance floor. The front corners of the houses have contrasting projecting red brick corner fenestration rendered over on no's 57 and 61 and painted. No's 55 and 57 have recently been restored with the street elevations cleaned and partially reconstructed; original front entrance steps have been removed and the entrances are now at street level. The terrace is followed by five pairs of semi-detached four storey houses, no's 51 to 69, of similar height but with stucco banded render to the entrance floor." As such the buildings, prior to demolition, were considered to make a positive contribution to the character and appearance of this part of the conservation area.
- 1.5 The predominant character of the immediate surroundings is residential in nature. The site has a Public Transport Accessibility Level rating of 3 (moderate) and is located within a controlled parking zone. Furthermore, there is a pedestrian crossing adjacent to the site on Agar Grove, with railings to each side on the pavement. The majority of the St Paul's Crescent frontage is pedestrianised adjacent to the site, with no vehicular access possible from Agar Grove to St Paul's Crescent at this point. In addition, there are three Lime Trees in the rear garden of No. 51, alongside the perimeter wall with St Paul's Crescent, which have a Tree Preservation Order (TPO). There is also a cherry tree in the rear garden of No. 53, on the boundary with No.55, which is not subject to a TPO. The application site is not located within any of the three identified hydrogeological constraint areas.

## **2. THE PROPOSAL**

- 2.1 Planning permission is sought for the demolition of the remaining elements of the structures still standing at the site. The site is proposed to be redeveloped with the erection of a basement and four storey pair of residential buildings fronting Agar Grove, and a separate mews style basement and three storey (including mansard roof storey) building fronting St Paul's Crescent. The Agar Grove buildings will

create 7 residential flats in total (2x1-bed and 1x2-bed units at ground floor level, 1x1-bed and 1x2-bed units at first floor level and 1x2-bed and 1x3-bed maisonettes at second and third floor level), while the mews building will comprise 1x3-bed single dwellinghouse.

- 2.2 The replacement Agar Grove building will largely follow the footprint of the original building, but also includes side and rear additions in comparison with the original. The mews house will be in the existing rear garden areas of No's 51 & 53, adjacent to the boundary with No. 19 St Paul's Crescent. The basement level is set in 0.5m from the boundary with No. 19. Each residential unit will include dedicated outdoor amenity space, in the form of either a garden or terrace (five units are served by separate upper floor terraces). Cycle and refuse facilities are also proposed on site. The proposals will also result in the removal of the four existing trees from the site, with three replacement trees proposed. The existing landscaped area at the site is 375m<sup>2</sup>, whereas the proposed (incorporated hard and soft landscaping) is 209m<sup>2</sup>.
- 2.3 During the course of the application revised plans have been submitted following consideration by the applicant of comments made by the Camden Square CAAC and other public consultation responses. The pre-existing plans have been revised in order for the roof form to be as close to the original as possible. In addition, the proposed plans have also been amended, for example in terms of the front elevation and window detailing. Revised floorplans have also been submitted following officer comments about specific elements concerning, for instance, the standard of accommodation, the size of the proposed lift and meeting lifetime homes standards. Further information in terms of the daylight and sunlight impacts on No. 19 St Paul's Crescent has also been submitted.
- 2.4 The applicant has also submitted further information and revised versions of the Basement Impact Assessment, in order to address comments raised through the independent review process. There are two separate basements proposed, one serving the 7 flats and the other solely associated with the new mews house. The basement serving the flats is 13.6m in length, 7.6m in width and 3.5m in total depth (2.5m floor to ceiling height), covering a footprint which is part of the width of the pre-existing No's 51-53 and extends partly beyond the original footprint. The basement serving the mews house is 12m in length, 5.4m in width and 3.2m in total depth. It includes a front lightwell with steps leading up St Paul's Crescent and has an internal floor to ceiling height of 2.5m.

### 3. **RELEVANT HISTORY**

#### Planning Applications at 51&53 Agar Grove

- 3.1 28306 - Change of use, including works of conversion, to provide four self-contained maisonettes. Granted 18/05/1979.

#### Planning Applications at solely 51 Agar Grove

- 3.2 2009/1598/P - Excavation to provide a new basement, including front and rear lightwells and associated alterations, to create an additional two-bedroom flat

(Class C3). Withdrawn by the applicant prior to a decision being made by the Council 26/11/2009.

- 3.3 2010/3326/P - Erection of new four-storey (including basement) building comprising 2x2 two-bed maisonettes (Class C3) and associated landscaping works, including removal of trees (following demolition of four-storey building comprising 2x2 bed maisonettes). Refused 09/11/2010.

Reasons for refusal: 1. inaccurate and lack of detailed drawings indicating inappropriate height and design, would be detrimental to this part of the streetscene and the character and appearance of this part of Camden Square Conservation Area. 2. Removal of a protected Lime tree would be detrimental to the character of the streetscene and the character and appearance of the Camden Square Conservation Area generally. 3. Absence of legal agreement for highways works. 4. Absence of legal agreement for a construction management plan.

- 3.4 2011/2752/P - Erection of new four-storey building comprising 2x2 bed maisonettes (Class C3) and associated boundary, landscaping and tree works (following retrospective demolition of four-storey building comprising 2x2 bed maisonettes). Although Planning Permission was resolved to be granted subject to a Section 106 Legal Agreement by the Development Control Committee in September 2011, the Section 106 Legal Agreement was never finalised and therefore the application was withdrawn by the Council on 26/09/2013.
- 3.5 2011/2865/C - Retrospective application for demolition of existing four-storey building. Granted Conservation Area Consent 27/09/2011.

#### Planning Applications at solely No. 53 Agar Grove

- 3.6 None.

#### Enforcement cases

- 3.7 EN09/0528 (Excavation of garden/creation of basement being implemented without planning permission being granted) and EN11/0173 (Upper part of property has been removed) are continuing to be monitored pending the outcome of this planning application.

#### Tree application at No. 51 Agar Grove

- 3.8 TPX0106281 - Reduce 2 x lime at rear garden. Approved 30/05/2001.

#### Tree application at No. 53 Agar Grove

- 3.9 2004/0930/T - SIDE GARDEN 1 x Cherry - reduce up to 30%. 1 x Sycamore - repollard. Approved 02/04/2004.

#### Planning Applications of relevance at other nearby sites

- 3.10 Land to the rear of 49 Agar Grove (now known as 36a St Paul's Crescent) – 2008/4760/P – Erection of a two storey single dwelling house plus basement level (Class C3) following demolition of existing garage. Granted following completion of S106 Legal Agreement 26/06/2009.
- 3.11 Land to the rear of 6-7 Canteloves Road & adjacent to 14 St Paul's Crescent (now known as 14a St Paul's Crescent) – 2007/4085/P - Erection of a single family dwelling house (Class C3) to replace existing garage. Granted 07/02/2008.
- 3.12 Land to the rear of 6-7 Canteloves Road & adjacent to 14 St Paul's Crescent (now known as 14a St Paul's Crescent) – 2010/6479/P - Erection of a single family dwelling house (Class C3) to replace existing garage. Granted 01/02/2011.
- 3.13 Land to the rear of 102 Agar Grove – 2007/3898/P - The erection of two-storey plus basement single dwelling house (C3) fronting St Paul's Crescent following demolition of existing garage. Granted following completion of S106 Legal Agreement 26/10/2007.

#### 4. **CONSULTATIONS**

##### **Statutory Consultees**

- 4.1 English Heritage comments that “Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion”. English Heritage therefore recommends that “this application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice”.

##### **Conservation Area Advisory Committee**

- 4.2 Camden Square Conservation Area Advisory Committee objects to the proposals, summarised as follows:

##### Inadequacy of the Submitted Material

- Many proposed external elements need to be shown in more detail (window framing, glass guarding panels, etc.) to give a clearer idea of actual appearance.
- Various elements of the original building are inconsistent, highly unlikely, or conflict with original photos.

##### Detailed comments

- The proposed main replacement structure is much bulkier than the original or adjacent structures when viewed from St. Paul's Crescent.
- The limited gradation of window proportions with no concomitant gradation of ceiling heights is harmful to the scale of Agar Grove.
- The squat proportions of the front bays give no sense of presence to the entrance floor and weaken the only feature of the front elevations.
- The consistent verticality of the other windows is also an interference, as is the height of brickwork above the second floor windows.
- Thus the proposal makes a very negative impact on the rhythm of that side of Agar Grove.

- The bronze coloured metal clad side wing would need unusually good detailing to avoid looking like a modular tack-on box. Specific condition requested.

#### Overshadowing

- The proximity of the rear structure to 19 St Paul's Crescent is likely to harm the rear aspect of that house and its small garden, even if strict lighting angles are achieved.

#### Overall conclusion

- Apart from various, serious, technical errors in the drawings and poor contextual proportions, the main reason for rejecting this scheme is over-development. There is no justification for increasing the volume of the original pair of semi-detached houses so significantly as well as constructing a separate building at the back of the much-reduced garden. While this application should be considered on its merits, the loss of the original buildings (which made a positive contribution to the Conservation Area) from unapproved demolition and excavation work five years ago should not be ignored. The proposal fails to preserve or enhance the Conservation Area and should thus be rejected.

#### Adjoining Occupiers

|   |    |
|---|----|
| <i>Number of letters sent</i>             | 14 |
| <i>Total number of responses received</i> | 06 |
| <i>Number of electronic responses</i>     | 06 |
| <i>Number in support</i>                  | 0  |
| <i>Number of objections</i>               | 05 |

- 4.3 A site notice was erected on 18/06/2014, expiring on 09/07/2014. A press notice was published on 19/06/2014, expiring on 10/07/2014. A total of five objections have been received, three from different occupiers of the same residential unit along St Paul's Crescent (one of these occupiers made two submissions) and two from occupiers of residential units along Agar Grove.
- 4.4 A summary of issues raised by the responses received from St Paul's Crescent occupiers are as follows:

Specific points to the proposed building fronting St Paul's Crescent:

#### Principle / design, size and height

- Never been a house/apartment building on the proposed site; It has always been a garden/amenity space. The only structure was a dilapidated, small, low-height garage. A house is undesirable.
- The proposed structure is one storey higher than that approved at the rear of No. 49 and the previous garage there was more substantial/higher than the current structure at the rear of No. 51. That site did not abut a private house and garden and the building of the 2 storey house did not affect light, privacy, noise-levels, and enjoyment of the tenants of the Council flats in the same way.

#### Loss of trees / green space

- The removal of four mature trees, including a Category B and a Category C tree. These trees provide homes for birds and wildlife (which will need to be rehomed). They provide privacy and tranquillity to the sun terrace, garden and side windows of No. 19. Also reduce noise to the properties on the south-side of St. Paul's Crescent from Agar Grove traffic (privacy and noise will worsen as a result).
- Reduce the much needed green space in this area, already greatly reduced in recent times.
- Proximity of basement to No. 19 is deeply worrying owing to previous experience of subsidence at No. 19 (at the time of the previous unauthorised works at No. 51 Agar Grove) and shift in tree roots.

#### Loss of light and privacy

- Decrease light and increase shadow received by No. 19 so the garden, sun terrace, office, kitchen dining room will be negatively affected. The height and position of the new building will block sunlight and cause shadows. The garden at No. 19 is planted and landscaped; many plants will die/diminish with increased shadow and lessened sunlight. The sun terrace will be overshadowed by the new building, as well as blocking the level of sun it currently receives.
- Existing privacy at No. 19 (as end of terrace) would be lost by new structure 1m away.
- Proposed roof terrace for new structure will directly overlook the garden, 1st-floor sun terrace and side windows of No. 19 (increased invasion of privacy).

#### Noise disturbance from plant

- Noise and vibration from the plant equipment is expected to be loud and invasive for the duration of the works.

#### Noise disturbance from future occupiers

- The proposed units (8 in total) will house significantly more people who will produce significantly more noise than the previous 4 maisonettes.
- The outdoor space will also include roof terraces, which will increase noise as people make use of these new outdoor, high-up spaces.

#### Traffic, parking and road safety

- Increase in the number of cars parked on St Paul's Crescent.
- Additional people and cars traveling down St Paul's Crescent.

#### Other issues

- Concern it will devalue the property and loss of 'status'.

Summary: Contest a new use of a garden at the rear of No. 51 for residential use. This is as it will result in: the loss of 4 mature trees; green space in the Camden Square zone; diminish light, privacy and pleasure of property currently enjoyed at 19 St Paul's Crescent; increase shadows, noise, parked cars and traffic for St Paul's Crescent; vibrations and noise from construction will negatively impact No. 19.

The proposal to rebuild No. 51-53 is commented to be far less objectionable - the only objection would be to the proposed roof terraces promoting increased noise / loss of privacy to No. 19.



- 4.5 A second submission was received from one occupier along St Paul's Crescent (after revised plans were detailed on the Council's website). In summary "The amended plans do not address or in any way ameliorate my deep concerns and strong objections to the proposed plan". A number of points made in the first submission are then reiterated, before it is concluded "Even with amendments, the proposal is completely unacceptable and I contest / object in the strongest way possible as I will do the construction of ANY building there".
- 4.6 A summary of issues raised by the responses received from two Agar Grove occupiers are as follows:
- Vandalism to destroy the remaining part of this 19th century building in this conservation area. It is a disaster the building has been left to deteriorate having been damaged and partly demolished. The surviving part of the building needs to be preserved and the other part rebuilt in the same style and materials as before.
  - The proposed buildings are not suitable in style, size and materials and the front only vaguely imitating part of the original style. Another describes them as harmful to the setting of the conservation area, with the mass and bulk excessive and out of keeping with the area.
  - The proposed main building fronting Agar Grove is extremely different in style, colour, brickwork, windows and materials to those neighbouring which would jar and interrupt the sweep of original houses on this historic street. Another response details that the poor detailing and architectural quality of the Agar Grove elevation merely pays lip service to its neighbours, and as a result is neither historically appropriate nor an exemplar of contemporary design.
  - The bulky size at the back would block light and would take away garden space, a valuable resource. Another response details that the visibility of the metal clad extension to the rear of the main building from Agar Grove is unacceptable, breaking up the established rhythm of paired villas that make up the townscape along this street.
  - The building proposed for the rear is not appropriate in style, or shape for this conservation area.
  - The large number of flats proposed seems overuse of this small site, cutting down open and garden area important for the environment and quality of life for residents.
  - Object to removal the trees in good condition.
  - Creation of low quality internal layouts, with north-facing single-aspect habitable rooms.

## **5. POLICIES**

### **5.1 National and London wide policies and guidance**

National Planning Policy Framework 2012

London Plan 2011

Revised Early Minor Alterations (REMA) to the London Plan 2013

Mayor's Supplementary Planning Guidance

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

CS1                      Distribution of growth

|      |   |
|------|---|
| CS4  | Areas of more limited change  |
| 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 |
| CS16 | Improving Camden's health and well-being  |
| CS17 | Making Camden a safer place   |
| CS18 | Dealing with our waste and encouraging recycling                                |
| CS19 | Delivering and monitoring the Core Strategy                                     |
| DP2  | Making full use of Camden's capacity for housing                                |
| DP5  | Housing size mix  |
| DP6  | Lifetime homes and wheelchair homes   |
| DP17 | Walking, cycling and public transport   |
| DP18 | Parking standards and 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   |
| DP29 | Improving access  |
| DP31 | Provision of, and improvements to, open space, sport and recreation             |

### 5.3 **Other Planning Policies / Guidance**

Camden Planning Guidance (CPG) 2011 - CPG6-8

Camden Planning Guidance (CPG) 2013 - CPG1-4

Camden Square Conservation Area Appraisal and Management Strategy (Adopted 11/03/2011)

## 6. **ASSESSMENT**

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Principle of development / land use considerations;
- Design / Impact on conservation area;
- Quality of proposed residential accommodation;
- Basement excavation;
- Trees / Landscaping;
- Amenity;
- Transport;
- Sustainability;

- Other matters.

### **Principle of development / land use considerations**

- 6.2 In terms of demolition, substantial demolition has already taken place of the buildings on the site following the partial collapse of No. 51 during the premature construction of a basement (see the site and relevant history sections above for details). Retrospective conservation area consent (CAC) has already been granted for the removal of No. 51 in 2011, although this has never implemented in totality as a planning permission for the redevelopment of No. 51 was not approved (see relevant history section above for details). In the intervening time CAC applications are now encompassed within applications for planning permission (rather than being separate), so there is no need for a separate consent to be sought in this instance.
- 6.3 It is acknowledged, as it was previously in 2011 in relation to solely No. 51, that consent would not have been granted for the demolition of the building(s) in normal circumstances, given they were identified as making a positive contribution to the character and appearance of this part of the conservation area. Given this context it is extremely regrettable that demolition has taken place but owing to the exceptional circumstances noted there is no objection to the demolition of the remainder of the buildings. The buildings have remained derelict since being partially demolished in 2010, despite attempts (including applications which subsequently fell away) to have the site re-built earlier than the now 4 years since partial demolition. During this time the site is considered to have caused harm to the character and appearance of the streetscene and wider conservation area. Measures are however being sought to mitigate the loss of the original buildings on the site in the proposed development, as outlined below. As such, the principle of providing residential uses on the footprint of the pre-existing No's 51-53 Agar Grove is considered appropriate, aligning with policies CS6 and DP2.
- 6.4 In terms of the principle of providing a further residential building in the rear garden of the pre-existing No's 51-53, this has been carefully considered. The rear garden is a notable gap site formed when the rear garden of a junction plot runs parallel to adjoining road. Such plots are fairly common in the area and it is fully acknowledged that they represent an important established feature of openness in an otherwise fairly densely developed environment, where the buildings are generally arranged in terraces 3 or more storeys in height. However, the principle of this has been established in almost all other similar sites surrounding the development site including the site directly opposite to the rear of 49 Agar Grove (36a St Paul's Crescent). Others in close proximity to the site comprise Land to the rear of 6-7 Canteloves Road & adjacent to 14 St Paul's Crescent (now known as 14a St Paul's Crescent) and Land to the rear of 102 Agar Grove. The planning permissions associated with these sites are all detailed in the relevant history section above.
- 6.5 In light of this context, it is considered that the principle of providing further residential accommodation in the rear garden of the site is established. This aligns with the principles of policies CS6 (which aims to make full use of capacity for housing by maximising the supply of additional housing) and DP2 (which builds on

CS6 and expects the maximum appropriate contribution to supply of housing on sites that are underused or vacant).

- 6.6 In terms of the density of development, the overall density of the scheme is 297 hr/ha and 158 u/ha. These are comfortably within the London Plan density matrix ranges, which prescribes 200-450 hr/ha and 70-170 u/ha for urban sites with public transport accessibility levels of 2-3 such as this. This illustrates the development would be making efficient use of the land, aligning with the principles of LDF policies CS1 and DP2.
- 6.7 In terms of affordable housing, both the overall floorspace (GEA 958sqm) and number of units (8) proposed are below the minimum levels whereby affordable housing can be sought (1000sqm floorspace / 10 units). However, given the proposed is close to these minimum thresholds, it is considered that the proposed scheme could be reconfigured in the future to take the number of units or floorspace above the minimum thresholds. For example, the basement may be sought to be extended, or the mix altered to provide a larger number of smaller units. As such, in this instance it is considered appropriate to add a s106 head of term which triggers affordable housing should future application(s) come forward which seek to convert / extend the buildings further in the future, which on a cumulative basis (with this application) take the overall floor area or number of units above the levels whereby affordable housing would be required.
- 6.8 Turning to consider the unit mix proposed, 3x1, 3x2 and 2x3-bed units are proposed. Such a mix is considered to provide an appropriate balance between large (3-bed +) and small (1 and 2-bed) units, aligning with policy DP5. It is acknowledged that the percentage of 2-bed units is marginally below the 40% target of the DP5 dwelling size priority table. However, at 37.5% such a shortfall is not considered unacceptable, bearing in mind the relatively small number of units proposed in total and the provision of two 3-bed units within the scheme. On balance therefore the proposed mix is considered appropriate.

### **Design / Impact on conservation area**

- 6.9 As means of background, it is proposed to redevelop the site in two elements. Element one would erect a block of generally similar size and position as the previous buildings on the site. It would respond the form of the original buildings but has been designed in a contemporary idiom. The proposed scheme extends the footprint of the previous building with side and rear 'additions'. Element two provides a three storey 'mews house' plus basement within the existing rear garden. A single storey bin store / plant space recessed within the site separates each element.
- 6.10 It is considered that the key issue to consider in a proposal of this nature is the impact the proposed works would have on the character and appearance of the conservation area. This is with particular regard to the impact of the immediate group of semi-detached properties, as well as the need to mitigate the loss of the previous positive contributors (now the liability of the new owners of the site), through a scheme of the highest standard of design which enhances the area.

- 6.11 With this in mind, the first critical element to consider is the appropriateness of the proposed contemporary approach to the redevelopment, rather than rebuilding the dwellings which were demolished without consent.
- 6.12 It is acknowledged that paragraph 24.12 of policy DP24 states that “Within areas of distinctive character, development should reinforce those elements which create the character. Where townscape is particularly uniform attention should be paid to responding closely to the prevailing scale, form and proportions and materials.” In this regard it has been important to analyse the value of the existing streetscape, to understand how closely the form, appearance and scale of the existing adjoining building should be followed.
- 6.13 It is therefore important to recognise that Camden Square Conservation Area Appraisal and Management Strategy states at section 3B that Agar Grove “was originally lined with semi-detached houses, with the gradation from larger houses to the west leading to terraces at the York Way end. This pattern is still legible; however the character of the street has been eroded progressively”. It continues by also stating that “The condition of many properties is also poor and in need of investment and reinstatement of detail.”
- 6.14 As such, the current streetscape is not considered to be uniform and does not represent the highest quality character and appearance requiring scholarly replication. Therefore, officers consider it is appropriate to support the principle of a very high quality contemporary approach, which is considered to respond to the form of the original buildings, but does not for the sites redevelopment.
- 6.15 Nevertheless, given the history of the site and the need to substantially enhance the site, it has been imperative to reinforce the established character described in the Street Gazetteer. This has been achieved through replication of the height of the building and the roof form; provision of a window hierarchy (reducing as you travel up the building) and the definition of the ‘stucco’ base of the adjoining buildings. Furthermore, the original envelope of the historic dwellings has been replicated in brickwork. Additions to the built form have been developed as effectively ‘side’ and ‘part width rear extensions’ which are defined in varied materials (brass coloured metal panelling) and which are lower in scale and size to remain subservient, in compliance with guidance. As such, officers consider that the replacement No’s 51-53 Agar Grove represents high quality, sustainable design, appropriate to its context.
- 6.16 To ensure that this high standard of design occurs in practice, conditions will secure the appropriate use of high quality materials, detailed design and finished appearance. One condition recommended seeks full scale sample panels to be erected on site of all facing materials prior to construction. Another seeks detailed drawings / samples of all doors, windows and railings. These conditions will ensure the success of the finished development.
- 6.17 Another key element to consider is the design approach to the new mews building fronting onto St Paul’s Crescent. As detailed in the previous section above, the principle of a building at this point is considered to be established. Above the basement floor, the building is two storeys, with a set-back third mansard storey at

roof level. The proposed height is considered to be subservient to both the existing buildings along St Paul's Crescent and the proposed / existing buildings on Agar Grove. The design is also considered to be subordinate, with stock facing brick and a metal mansard roof, two bays aligning with the St Paul's Crescent character and the continuation of the existing boundary wall at the site, providing what is considered to be a high quality contemporary response to the infill of the site. Again sample panels and detailed design matters are to be secured via condition.

- 6.18 In conclusion, the substantially demolished buildings are presently considered to cause harm to the character and appearance of the streetscene and conservation area. The replacement buildings, subject to conditions, are considered to both preserve and enhance the streetscenes and wider conservation area.

### **Quality of proposed residential accommodation**

- 6.19 In overall terms it is considered that a suitable standard of accommodation will be provided for future occupiers. Each of the units proposed exceeds the minimum overall size standard, as do each of the relevant single and double bedrooms. Each individual unit also provides outdoor amenity space, with soft landscaping serving the ground floor units and external terrace spaces for upper floor units. Each unit is also dual aspect, with sufficient outlook and ventilation from each room. In general terms the units are conventionally shaped, with consistent stacking of different rooms between floors/flats provided where possible. Dedicated storage space for each unit is provided at basement floor level.
- 6.20 With regard to daylight and sunlight to each of the flats, a BRE based assessment has been submitted. For daylight, this does illustrate some shortfalls in the vertical sky component test, but all but the basement window within the mews property satisfactorily passes the average daylight factor rating. For sunlight, there are 4 instances where future occupiers windows will not access BRE guidance direct sunlight levels. However, in practice these shortfalls are relatively minor, all relate to a single window within an entire flat and in overall terms would not unduly compromise the quality of accommodation provided. In terms of overshadowing of the amenity spaces, it is shown that those to the rear of No. 51-53 will be constrained by their north orientation and the building of the proposed mews house. In overall terms though this again is not considered to significantly undermine the quality of accommodation proposed.
- 6.21 In terms of overlooking between different future occupiers at the application site, there is potential for this between the rear of No's 51-53 and the new mews, particularly at upper floor level where terraces are proposed. As such, the applicant has detailed 1.8m high wooden screening to be applied in order to overcome any such concern. Details of such screens will be secured via condition.
- 6.22 A lifetime homes assessment, including detailed plans, has been submitted with the application. This outlines that all of the relevant standards will be able to be met. For example, a lift is proposed to serve No. 51-53 to assist with making all units wheelchair accessible. During the course of the application more details were secured concerning standards 3 and 4, as the gradients on several approaches to

entrances were not originally detailed. Following revisions each of the standards will be met. This is welcomed in line with DP6 and will be secured via condition.

- 6.23 Waste and recycling facilities are provided in a variety of locations. The two ground floor flats accessed off Agar Grove include external storage space adjacent to the individual entrances. Similarly the mews building also has its own dedicated storage space, again between the road frontage and building entrance. The ground floor flat to the rear of the main building and the upper floor flats will share a facility. This is located adjacent to the entrance to these flats, off the main entrance on St Paul's Crescent. Each facility is sufficiently sized for the particular unit(s) served, with the locations all conveniently adjacent to entrance doors and close to the highway to enable easy collection. Therefore the proposals are appropriate in this regard, with a condition ensuring this provision is fully implemented.

### **Basement excavation**

- 6.24 Two separate basements are proposed, as detailed in paragraph 2.4 above. That beneath No's 51-53 will provide cycle, storage and plant space. Meanwhile, the mews building basement provides a dining/kitchen/utility space. As already detailed at paragraph 1.5 above, the application site is not located within any of the three identified hydrogeological constraint areas. Nevertheless, the applicant has been required to submit a Basement Impact Assessment (BIA), as prepared by Webb Yates Engineers. Moreover, as the BIA submitted went beyond the screening stage, independent verification of the BIA has been undertaken, as required by paragraph 2.33 of CPG4.
- 6.25 LBH Wembley undertook the BIA independent review on behalf of the Council. LBH Wembley identified a number of shortcomings with the originally submitted BIA, detailing that more information was required in the following areas:
- Updated assessment of potential near-surface groundwater impact;
  - Assessment of potential cumulative effects;
  - Assessment of possible effects of felling trees;
  - Quantitative ground movement analysis;
  - Further assessment of possible damage to neighbouring highways / structures;
  - Monitoring / contingency plan details;
  - Updated construction sequence & mitigation methodology indicating protection to neighbouring structures and maintaining near surface groundwater flow regime.
  - Clarification concerning the qualifications of the authors of the reports.
- 6.26 As such, during the course of the application a revised BIA was prepared and submitted for consideration, making into account the feedback from the first independent review. This was duly subject to further independent review by LBH Wembley on behalf of the Council. LBH Wembley concluded, after some further clarification regarding details to ensure the structural stability of neighbouring properties is maintained was provided by the applicant, that the information provided by the applicant is sufficient to comply with policies DP27A, B and C. Therefore, following the submission of additional information during the course of the application, the structural stability of the host and neighbouring properties, the water environment and the cumulative impacts of both has been independently

verified as being maintained. Hence, 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.

- 6.27 It is however sought for the details and measures denoted within the Webb Yates Engineers BIA, in particular the construction sequence and mitigation methodology elements in order to protect the stability of nearby properties, are secured via S106 Legal Agreement through a 'Basement Construction Statement'. By securing the BIA through legal agreement it provides a suitable level of comfort to concerned local residents that the measures detailed will be adhered to, which is particularly pertinent in this case owing to the unfortunate recent history of unauthorised works. With this secured via legal agreement it is considered that the proposal fully satisfies policy DP27 and CPG4.

### **Trees / Landscaping**

- 6.28 As detailed at paragraph 1.5 of this report, there are four main trees in the existing rear garden of the site (3 limes and a cherry), three of which (the limes on the St Paul's Crescent boundary of the site) are subject to a TPO. As outlined at paragraph 2.2 above, the proposal is to remove these four trees, with three replacement trees proposed. It is also noted that the refused scheme from 2010 (see paragraph 3.3) included the removal of one of the limes (T2) as a reason for refusal. It is qualified that at this time the submitted tree report denoted that the tree would be retained, whereas the plans showed it would be removed (one of a number of inconsistencies in this submission). In the context of the information provided that application was refused on the basis of the loss of one of the limes, whereby no evidence had been submitted justifying or mitigating its loss.
- 6.29 In light of the nature of the current proposals, a tree report, an arboricultural impact assessment and proposed landscaping plans have been submitted for consideration. The tree report details that one of the limes (T2) is a category B specimen and has previously been pollarded. Either side of the category B lime are further limes, both of which are category U specimens. One has evident decay at the stem of the tree, while the other includes a large vertical cavity which illustrates its poor condition. In the 2010 refused scheme, both were accepted as being required to be removed. The cherry in the rear garden of No. 53 (T4) is a category C, as although it is in a fair condition, it has a tight compression fork from ground level which means it only has a limited life expectancy.
- 6.30 With the above in mind the Council's tree officer has carefully considered the proposals. As was the case in 2010, there is no objection to the loss of the category U limes, subject to suitable replacements (discussed below). In terms of the cherry, the report is accurate in its categorisation and therefore its removal again raises no principal issue (subject to replacement). In terms of the category B tree, it would have been preferable to retain it as part of the redevelopment; however the deficiencies of it in terms of its previous pollarding and need for future regular pollarding in the future are acknowledged. As such, in the context of the proposals as a whole, the loss of T2 is also considered appropriate by tree officers.



- 6.31 This is partly considered appropriate through the mitigation of replacement trees proposed as part of the redevelopment of the site. The landscaping plan details that three mature trees are proposed. Two are proposed in the area between the rear of No's 51-53 and the mews house, one to the front and one to the rear. Both are anticipated to be Beech Hill trees with a girth of 12-14cm. In comparison with existing T2 and T4, they are a metre further south and set further in from the site boundary. Within the front garden, a new street tree is proposed on the junction of Agar Grove and St Paul's Crescent. This is anticipated to be a Chanticleer with a 14-16cm girth. The precise details will be secured in full via condition, as it is essential that suitable mitigation is secured for the proposed loss of the existing trees at the site.
- 6.32 The replacement trees are only one part of the proposed landscaping at the site, with numerous areas of planting/grass shown at ground floor level and on the upper floor terraces. In addition, a growing wall of ivy is proposed on the south side element of the mews house, facing towards the rear of No's 51-53. The exact details of such features will again be secured via condition. The requirement for the proposed landscaping to be of a high long term standard is considered to be particularly important in this case, given that there is an overall decrease in landscaping space at the site from the existing 375m<sup>2</sup> (albeit in a derelict and overgrown state at present), down to 209m<sup>2</sup> (incorporating soft and hard landscaping).
- 6.33 In terms of the impact of construction / demolition on nearby trees outside of the application site, none are anticipated to require specific protection or be vulnerable to damage. This includes the mixed deciduous street trees on the pedestrianised space in-between Agar Grove and St Paul's Crescent. The mews house includes a large expanse of flat roof. Policy DP22 requires development to incorporate sustainable design measures by incorporating green or brown roofs wherever suitable. It is considered that the roof of the mews house is a suitable location for a green or brown roof and this will therefore be secured via condition.
- 6.34 In terms of nature conservation, the proposals detail bird and insect boxes will be provided on the south elevation wall of the mews building. However, the submitted plans do not show precise details of this feature, which is welcomed in principle. As such, details will be secured via condition. Related to this, it is not known whether there are active bird or bat nests within the existing trees at the site. With this in mind conditions / informatives are recommended to be added to the decision notice detailing that active bird nests / bat roosts are protected under Wildlife and Countryside Act 1981 (as amended), as per Natural England guidance, and that ideally the removal of trees shall take place between September and February (outside the nesting season).
- 6.35 Within the submission the applicant has made references to the potential upgrading of the pedestrianised space between Agar Grove and St Paul's Crescent. This currently comprises hardstanding and two rows of mixed deciduous street trees. Such land is owned by the Council and is outside of the ownership of the applicant. An informative will be added to the decision notice detailing, for the avoidance of doubt, that any landscaping upgrading works shown/intimated within the submission and outside of the red line of the application site are not approved.

## Amenity

- 6.36 In terms of overlooking to neighbouring occupiers, several steps have been taken by the applicant to reduce harmful impacts occurring. In relation to the impact on No. 19 St Paul's Crescent, no windows are proposed on the side elevation of the proposed mews house facing the boundary with No. 19. The second floor terrace will include 1.8m high timber screening on the facing elevation with No. 19, details of which will be secured via condition (as only a single section has been submitted to date). Similarly, timber screening up to 1.8m in height will also be provided on the rear elevations of first and third floor terraces of No's 51-53 Agar Grove, which face towards No. 55. Such measures, as secured via condition, will prevent unreasonable overlooking to these neighbouring occupiers. In terms of the impact on occupiers of No. 49 Agar Grove, the 13m distance between the sites (consisting of the pedestrianised space between St Paul's Crescent and Agar Grove) is considered to provide an appropriate separation to reduce overlooking concerns. The pre-existing building at the site included a terrace at first floor level and windows/doors on this side elevation. The proposal includes windows at all floors and terraces at first and third floor level. Although there is acknowledged to be an increase in opportunities for overlooking from this point in the proposals, the harm on No. 49 is not considered to be significant.
- 6.37 Turning to consider daylight, sunlight and overshadowing implications, a BRE based assessment has been submitted which considers all nearby buildings on Agar Grove and St Paul's Crescent. For daylighting, the BRE recognised vertical sky component (VSC – test is not less than 27% and not less than 0.8 times its former value) test has been undertaken for all buildings. Aside from No. 19 St Paul's Crescent, all nearby buildings would retain VSC levels above 27%. At No. 19, 4 windows would fall below the 27% / 0.8 test. As such, in these instances the daylight distribution (DD - test is loss must be not less than 0.8 times its former value) and average daylight factor (ADF - test is not less than 2% for kitchens, 1.5% for living rooms and 1% for bedrooms) have been calculated. These consider the rooms as a whole, rather than individual windows, and it is shown that each of the ground floor rooms comfortably pass the DD and ADF tests. On this basis, although it is acknowledged that there will be some reductions in light to this property, this is not in overall terms considered to be of a nature to warrant the refusal of the application on.
- 6.38 In terms of sunlight, the BRE guidance test is 'annual probable sunlight hours' (APSH), whereby rates of more than 25% should be achieved, of which 5% should be during winter. When this is not achieved in existing nearby buildings, then the sunlight reduction should not be less than 0.8 their former value. Only the St Paul's Crescent properties have been required to be tested owing to their orientation and it is shown that all but two windows would continue to achieve the APSH, both annually and in winter. Again the deficiencies are found at ground floor level of No. 19. However, in these instances, only individual windows serving dual/triple aspect rooms would be marginally below the standard. When such deficiencies are considered within the context of the proposals as a whole, it is considered that such deficiencies would not be of a level sustainable at appeal. As such, this element of the proposal is considered adequate.

- 6.39 With regard to overshadowing of amenity spaces, the BRE test is for 50% of the amenity space to receive 2 hours of sunlight at the Spring equinox. If this is not met the area which can receive this should not be less than 0.8 times its former value. The ground floor rear amenity spaces of No. 55 Agar Grove and No. 19 St Paul's Crescent have been tested. It is shown at No.55 that 98% of the existing garden receives the required sunlight and this will drop to 92% as a result of the proposals. As such, comfortably over 50% of the space will have BRE sufficient sunlight, meaning no significantly noticeable overshadowing impact would occur. In terms of No. 19, 100% of the space meets the standard at present and 65% would once the scheme is implemented. As such, over 50% of the space will continue to access over 2 hours of sunlight, thereby downplaying overshadowing impacts. The first floor terrace to No. 19 has also been tested and it is concluded that no impact would occur in terms of the BRE test. As such, the proposals are shown to be satisfactory in terms of the recognised BRE overshadowing standard.
- 6.40 Following on from this, it is acknowledged that existing levels of outlook for some nearby occupiers will reduce as a result of the proposals. In particular, it is recognised that there will be a reduction in outlook for No. 19 St Paul's Crescent in comparison with existing. This is caused by the proposed mews house being built adjacent to the existing boundary. Although there would be a degree of separation between the buildings (as they are orientated differently as the road turns a slight corner at this point) the ground floor dining room at No. 19 will be within 2m of the proposed mews building. However, it is also noted that two of the three ground floor rooms at No.19 are dual aspect (the dining room and kitchen) while the study/office is triple aspect. Given this context, it is considered that an adequate level of outlook is retained at this building. The proposals are not considered to significantly impinge the outlook of occupiers at No. 55 Agar Grove or any other nearby building either. As such, on balance it is considered that the proposals would not lead to such a sense of enclosure for existing nearby occupiers to warrant a sustainable reason for refusal of the application on this basis. With regard to the loss of specific views, CPG6 is clear that the specific view from a property is not protected and this is not a material consideration
- 6.41 Turning to consider possible increased instances of noise and disturbance, it is noted that the proposals include two externally located air source heat pumps within the centre of the site between the two proposed buildings. A Noise Report has been submitted and considered by specialist environmental health team officers. A noise survey has been carried out at the site over a typical 24 hour period, to ascertain the minimum background noise levels. The proposed plant has thereafter been considered within this context, and it is concluded that the plant will comply with environmental health standards providing an acoustic enclosure is provided, which is shown on the proposed plans. As such, environmental health officers are satisfied with the noise implications, providing the Council's standard noise condition is added.
- 6.42 The proposals also include five separate external terraces, two each at rear first / third floor level of No. 51-53 and one on the front elevation of the mews dwelling fronting St Paul's Crescent at second floor level. Individually and cumulatively the terraces are fairly small in nature and serve individual properties in all instances.

On this basis, the potential amount of noise and disturbance from the terraces is not considered to be of a level which would warrant the refusal of this application.

- 6.43 As a further safeguard to the residential amenity of nearby occupiers, it is recommended to remove permitted development rights from the proposed single dwellinghouse fronting St Paul's Crescent. This will prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with amenity and design objectives.

## **Transport**

- 6.44 The applicant is willing for the development to be made car-free. This is strongly welcomed and will be secured via s106 Legal Agreement. It will mean that future occupiers will not be able to apply for on-street parking permits, thereby ensuring that the scheme will not exacerbate the current level of parking within the controlled parking zone.
- 6.45 In terms of cycle parking, twelve spaces are shown at basement floor level of the main building. This exceeds the ten spaces required by policy. During the course of the application the size of the lift leading to the basement has been increased, so that cycles can be accommodated and thereby ensuring accessibility to the facility. This will aid the future use of the cycle parking, which will be ensured via condition. Three further spaces are shown to the front/rear of ground floor units. Such spaces do not strictly comply with guidance, as they are not shown to be covered and some are shared with waste storage spaces. However, given that there is already an over-provision of spaces proposed, this is not considered to be unacceptable in this instance.
- 6.46 A draft construction management plan (CMP) has been submitted in support of the application. Although this contains some useful detail, such as commitments to work within prescribed hours (to maintain the amenity of nearby occupiers), transport officers have identified some concerns with certain elements of the proposed approach. For example, the proposal to utilise Agar Grove for deliveries will need to be re-considered. Although Agar Grove does facilitate large vehicle movements, adjacent to the site is an existing signalised pedestrian crossing with zig-zap lines and guard railing either side. Thus utilising Agar Grove is not possible when these highway safety features are taken into account. Therefore, when the final CMP is secured via S106, this element will need to be reformulated. It is nevertheless considered that the proposed scheme can be constructed without significant transport/amenity implications, with the final CMP secured via S106.
- 6.47 A highways contribution is to be secured to repave the footway adjacent to the site on both Agar Grove and St Paul's Crescent, thereby making good any damage caused during the construction phase. An approval in principle document is also included within the highways works contribution, as the basement serving the mews house is adjacent to the St Paul's Crescent highway boundary. The contribution is estimated to total £25,000, as secured via S106.

## **Sustainability**

- 6.48 A Code for Sustainable Homes (CfSH) pre-assessment has been submitted, detailing that the proposed scheme can meet the required Level 4. A total score of 72.54% is anticipated, above the 68% Level 4 minimum, thereby complying with policies CS13, DP22 and CPG3. In respect of the specific energy, water and materials categories the proposals exceed 50% of the available credits stipulated by CPG3 in each instance (energy - 64.5%; water - 66.7%; materials - 70.3%). As such the proposals are policy compliant and the design stage and post-construction reviews will be secured via S106 Legal Agreement to ensure compliance.
- 6.49 An Energy Statement, which follows the approach outlined in the London Plan, LDF policies CS13, DP22 and DP23 and CPG3, has also been submitted. Most notably the three steps of the energy hierarchy of 'be lean', 'be clean' and 'be green' have been incorporated. In overall terms it is concluded that carbon dioxide emissions are anticipated to be reduced by 51.1%, in comparison with the Part L 2010 Building Regulations, which is a policy compliant level (40% improvement).
- 6.50 This will be achieved through a variety of means, including energy efficiency measures and renewable energy. Energy efficiency measures have been sought to be maximised throughout the scheme, ranging from optimal lighting and building fabric performance, to energy efficient building services measures (e.g. occupancy sensors, metering programming). Decentralised energy has been considered but discounted at the site owing to practical difficulties. In terms of renewables, each has been considered and many have justifiably been discounted. However, air source heat pumps are proposed to be incorporated, which would be located between the main and mews buildings, serving both. The noise impact of this element has already been detailed in the amenity section above. This facility will provide greater carbon reductions than photovoltaics or solar thermal panels, neither of which is proposed in this instance owing to the importance of the roof form of the main building to the character of the streetscene within the conservation area. In overall terms the combination of be lean and be green measures are welcomed in principle and the energy strategy as a whole will be secured via the S106 Legal Agreement.

### **Other matters**

- 6.51 It is not considered possible for the applicant to incorporate public open space on the application site, owing to the relatively small scale of the proposals. As such, a financial contribution will be secured via S106 based on CPG8 formula. This amounts to £10,997 in total (capital cost of £5,796, maintenance of £4,505 and design & administration of £696).
- 6.52 In line with CPG8, and adhering to policies CS10, CS19 and DP15, a financial contribution of £19,283 will be secured via S106 towards education infrastructure. This is as the residential units will place additional pressure on educational places and costs in the borough.
- 6.53 Separate from the S106, the proposal will be liable for the Mayor of London's CIL as the additional floorspace exceeds 100sqm GIA or one unit of residential accommodation. The scheme will be charged at a rate of £50 per m<sup>2</sup>. The CIL charge 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 the CIL requirement.

## **7. CONCLUSION**

7.1 Although the substantial demolition of the existing buildings was extremely regrettable, given the recent context there is no objection to the principle of the demolition of the remainder of the buildings. The replacement No's 51-53 Agar Grove represents a contemporary, high quality and sustainable design, appropriate to its context. The new mews dwelling fronting onto St Paul's Crescent is similarly considered to be a high quality contemporary response to the infill of the site. Together both elements of the proposals will preserve and enhance the streetscenes and wider conservation area. In addition, the redevelopment of the site will maximise the use of the site for residential purposes, creating 8 residential units which will provide high quality accommodation whilst not significantly impinging on existing nearby occupiers. The replacement landscaping, including trees, is considered to sufficiently mitigate the loss of existing trees at the site, while in terms of sustainability the scheme accords with the latest standards.

7.2 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-

- Education £19,283
- Open space £10,997
- Highways works estimate of £25,000
- Car free development
- Construction Management Plan
- Code for sustainable homes design stage and post construction review
- Energy strategy
- Provision of affordable housing if the application site is extended or converted above the minimum threshold in the future
- Basement Construction Statement

## **8. LEGAL COMMENTS**

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

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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 No development shall take place until full scale sample panel showing the materials to be used in the construction of the external surfaces of the development hereby permitted have been erected on-site for approval by the Council. The sample panels of all facing materials should include facing brick, stone and metal work demonstrating the proposed colour, texture, face-bond and pointing, as well as the glazing, lintels and timber joinery.

The development shall be carried out in full and strict accordance with the approved materials. The sample 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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 4 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the Council before the relevant part of the work is begun:

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 of all new doors and windows including jambs, head and cill at a scale of 1:10

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

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 policies DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (No. 2) (England) Order 2008 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-H) and Part 2 (Classes A-C)] of Schedule 2 of that Order shall be carried out in relation to the single dwellinghouse hereby approved fronting onto St Paul's Crescent without the grant of planning permission having first been obtained from the local planning authority.

Reason: To safeguard the visual amenities of the area and to prevent over development of the site by controlling proposed extensions and alterations in order to ensure compliance with the requirements of policies CS14 and CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 and DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 6 Only the areas specifically shown on the plans hereby approved as external terraces/balconies shall be used for such purposes; and no other flat roofed areas shall be used as a roof terrace/balcony, and any access out onto these areas shall be for maintenance purposes only.

Reason: In order to prevent any detrimental impacts of overlooking and/or noise and disturbance of the neighbouring premises in accordance with the requirement of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 7 Prior to the first occupation of any residential unit, full details (elevations, sections, details of material and specifications) of the measures to prevent unreasonable overlooking of neighbouring premises from external terraces shall be submitted to and approved in writing by the local planning authority. The measures subsequently approved shall be fully implemented in advance of the first occupation of the relevant residential unit and shall be permanently retained thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

- 8 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 policies 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.



- 9 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies 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.

- 10 Details of the proposed bird and insect boxes / bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the new dwelling fronting onto St Paul's Crescent. The details shall include the exact location, specification and design. The approved boxes / bricks shall be installed with the development prior to the first occupation of the building. The boxes / bricks shall be installed strictly in accordance with the details so approved, and shall be maintained as such thereafter.

Reason: To ensure the development contributes towards creation of habitats and valuable areas for biodiversity in accordance with policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 11 All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: To ensure the development contributes towards the protection of any existing habitats and valuable areas for biodiversity in accordance with policy CS15 of the London Borough of Camden Local Development Framework Core Strategy.

- 12 Prior to the first occupation of the building fronting onto St Paul's Crescent a plan showing details of a green or brown roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green or brown roof, and a programme for a scheme of maintenance shall be submitted to and approved in writing by the local planning authority. The green or brown roof shall be fully provided in accordance with the approved details prior to first occupation of the new dwelling fronting onto St

Paul's Crescent and thereafter retained and maintained in accordance with the approved scheme of maintenance.

Reason: To ensure that a green or brown roof is suitably designed and maintained in accordance with the requirements of policies CS13, CS14, CS15 and CS16 of the London Borough of Camden Local Development Framework Core Strategy and policies DP22, DP23, DP24 and DP32 of the London Borough of Camden Local Development Framework Development Policies.

- 13 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the 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.

- 14 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved, shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the buildings 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.

- 15 The approved cycle storage facilities providing 15 spaces shall be provided in their entirety prior to the first occupation of any of the residential 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.

- 16 The waste and recyclables storage and removal facilities hereby approved shall be provided prior to the first occupation of any residential unit and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policy CS18 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.

- 17 The development hereby permitted shall be carried out in accordance with the following approved plans: A5; A10; A20 Rev A; A21 Rev A; A22 Rev A; A23 Rev A; A24 Rev A; A30 Rev A; A31 Rev A; A32 Rev A; A35 Rev A; A36 Rev A; A40 Existing Ground Floor Plan; A41 Rev A; A42; A43 Rev A; A50; A90; A100 Rev C; A101 Rev E; A102 Rev E; A103 Rev D; A104 Rev D; A105 Rev D; A110 Rev C; A200 Rev D; A201 Rev D; A202 Rev D; A300 Rev D; A301 Rev E; A302 Rev D; A303 Rev D; A304 Rev D; A305 Rev D; A306 Rev D; A307; A400 Rev D; A401 Rev D; A402 Rev D; A403 Rev D; A404 Rev D; A405 Rev D; A410 Rev D; A411 Rev D; A500; A501; Design and Access Statement by Dmfk; Planning and Heritage Statement by NLP dated April 2014; Arboricultural Impact Assessment by ACD Arboriculture Ref PRI18839aia dated 10/04/2014; Tree Report by ACD Arboriculture Ref PRI18839tr dated 08/01/2014; Code for Sustainable Homes Pre-Assessment by hurleypalmerflatt Ref WED07348 Issue 4 dated 05/06/2014; Energy Strategy by hurleypalmerflatt Ref WED07348 Issue 1 dated 06/06/2014; Planning Compliance Report by KP Acoustics Ltd Ref 11241.PCR.01 dated 04/06/2014; Daylight, Sunlight and Shadow Assessment by NLP Ref 13545/IR/BK dated April 2014; Construction Management Plan by 3PM Rev 0 dated 17/04/2014; Basement Impact Assessment by Webb Yates Engineers Ref J1879-Doc-03 Rev X6 dated 28/10/2014; Statement of Community Involvement by Four, dated April 2014; Letter from NLP ref 13545/IR/BK/7939104v1 dated 01/12/2014; Appendices 1-5 ID13545-002; Independent Review of Basement Impact Assessment for planning application 2014/2833/P UPDATED by LBH Wembley Ref LBH4268 Ver 3.0 dated 10/11/14.

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

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 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to [CIL@Camden.gov.uk](mailto:CIL@Camden.gov.uk)

- 4 The pedestrianised space between Agar Grove and St Paul's Crescent, comprising hardstanding and two rows of mixed deciduous street trees, is outside of the ownership of the applicant. For the avoidance of doubt, any landscaping upgrading works shown/intimated within the submission and outside of the red line of the application site are not approved.
- 5 Active bird nests are protected under Part 1 of the Wildlife and Countryside Act 1981 (as amended) which states that it is an offence to disturb, damage or destroy the nest of any wild bird while that nest be in use or being built. Active nests could be present within the site during peak nesting season, considered by Natural England as between 1 March and 31 July. It should be noted that active nests are afforded legal protection at all times and can be encountered throughout a nesting season which may extend between mid February and October depending on bird species and weather conditions. Nesting habitats which includes trees, shrubs, climbing plants, grounds flora, buildings and other structures may be cleared at any time of year where survey (undertaken by a suitably experienced person) can establish active nests are absent. For further information contact Natural England on 0845 600 3078.
- 6 Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation (Natural Habitats) Regulations 1994 which

protect bats from intentional or deliberate actions which may kill, injure capture a bat and from actions that intentionally or recklessly damage, destroy or obstruct access to a bat roost (whether bats are present or not) or disturb a bat when occupying a roost. Actions such as demolition and renovation works to a building, and tree felling or significant tree surgery are likely to result in a breach of the above legislation if bats or bat roosts are present. For further information contact Natural England on 0845 600 3078.

- 7 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.
- 8 With regard to condition no. 14 you are advised to look at Camden Planning Guidance for further information and if necessary consult the Access Officer, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 5124) to ensure that the internal layout of the building is acceptable with regards to accessibility by future occupiers and their changing needs over time.
- 9 If a revision to the postal address becomes necessary as a result of this development, application under Part 2 of the London Building Acts (Amendment) Act 1939 should be made to the Camden Contact Centre on Tel: 020 7974 4444 or Environment Department (Street Naming & Numbering) Camden Town Hall, Argyle Street, WC1H 8EQ.
- 10 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.
- 11 The correct street number or number and name must be displayed permanently on the premises in accordance with regulations made under Section 12 of the London Building (Amendments) Act 1939.
- 12 Under Section 25 of the GLC (General Powers) Act 1983, the residential accommodation approved is not permitted for use as holiday lettings or any other form of temporary sleeping accommodation defined as being occupied by the same person(s) for a consecutive period of 90 nights or less. If any such use is intended, then a new planning application will be required which may not be approved.



**Application No: 2014/2833/P**

**51-53 Agar Grove  
London  
NW1 9UE**

**Scale:  
1:1250  
Date:  
8-Jan-15**



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## Aerial views and mix

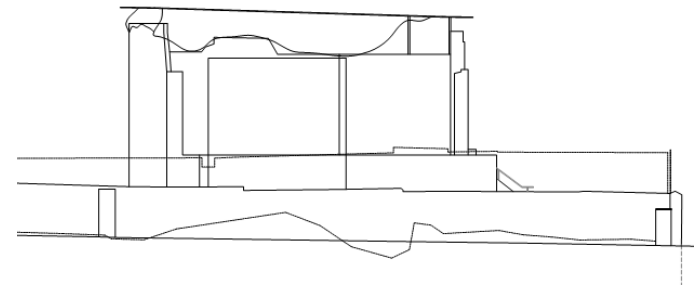
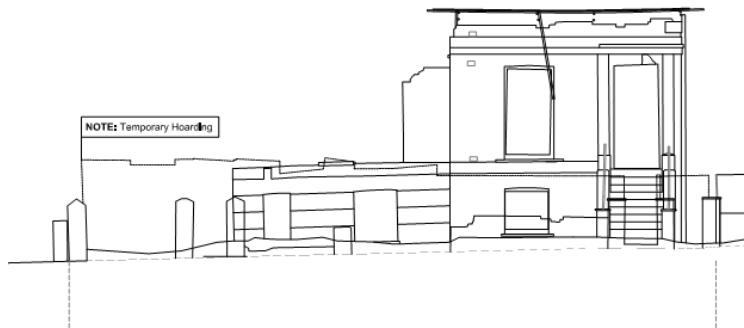
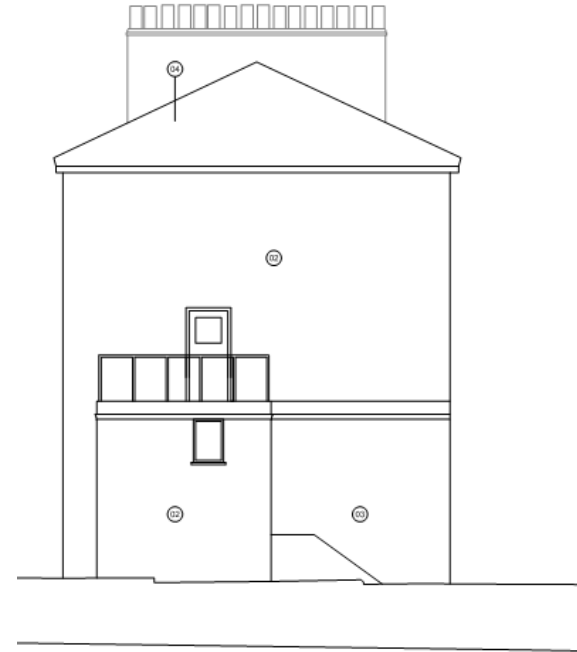
### Unit Mix

| Unit          | Description          | Floor      | NSA (sqm) | Ammenity Space | Type                              |
|---------------|----------------------|------------|-----------|----------------|-----------------------------------|
| <b>Mews 1</b> | 4 Storey 3 Bed House | B+G+1+Roof | 160       | 47.5           | Garden (Front + Back + Courtyard) |
| <b>Flat 1</b> | 2 Bed Garden Flat    | G          | 66        | 50             | Garden (Front + Courtyard)        |
| <b>Flat 2</b> | 1 Bed Garden Flat    | G          | 50        | 33             | Garden (Front + Back + Courtyard) |
| <b>Flat 3</b> | 1 Bed Garden Flat    | G          | 52        | 27             | Garden (Rear Garden + Courtyard)  |
| <b>Flat 4</b> | 2 Bed Flat           | 1          | 70        | 12             | Roof Terrace                      |
| <b>Flat 5</b> | 1 Bed Flat           | 1          | 52        | 15             | Roof Terrace                      |
| <b>Flat 6</b> | 3 Bed Duplex         | 2+3        | 115       | 18             | Roof Terrace                      |
| <b>Flat 7</b> | 2 Bed Duplex         | 2+3        | 96        | 22             | Roof Terrace                      |

# Pre-existing and existing elevations

## Agar Grove

## St Paul's Crescent







Agar Grove + St Paul's Crescent Corner



51 Agar Grove



51-53 Agar Grove



Rear of 51 Agar Grove



Rear of 51-53 Agar Grove



51-53 Agar Grove

Site photographs 19/10/2009





Site  
photographs  
12/08/2014







Site  
photos  
26/11/14





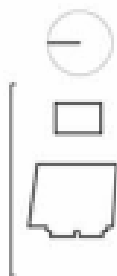
Streetscene views – top Agar Grove; bottom: St Paul's Crescent

# Agar Grove elevation





- 01 D98 BY PETERSON TEGL
- 02 D72 BY PETERSON TEGL
- 03 BRASS COLOURED METAL PANELLING
- 04 ROOF TILE
- 05 METAL STANDING SEAM ROOF
- 06 TIMBER SCREENING



# St Paul's Crescent elevation





Top Left: Rear elevation  
of 51-53 Agar Grove  
Above: North side  
elevation of mews  
building (with rear of 51-  
53 beyond)  
Left: South side elevation  
of mews building



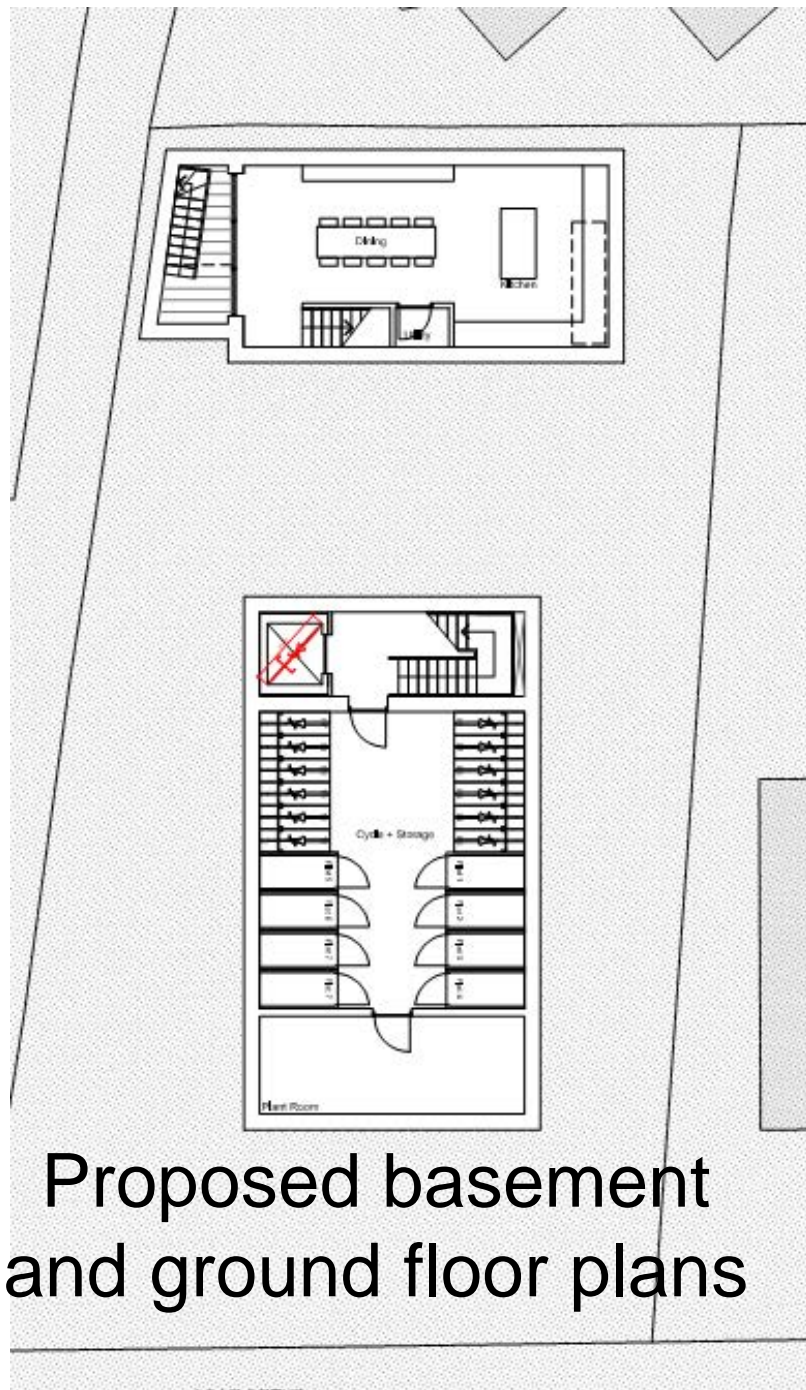
Section showing the extent of the proposed basements

- 01 D12 BY PETERSON TEGIL
- 02 ROOF TILE
- 03 BRASS COLOURED METAL PANELLING
- 04 D18 BY PETERSON TEGIL
- 05 METAL STANDING SEAM ROOF
- 06 WOODEN FENCE
- 07 TIMBER SCREENING

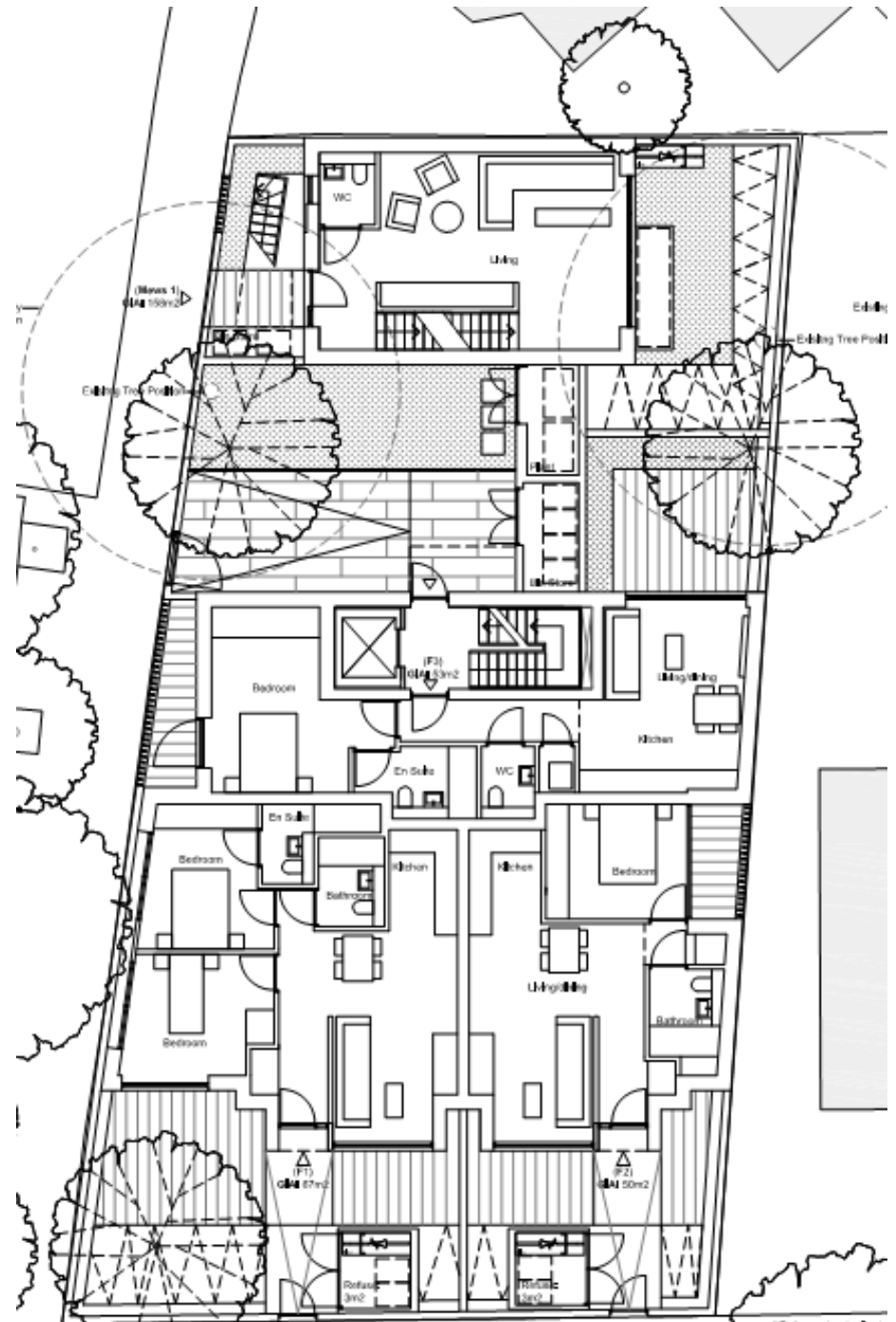


East side elevation of 51-53 and rear elevation of mews building

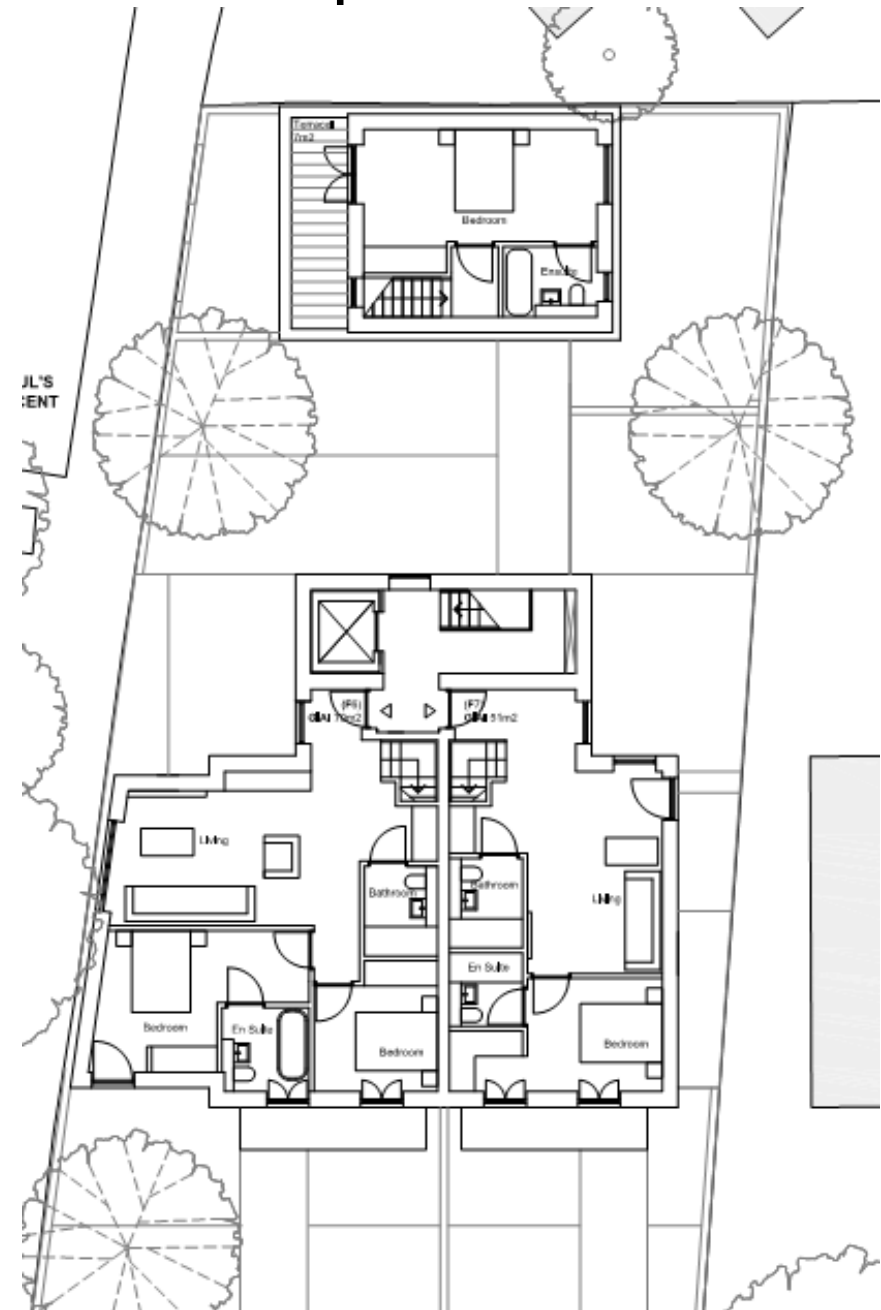
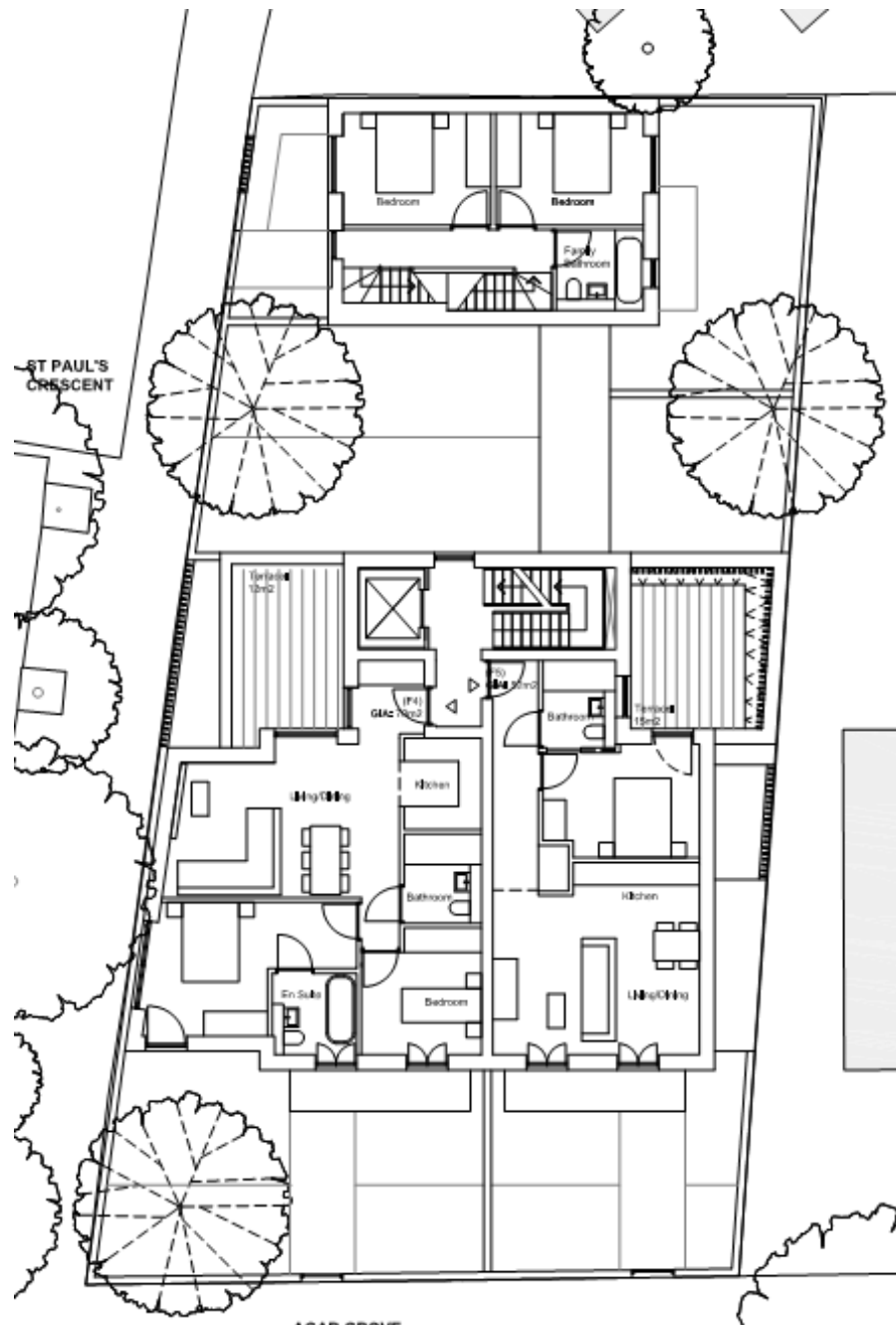




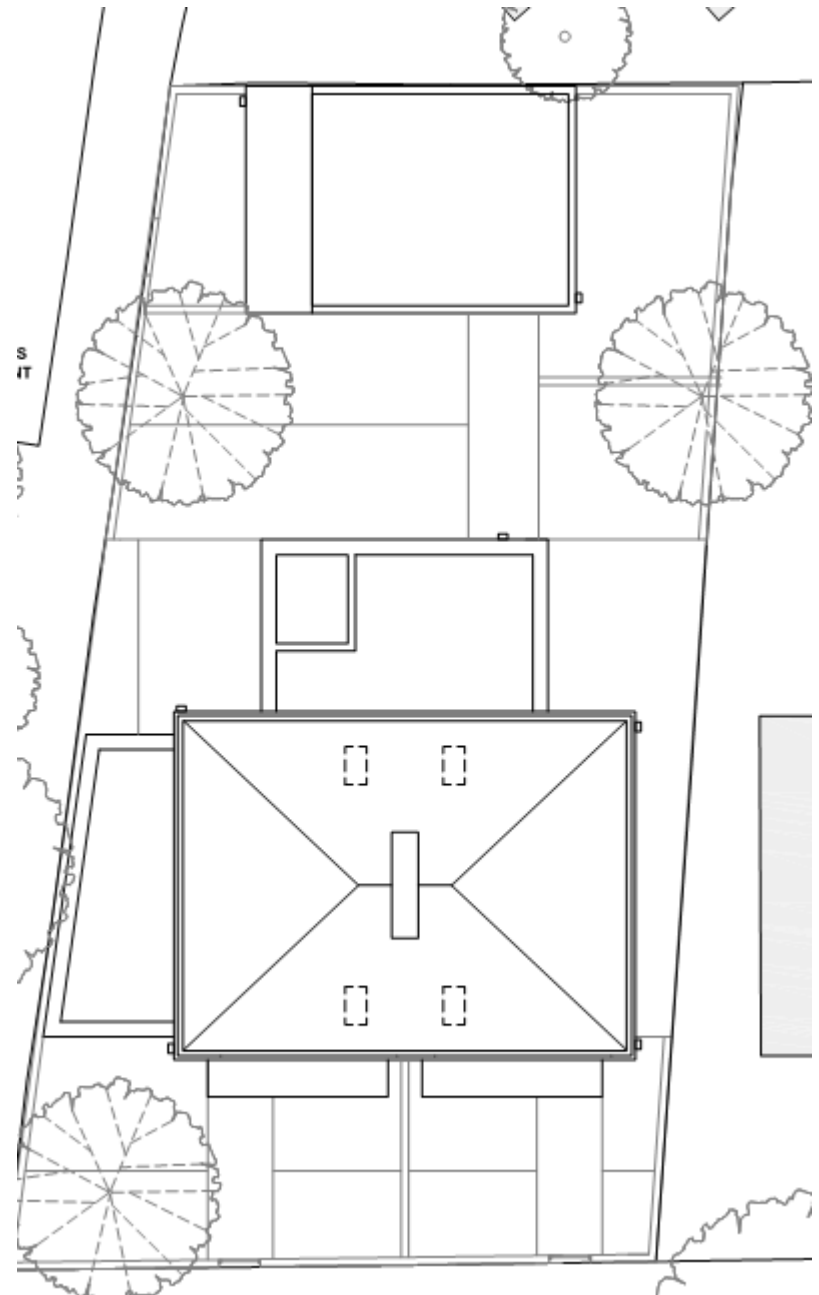
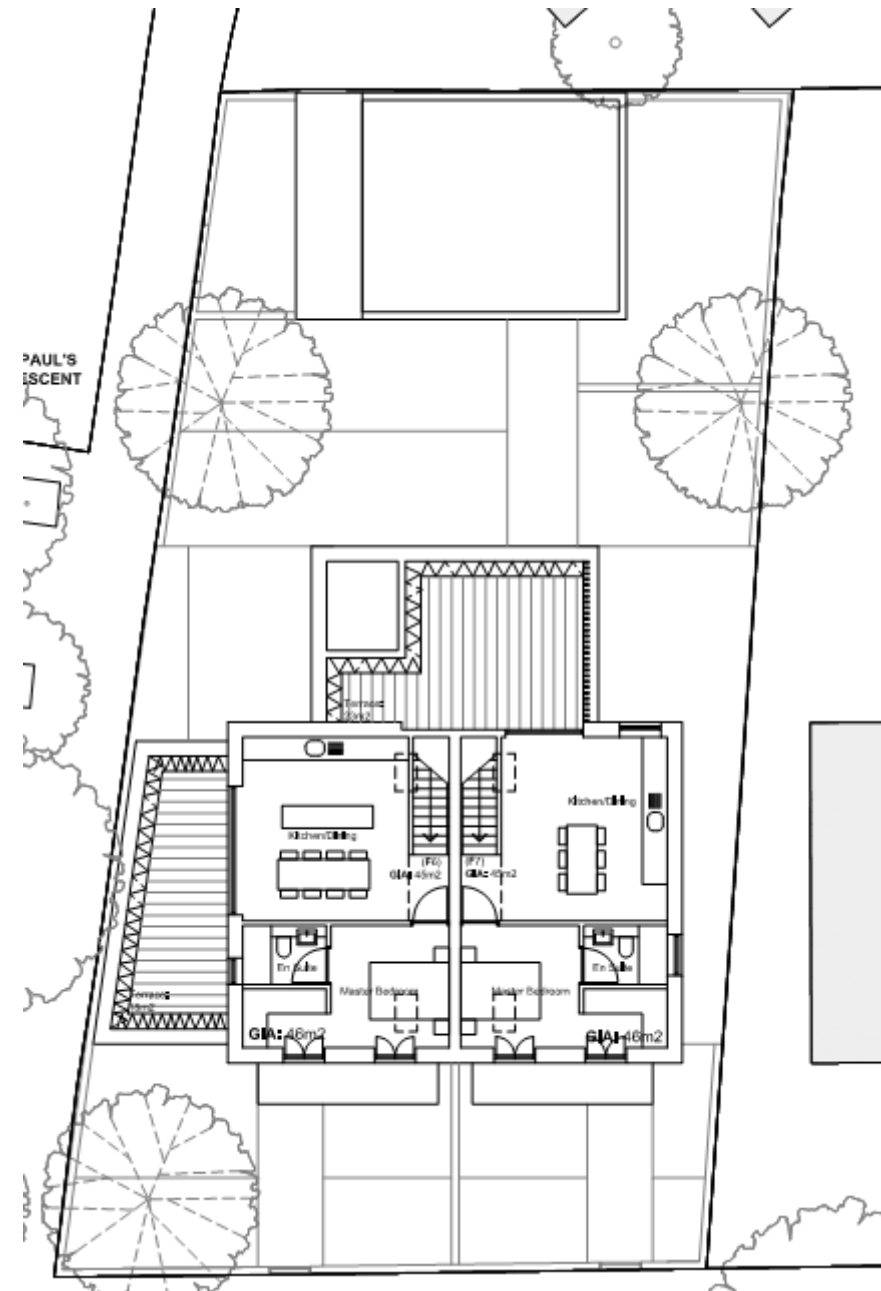
Proposed basement  
and ground floor plans



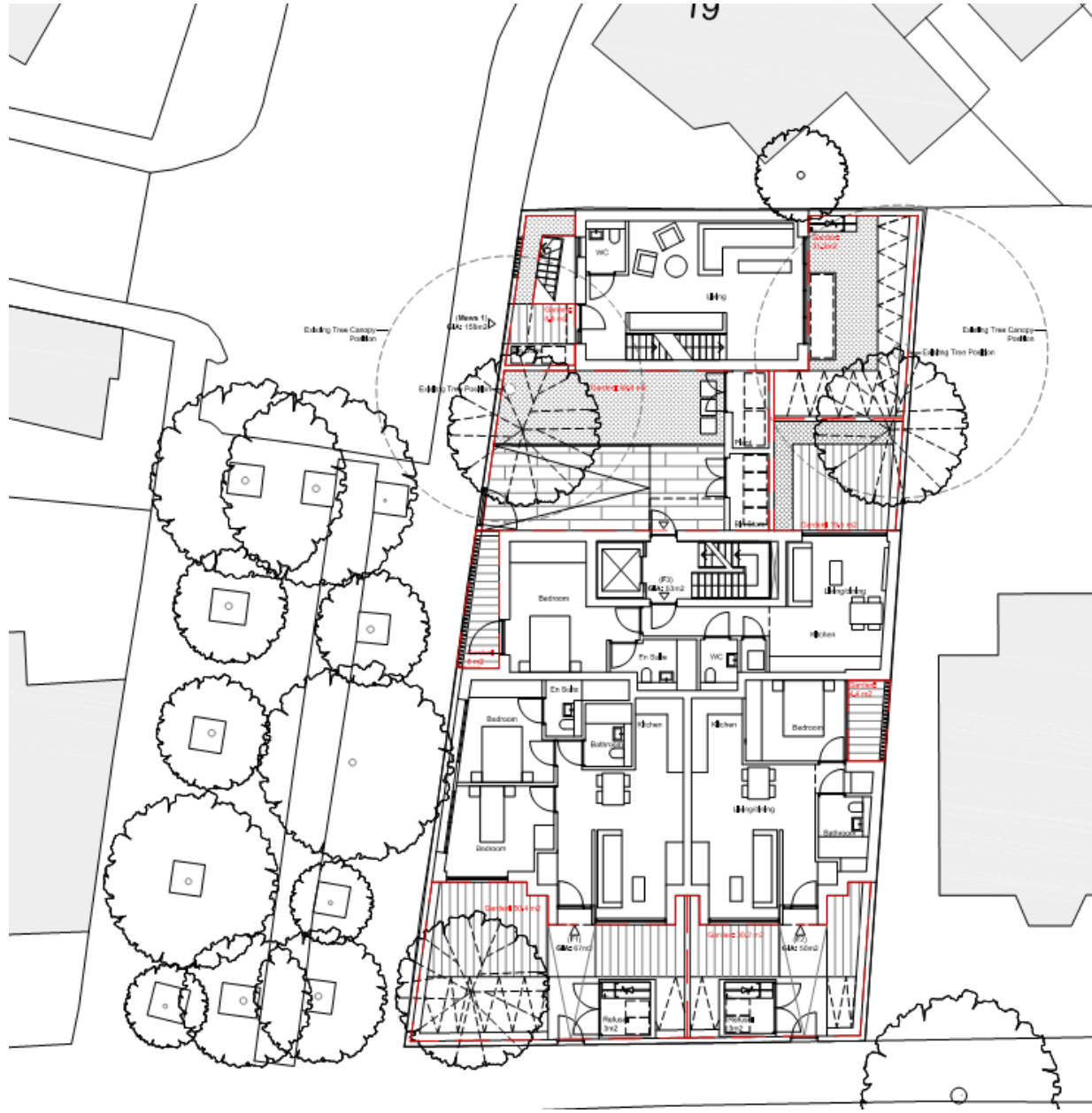
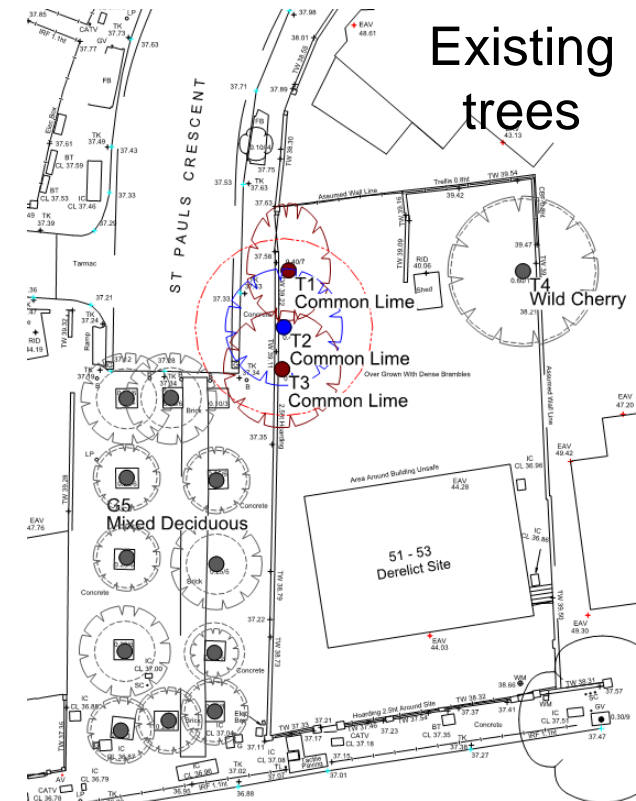
# Proposed first and second floor plans



# Proposed third floor and roof plans



## A photograph of a large, leafless tree in a park-like setting. The tree is tall and has many bare branches. In the foreground, there is a low stone wall and a paved path. The background shows other trees and a building.





# Other infill dwellings in the local area



Above: 14 St Paul's Cres; Below: 49a Agar Gr; Below left: 48a St Paul's Cres

