

Delegated Report		Analysis sheet		Expiry Date:	19/07/2021
		N/A		Consultation Expiry Date:	20/06/2021
Officer			Application Number(s)		
Josh Lawlor			2021/0602/P		
Application Address			Drawing Numbers		
Car Parking Space r/o 10 - 12 Camden High Street London NW1 0JH			See decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Erection of 2x three storey mews houses on site of existing car park					
Recommendation(s):		Refuse Planning Permission			
Application Type:		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	0	No. of objections	2
Summary of consultation responses:	<p>Three site notices were displayed near the site from 25/06/2021 (expiring 19/06/2021), one was erected outside Sainsbury's on Camden High St, one to rear of the site on Bayham Street and one on Crowndale Street</p> <p>Objections were received from two separate addresses as follows-</p> <ol style="list-style-type: none"> 1. If these properties are not realistically affordable then I object 2. Residential amenity Impact to southernmost point of Kings Terrace, on the eastern side. The proposed development's western and northern sides would block out sunlight and daylight from my windows, which are all on the western side of my building. The erection of a three storey building would further contribute to the overshadowing that I experience from the developments on Bayham Place. The Daylight and Sunlight report only considers the effect on 48-56 Bayham Place. The model of the development on page 20 of the report shows that the windows on my property will be affected. However, no consideration in the "Neighbouring Windows" section has been given to my house. 					
Camden Town Conservation Area Advisory Committee	<p>The <u>Camden Town CAAC</u> made the following objection to the application dated 14/06/2021:</p> <p>The Committee strongly objects to the design of the proposed houses on this backland site as they neither preserve the character nor enhance the appearance of the Conservation Area. Although the proposal is potentially acceptable in terms of its overall scale, it does not reflect the local context of mews development to the north in Kings Terrace, and therefore should not be approved in its current form.</p> <p>We note with concern that the proposal will part- obscure the view from Kings Terrace (built in the 1830s) looking south towards the large former piano warehouse on Bayham Place, which lends Kings Terrace its own character: being the juxtaposition between diminutive simple stock brick mews properties and the larger warehouse building at the end.</p> <p>Members are exercised by the lack of design finesse to the front facade of the proposed units specifically, as this presents a weak and fussy composition. The proposed variety of window treatments along with their differing proportions, the volumetric set-backs and the alien roof profile results in an incoherent composition that does not reflect the local context. The use of white self-coloured render along with a PPC brise soleil will make the houses look cheap and insubstantial even if a high quality handmade brick with suitable pointing is proposed to be used on the ground storey. The brise soleil will be visible in profile from Kings Terrace which is considered to be a negative impact on the character of the mews.</p> <p>Any development on this site must be of a strong, unifying and high-quality design to provide units which are robustly attractive and to reflect the local character. The</p>					

	<p>committee is of a view that a completely different approach is required in terms of the design of the external facade, as tinkering with the current one is unlikely to raise the quality substantially. A modern approach would be welcomed if of sufficiently good design.</p> <p>We note in addition that the site, as currently laid out gives insufficient consideration to landscaping, and the barren external "communal area" is thus likely to be used as a car park, even if the houses are designated as car free. We would wish to see a Condition to plant and maintain 2 trees in this location to provide biomass and improve the outlook for all, whilst ensuring that the area is landscaped to prevent vehicles from using it.</p>
--	---

Site Description

The application site is located to the rear (east) of 10-12 Camden High street accessed from the south via Bayham Place. The site is an open, concreted yard, clear of permanent structures, and bounded by tall walls to the north and east. The space is currently used for rental car parking. The office and retail building of 10-12 Camden High Street is located to the west of the concreted yard. To the north is the infill mews house (2a) which extends King's Terrace. The yard to the rear of the site (east), named 7A,B,C Bayham Street is the subject of a permission for a mixed use scheme granted in 2018 (see planning history). The site is approximately 200m from Mornington Crescent underground station.

The Site is located within the Camden Town Conservation Area. As part of the CA Appraisal and Management Strategy report of 2007, (CAAMS 2007) Nos 8-12 Camden High Street were identified as Negative buildings, those to the east i.e. Nos 7a-c Bayham Street were described as Neutral, while the building to the south-east and to the north were defined as 'Positive' buildings. The Camden Palace (known as Koko night club), a grade II Listed building, is located to the south of the site entrance.

Planning History:

Non relevant at application site

7A,B,C Bayham Street

2018/3647/P Demolition of existing office buildings (B1) and erection of 5 storey (plus two storey basement) building comprising mixed office (B1) and hotel (C1) use. **Granted 28/08/2020**

Relevant policies

The National Planning Policy Framework 2021

The London Plan 2021

Camden Local Plan (July 2017)

- G1 Delivery and location of growth
- H1 Maximising housing supply
- H4 Maximising the supply of affordable housing
- H6 Housing choice and mix
- H7 Large and small homes
- H5 Protecting and improving affordable housing
- H3 Protecting existing homes
- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- T1 Prioritising walking, cycling and public transport
- T2 Parking and car free development
- CC5 Waste
- CC1 Climate change and mitigation
- CC2 Adapting to climate change

Supplementary Guidance - Camden Planning Guidance

- Access for All CPG - March 2019

- Biodiversity CPG - March 2018
- Developer Contribution CPG - March 2019
- Amenity - January 2021
- Design - January 2021
- Housing - January 2021
- Transport - January 2021
- Energy efficiency and adaptation - January 2021
- Water and flooding CPG - March 2019

Department for Communities and Local Government (2015)

Technical housing standards – Nationally described space standard

Camden Town Conservation Area Appraisal and Management Strategy 2007

Assessment

1. The proposed development

- 1.1. Planning permission is sought for the erection of two, three storey single aspect mews houses within the eastern recess of the existing concreted car parking area. The ground floor front elevation would be of brick construction and the upper floors would be white render. The roof would overhang the terrace at first floor and would be polyester powder coated aluminum. The windows and doors have no consistent typology but would be timber framed. The total width of the building is 16.5m and the height to the flat roof is 7.7m.
- 1.2. Internally the ground floor would provide kitchen and dining, upper floors would provide living space and two bedrooms. Each house has a 97sqm GIA. Bin and cycle stores are provided externally at ground level, adjacent to the entrances to the houses. Pedestrian access is from Bayham Place.

2. Assessment

2.1. The principal considerations material to the determination of this application are as follows:

- Land use
- Housing (incl. standard of accommodation)
- Affordable Housing contribution
- Design;
- Impacts on residential amenities of neighbouring occupiers;
- Transport (car-free development, cycle parking, access and highway issues)
- Construction Management Plan
- Sustainability
- Community Infrastructure Levy (CIL)

3. Land Use

3.1. Housing is regarded as the priority land-use of the Local Plan, and the Council will make housing its top priority when considering the future of unused and underused land and buildings. As such the

development to provide two residential units is compliant with policies H1 (maximising housing supply) and G1 (Delivery and Location of growth).

4. Housing

- 4.1. Policy H7 (Large and small homes) seeks to ensure a range of homes for different sizes that will contribute to the creation of mixed, inclusive and sustainable communities, and seeks to ensure that all residential development contributes to meeting the priorities set out in the Dwelling Size Priority Table. The table identifies 2 and 3 bedroom market housing units as being high priority and 1 and 4 bedroom units as lower priority.
- 4.2. The proposal would provide 2 x three bedroom dwellings, which is considered to be acceptable in accordance with Local Plan policy H7 as these are high priority.
- 4.3. **Standard of Accommodation**
- 4.4. Local Plan Policy D1 (explanatory note 7.32) requires that all housing development is designed and built to create high quality homes. Local Plan Policy H6 states that the Council will seek to secure high quality accessible homes in all developments that include housing. It will encourage all housing to provide functional, adaptable and accessible spaces and expect all self-contained homes to meet nationally described space standard. The considerations with regards to the amenity of the proposed housing are as follows:
- Design and layout
 - Daylight/sunlight
 - Outlook
 - Privacy
 - Noise and vibration
 - External amenity space
 - Wheel chair accessibility
- 4.5. *Design and layout*
- 4.6. The dwellings would comply with minimum internal space standard of 79sqm as per the Government's Nationally Described Internal space standards. The flats would incorporate adequate storage space and have a permanent partition between eating and sleeping areas. The dwellings would have a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area of each unit.
- 4.7. *Daylight/sunlight*
- 4.8. Maximising the provision of dual aspect homes has many inherent benefits including better daylight, a greater chance of direct sunlight for longer periods, natural cross-ventilation, a greater capacity to address overheating and a choice of views. A daylight/sunlight report was submitted with the application to enable an assessment of the daylight and sunlight received internally at neighbouring properties; however, the applicant has failed to provide an assessment for the proposed new dwellings.
- 4.9. The new dwellings are single aspect and west facing. As the dwellings are single aspect and west facing it is reasonable to expect all relevant rooms within the scheme to have been technically assessed for daylight quantum, expressed as Average Daylight Factor (ADF), and distribution, expressed as No Sky Line (NSL) and Room Depth Criterion (RDC). Similarly it is expected that that all relevant rooms would be assessed for levels of sunlight in compliance with BRE guidance, Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) assessments should have been undertaken for all living room windows facing within 90 degrees of due south.
- 4.10. It is therefore considered in respect of daylight and sunlight that the applicant has failed to demonstrate that the proposed dwellings would receive acceptable levels of daylight and sunlight for future

occupiers, and this forms a reason for refusal.

4.11. *Outlook and ventilation*

4.12. Outlook is the visual amenity enjoyed by occupants when looking out of their windows or from their garden.

4.13. The future occupants of the dwellings would have a very poor quality outlook as all the habitable rooms would only have views into a concreted yard. Figure 1 below shows the particularly stark appearance of the enclosed yard which occupiers would look out onto. There would be a 9.6m separation between the new dwellings and the ground floor rear projection of no. 10-12 Camden High street. Future occupants would therefore look out onto concrete yard and a bank brick wall with plant equipment above.

The proposal gives insufficient consideration to landscaping, and the concreted external "communal area" is likely to be used as a car park. This would further exacerbate the poor quality outlook for future occupiers.

4.14. Should the development have otherwise been considered acceptable, a condition would be attached to require details to be submitted of a landscaping strategy in the "communal area." This would improve the outlook for future occupiers, whilst ensuring that the area is landscaped to prevent vehicles from using it for parking.



Figure 1. View of hard-landscaped service/parking yard

4.15. The units are single aspect and therefore would not benefit from natural cross-ventilation. However the lack of cross ventilation in and of itself does not constitute a reason for refusing the application.

4.16. The outlook for the new dwellings onto a concrete service yard and blank rear elevation with plant equipment is considered to be unacceptable.

4.17. *Privacy*

4.18. Policy A1 of the Local Plan states the Council will seek to ensure that the amenity of neighbours is protected from development. To ensure privacy, CPG Amenity (2018) suggests a minimum distance of 18m between the windows of habitable rooms in existing properties directly facing the proposed development.

- 4.19. The adjacent building no. 10-12 Camden High Street is in commercial office use (and therefore only used during office hours) and the first floor windows of this building would be 15.2m away from the application building's front elevation. There are no windows serving usable office space at ground floor of no. 10-12. On balance, it is considered that the proposal would offer an acceptable level of privacy for future occupiers as there is no direct overlooking from other residential buildings.
- 4.20. *External amenity space*
- 4.21. The proposal incorporates outdoor amenity space which is labelled as a "communal area". As stated above, this space could be used as a car parking space as is the current situation. Although the overall size of the space is acceptable, it is poor quality and not genuinely usable. It would appear as a concreted over car park. There would be no privacy in this location to allow future occupants to do day to day activities such as outdoor dining, clothes drying and recreation.
- 4.22. Nevertheless, as stated above, should the development have otherwise been considered acceptable, a condition could be attached to require details to be submitted of a landscaping strategy in the "communal area." This would improve the stark, hard-landscaped appearance of the space and enable it to be a genuinely useable outdoor amenity space, whilst simultaneously ensuring that the area is not used for car parking.
- 4.23. *Wheelchair accessibility*
- 4.24. Policy H6 includes a requirement for 90% of new build homes to comply with M4(2) (accessible and adaptable dwellings) and a requirement for 10% of new build homes to comply with M4(3) (wheelchair user dwellings). This does not appear possible given the reliance on stairs and no lift. The addition of a lift is not considered to be practicable. An exception can be made in this circumstances due to the constraints of the existing building. Should the development have been considered acceptable a condition would be required to comply with M4(2) (accessible and adaptable dwellings) standards.
- 4.25. Noise
- 4.26. Policy A1 and A4 seeks to ensure that new residential dwellings are appropriately designed so that they are not impacted by existing external noise levels. If the application was otherwise considered to be acceptable a suitable condition could have required that residents were not exposed to high levels of noise indoors.

5. Affordable housing

- 5.1. Policy H4 aims to maximise the supply of affordable housing. The Council expects a contribution towards affordable housing from all developments that provide one or more additional homes and involve a total addition to residential floorspace of 100sqm GIA or more.
- 5.2. The Council will assess the capacity for additional homes on the basis of multiples of 100sqm GIA, rounding the additional residential floorspace to the nearest 100sqm GIA so the assessed capacity will always be a whole number. A sliding scale target applies to developments that provide one or more additional homes and have capacity for fewer than 25 additional homes, starting at 2% for one home and increasing by 2% for each home or 100sqm added to capacity.
- 5.3. The uplift in GIA is 194 sqm which is rounded to 200 sqm which equates to a capacity for 2 additional homes at a 4% contribution. The Council's current adopted multiplier for calculating a payment-in-lieu (PIL) with market residential schemes is £5,000 per sqm. This provides an overall requirement of £40,000. The calculation is as follows:

$$4\% \times 200 = 8$$
$$8 \times £5,000 = £40,000$$

- 5.4. This payment would be secured through a Section 106 legal agreement if the proposal were considered acceptable in all other regards. The failure to enter into a section 106 legal agreement to secure the payment in lieu towards affordable housing forms a reason for refusal.

6. Design and Heritage

- 6.1. Paragraph 134 of the new NPPF states that:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings

- 6.2. The National Model Design Code is a guide to help produce local design codes. This document sets out design parameters to help local authorities assess high quality contextual design.

- 6.3. Camden Local Plan Policy D1 seeks to secure high quality design in development which respects local context and character. Policy D2 states that the Council will preserve and enhance Camden's heritage assets and their settings, including conservation areas. CPG Design (2019), paragraph 2.11 sets out how good design should respond appropriately to the existing context:

Ensuring the scale of the proposal overall integrates well with the surrounding area

Positively integrating with and enhancing the character, history, archaeology and nature of existing buildings on the site and other buildings immediately adjacent and in the surrounding area. This is particularly important in conservation areas;

Respecting and sensitively responding to the natural and physical features, both on and off the site.

- 6.4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. Section 72(1) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that area.

6.5. Assessment

- 6.6. In terms of massing, there is no "in principle" objection to the overall scale of the proposed development which would potentially be considered acceptable in heritage terms subject to high quality contextual design. However, the current proposal is of poor quality design and shows little to no response to context. It does not reflect the local context of mews development to the north in Kings Terrace or make any reference to the larger former warehouse buildings on Bayham Place. It is noted that the applicant was invited to withdraw this application and enter into a pre-application discussion with Officers, however this informal advice was not followed.

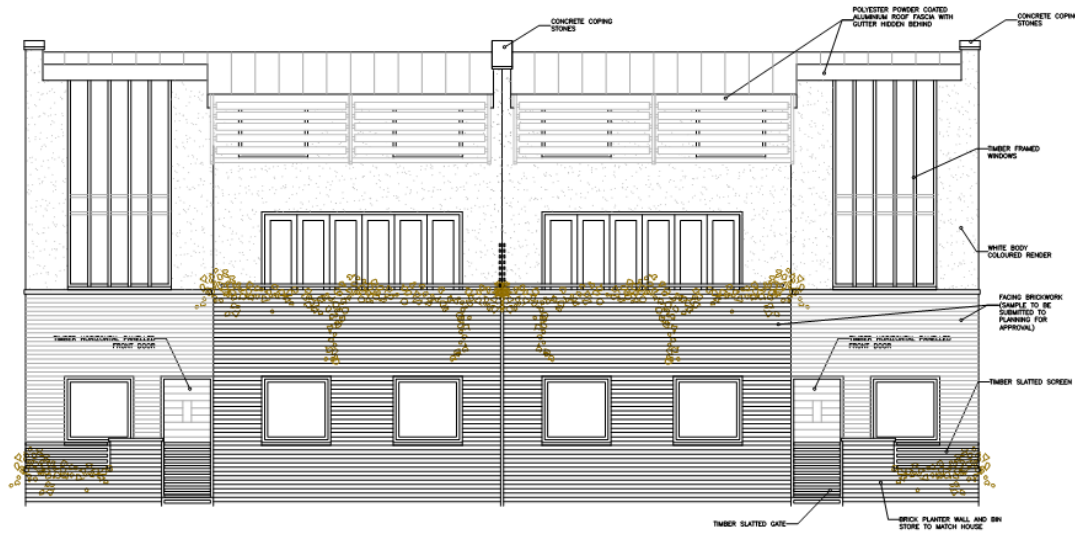


Figure 2. Proposed front elevation

- 6.7. There is a lack of design quality and finesse to the front façade. It presents a weak and convoluted composition with a variety of window treatments with differing proportions. The volumetric set-backs and the alien roof profile results in an incoherent composition that does not reflect the local context. The use of white self-coloured render along with a PPC brise soleil is not considered to represent high quality design even if a high quality handmade brick with suitable pointing is proposed to be used on the ground storey. The brise soleil would be visible in profile from Kings Terrace which is considered to cause a negative impact to the character of the mews. The houses would appear highly incongruous within the mews context and make no reference to the history or architecture of this part of the conservation area.
- 6.8. As shown in Figure 3 below, the proposal would part- obscure the view from Kings Terrace (built in the 1830s) looking south towards the large former piano warehouse on Bayham Place, see Figure 2. This lends Kings Terrace its own character: being the juxtaposition between diminutive simple stock brick mews properties and the larger warehouse building at the end.



Figure 3. view towards application site from Kings Terrace

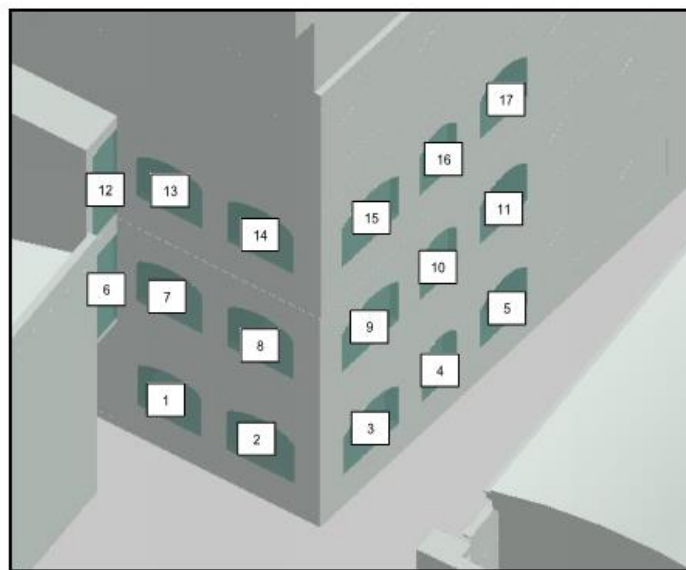
- 6.9. Any development on this yard should be of high-quality design which reflects the local mews character. As noted, there is not an in principle objection to a modern design should it high quality. However, the current proposal cannot be supported as it delivers a poor quality building which would detract from the character and appearance of the conservation area.
- 6.10. Para 202 of the NPPF (2021) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The proposal would result in 'less than substantial harm' to the character, and appearance and historic interest of the Camden Town Conservation.
- 6.11. The proposal would provide public benefits in the form of an affordable housing contribution. However, the applicant has failed to demonstrate that the proposed dwellings would receive acceptable levels of daylight and sunlight for future occupiers. The outlook would also be poor and the amenity area as currently proposed is not usable and considered to be sub-standard. Therefore the provision of two additional homes which have a poor quality standard of residential accommodation would not result in any public benefits. The provision of an affordable housing contribution would not outweigh the less than substantial harm to the Camden Town Conservation area.

7. Residential Amenity

- 7.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, natural light, artificial light spill, as well as impacts caused from the construction phase of development (to be discussed in the next section). Policy A4 seeks to ensure that residents are not adversely impacts upon by virtue of noise or vibrations.
- 7.2. Light and overshadowing
- 7.3. A Daylight and Sunlight Study has been submitted in support of the application which assesses the impact of the development on the light receivable by the surrounding properties. The study is based on the BRE guide 'Site layout planning for daylight and sunlight: a guide to good practice' 2011. The report concludes that the development would have a relatively low impact on the light receivable by neighbouring properties and that there is no daylight/sunlight related reason why planning permission should not be granted. The results of the daylight and sunlight study are shown in Appendix 2 of that report.
- 7.4. The Vertical Sky Component (VSC) is calculated at the centre point of each affected window on the outside face of the wall in question. BRE guidelines suggest that 27% VSC is a good level of daylight. If a window does not achieve 27% VSC as a result of the development, then it is assessed whether the reduction in value would be greater than 20% of the existing VSC – which is when the reduction in light would become noticeable to occupants.
- 7.5. The daylight and sunlight report has assessed commercial windows at 48 to 56 Bayham Place. Typically the results for commercial windows are not assessed by the council. However it is noted that of the side facing windows shown on Figures 4 and 5 would experience an appreciable loss of light. All windows side windows facing the site (1, 2, 8, 6, 12, 13 and 14) would be below 27% and experience reductions greater than 20% of their former value. A number of these windows already have low levels of VSC (6 & 12) and therefore the absolute reductions in VSC are relatively low. Windows 2, 8 and 14 serve open plan, dual aspect rooms, with the secondary windows on the south west elevation. The windows on the south west elevation are largely unaffected in terms of VSC. Windows 1 and 7 are single aspect rooms which look over the application site. The impact to these windows is considered acceptable as these are 'unneighbourly' in that they face directly over the application site and are in commercial use.



Figure 4. 3D views showing relationship of proposed building with side elevation/windows 48-56 Bayham Place which is in commercial use



48 to 56 Bayham Place

Figure 5. Window Key for 48 to 56 Bayham Place

7.6. In terms of the residential amenity impact to southernmost point of Kings Terrace, the building protrudes no more than the front building line of existing terrace at the boundary wall. At the ground floor the boundary wall is continuous with no residential windows. There is no need for the daylight and sunlight to assess windows on Kings Terrace as there would be no impact.

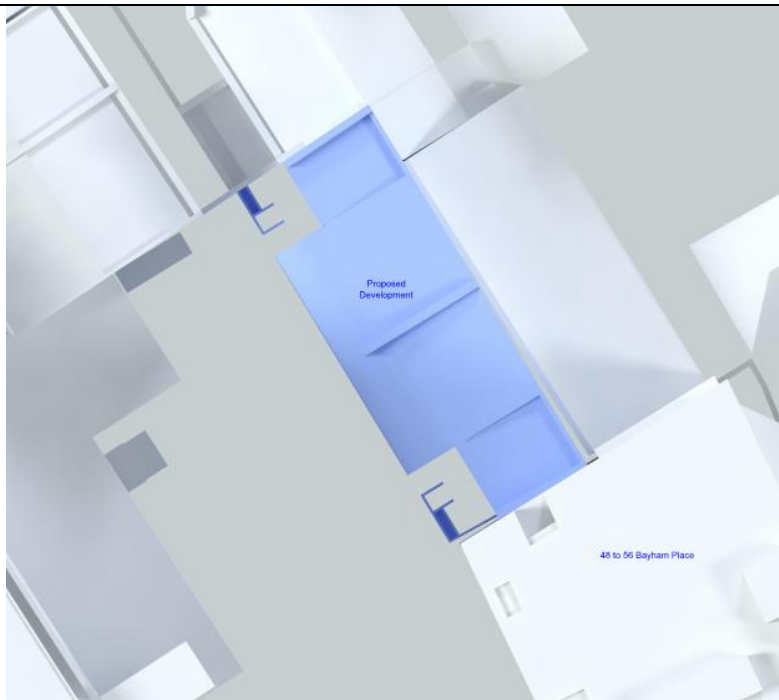


Figure 6. Plan view showing relationship with Kings Terrace to north

- 7.7. There would be some degree of light loss and added sense of enclosure affecting the outlook of the adjacent property on the west side of Kings Mews, however given the bulk of the building would be at an oblique angle rather than directly opposite and that the remainder of the skyline along the mews remains relatively open the impact is not considered substantial enough to form a reason for refusal. The sense of overbearing is also capable of being mitigated by design amendments required in order to address the concerns outlined in the ‘design and heritage section above’.
- 7.8. Overlooking
- 7.9. The proposed windows and terraces would not result in overlooking of neighbouring habitable rooms.
- 7.10. Noise
- 7.11. The applicant is proposing the installation of two air source heat pumps located above the flat roof of the rear ground floor projection of no. 10-12 Camden High Street. The units would therefore be next to existing air conditioning units. An appropriate noise assessment has been undertaken in order to determine the impact at proposed receptors and quantify the level of mitigation to ensure compliance with the relevant design targets (daytime and night).
- 7.12. It has been reasonably concluded in the acoustic assessment that noise emissions from the proposed development should not have an adverse impact on the nearest residential receivers provided that the noise control strategy presented in the acoustic submission are employed.
- 7.13. The councils environmental Health Officer is satisfied that the submitted acoustic submission meets local plan guidelines for mechanical plant and facade design and therefore acceptable in environmental health terms, subject to conditions ensuring that the plant equipment operates within the councils established noise criteria.

8. Transport including highways

Cycle parking

- 8.1. Local Plan Policy T1 aims to promote walking, cycling and public transport use. Policy T1, CPG Transport and Table 6.3 of the London Plan requires any new dwelling to provide covered, secure, fully enclosed and easily accessible (step-free) cycle parking.

8.2. For 2 bedroom residential units, the requirement is for 2 spaces per unit. The submitted ground floor plan shows an area for cycle parking to the front of each house, within the front yard, but no stands are shown or specified. The Council generally prefers the use of internal cycle stores, as this provides security which is particularly important in back land sites such as this where there is no passive surveillance. Should the development have been considered acceptable the external cycle store would need to be amended to be fully enclosed and meet the relevant Secured by Design standards, which could be secured by condition

8.3. Car Parking

8.4. Policy T2 states that the Council will limit the availability of parking and require all new developments in the borough to be car-free. The Council will not issue on-street or on-site parking permits in connection with new developments and use legal agreements to ensure that future occupants are aware that they are not entitled to on-street parking permits.

8.5. The proposed loss of part of the existing rear service yard/car park is supported by Policy T2 of the adopted Local Plan. As stated above the 'communal area' could continue to be used as car parking. Therefore should the development have been considered acceptable a plan would be required to show this as a landscaped area. This would have been secured via condition.

8.6. The strategic objective T2 is to reduce air pollution, traffic congestion, parking stress and improve the attractiveness of an area for local walking and cycling. The applicant has failed to enter into a section 106 legal agreement to secure the new dwellings as 'car-free', and the application is recommended for refusal on this basis.

8.7. Construction Management Plan (CMP)

8.8. Policy A1 seeks to resist development that fails to adequately assess and address transport impacts affecting communities, occupiers, neighbours and the existing transport network. The Council will consider the impacts of the construction phase, including the use of CMPs. Paragraph 2.31 of CPG Transport states that: "CMPs are secured as a planning obligation through a legal agreement and the pro-forma must be agreed by the Council prior to commencement of work starting on site."

8.9. The proposal does not involve considerable excavation. However, as the site is within a residential neighbourhood, has constrained access arrangements and is in proximity to other developments which are currently underway, it is considered that a Construction Management Plan and associated Implementation Support Contribution of £3,920 should be secured by means of the Section 106 Agreement. This is required in order to minimise the movement of goods and minimise the construction impact on the local area. The CMP bond is fully refundable should no issues arise with the CMP.

8.10. The support contribution is required to cover the costs of Council staff time in reviewing and approving the submitted CMP, the ongoing inspection and review of the plan during the construction works, and discussions to agree any amendments during the lifetime of the construction. This can take a large amount of time and this is a cost which should be covered by the developer who benefits from the planning permission rather than the tax payer. For applications in the area, the Council has used a consistent approach of requesting CMPs via S106. The applicant has failed to enter into a section 106 legal agreement to secure a CMP and associated support contribution and the application is therefore recommended for refusal on this basis.

9. Sustainability

9.1. Energy efficiency

9.2. In accordance with Local Plan Policy CC1 and the London Plan all new build residential development

(of 1- 9 dwellings) must meet a 20% reduction in carbon emissions. As a minimum the development would be required to meet the carbon reduction targets as part of Part L1B of Building through the application of the energy hierarchy.

- 9.3. The design approach would need to be supported by consideration of the Energy Hierarchy, with the primary focus on reducing the energy demands of the building at the Be Lean (use less energy) stage of the hierarchy. The proposal would be required to show how adaptation measures and sustainable development principles have been incorporated into the design and proposed implementation.
- 9.4. In order to achieve maximum environmental benefits with minimised future operational energy requirements, the council encourages new build residential development to design to the Home Quality Mark and Passivhaus design standards. New homes should be designed to control solar gain and avoid the need for substantial heating or cooling. The proposal should maximise resource efficiency during construction and occupation through:
- reducing energy and water use during construction;
 - waste reduction;
 - minimising materials required;
 - using materials with low embodied carbon content; and
 - enabling low energy and water demands once the building is in use (110 litres per person per day)
- 9.5. The application is accompanied by an Energy and Sustainability Statement prepared by MES Buildings Solutions. The report confirms that the building fabric combined with the high efficiency heating system will offset 35% of the developments regulated carbon emissions and reduce energy demand by 71.56%. This has been achieved by focusing on Be Lean (use less energy) and Be Clean (supply energy efficiently) stages of the hierarchy. The steps in the cooling hierarchy are discussed in section 3.6 of the report. It is accepted that a Combined Heat and Power or District Heating System are not viable for the development. The proposal uses air source heat pumps which are located adjacent to existing plant serving the commercial buildings front Camden High Street.
- 9.6. If the application was otherwise considered to be acceptable, the energy efficiency measures would be secured by section 106 legal agreement; however, the application has failed to enter into a section 106 legal agreement to secure this and the application is therefore recommended for refusal on this basis.

10. S106/CIL

- 10.1. If the proposals were supported, the following heads of terms would need to be secured by S106 Legal Agreement to make the development acceptable.
- Affordable Housing contribution of £40,000
 - Car-free development
 - Construction Management Plan and associated Implementation Support Contribution of £3,920
 - Construction Impact Bond of £7,500
 - Energy efficiency / sustainability measures
- 10.2. If the application was approved the proposal would be liable for the Mayor of London's Community Infrastructure levy (CIL) and the Camden CIL as it involves the creation of over 100sqm floorspace and new residential units.

10. Recommendation

Refuse planning permission