

# 140a Maygrove Road 2022/4692/P



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**Photos for 2022/4692/P – 140a Maygrove Road, NW6 2EP**

1. Aerial view of application site from West

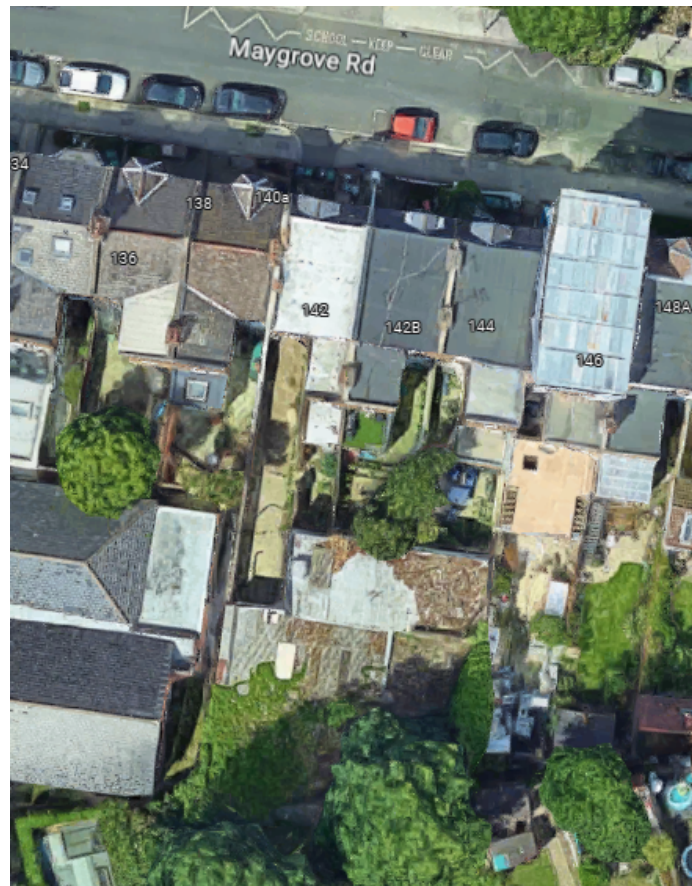


2. Aerial view of application site from East





3. Aerial view of application site from directly above



4. Existing site entrance from Maygrove Road (directly behind bins)



<b>Delegated Report</b> <b>(Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>02/12/2022</b>
		N/A / attached		<b>Consultation Expiry Date:</b>	24/02/2023
<b>Officer</b>			<b>Application Number(s)</b>		
Sam FitzPatrick			2022/4692/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
140a Maygrove Road Camden London NW6 2EP			Please refer to decision notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Permission in principle for the demolition of the existing workshop building and the redevelopment of the site to include the erection of 1 to 3 residential dwelling houses.					
<b>Recommendation(s):</b>		Grant Permission in Principle			
<b>Application Type:</b>		Permission in Principle			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	03	No. of objections	03
Summary of consultation responses:	<p>Site notice: 31/01/2023 – 24/02/2023</p> <p>Two objections from members of the public were received. They can be summarised as follows:</p> <ul style="list-style-type: none"><li>- Lack of drawings or details supplied for the application;</li><li>- Loss of natural light;</li><li>- Impact of demolition/construction on neighbouring properties;</li><li>- Pollution issues from construction work impacting residents and students at Kingsgate School.</li></ul> <p><u>Officer Response:</u></p> <ul style="list-style-type: none"><li>- Please refer to the assessment section of this report.</li></ul>					
Fortune Green and West Hampstead Neighbourhood Forum:	<p>A letter of objection was received on behalf of the Fortune Green and West Hampstead Neighbourhood Forum. Their objection comments can be summarised as follows:</p> <ul style="list-style-type: none"><li>- Lack of detail or plans submitted as part of the application;</li><li>- Potential for overdevelopment and associated issues like loss of privacy/light;</li><li>- Loss of green space and mature trees;</li><li>- Loss of employment possibilities.</li></ul> <p><u>Officer Response:</u></p> <ul style="list-style-type: none"><li>- Please refer to the assessment section of this report.</li></ul>					

## Proposal and Site Description

The application proposes the demolition of the existing workshop building and the construction of three separate two-storey dwellinghouses on the site. Given that the application is for permission in principle, no plans as to the exact design or nature of the development were provided.

The application is for permission in principle for the demolition of the existing workshop building and the redevelopment of the site to include the erection of 3 x residential dwelling houses, under the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

The application site is a 'backland' plot located to the rear of a terrace of residential dwellings on the south side of Maygrove Road. It is currently occupied by a single storey brick building that was formerly used for light industrial purposes, though it is now vacant and in a state of disrepair. Access to the site is only possible through a narrow covered archway located between no.138 and no.140 of Maygrove Road.

The site does not lie within a Conservation Area and is not listed, though it is within the Fortune Green and West Hampstead Neighbourhood Plan Area.

The site lies on a previously flooded street and in an area of flood risk.

## Relevant History

**2004/0241/P** – Demolition of existing workshop building and the erection of 3 x 3 bedroom two storey residential dwelling houses with integral garages. **Permission granted on 30/07/2004.**

The works approved by the permission granted in 2004 were never carried out, and the site has no other recent planning history.

### 1. Permission in Principle

- 1.1. The concept of permission in principle (PIP) was introduced by the Housing and Planning Act 2016, the Town and Country Planning (Brownfield Land Register) Regulations 2017, and the Town and Country Planning (Permission in Principle) Order 2017.
- 1.2. PIP operates as an alternative route to obtain planning permission for housing-led development. It splits the process into two stages – the first of which considers the principle of planning permission and establishes whether the site in question is suitable for residential development, and the second of which assesses the technical details of the permission, including specific development proposals.
- 1.3. The decision regarding whether to grant permission in principle must be made in accordance with relevant policies in the development plan, unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.
- 1.4. The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent (TDC) stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.
- 1.5. Where permission in principle is granted by application, the default duration of that permission is 3 years. Where permission in principle is granted through allocation on a brownfield land register, the default duration of that permission is 5 years. If the local planning authority considers it appropriate on planning grounds, they may shorten or extend these periods but should clearly give their justification for doing so. Local planning authorities should indicate on the face of the decision notice or the entry on the brownfield land register whether the duration period is different from the default duration. Applications for technical details consent must be determined within the duration of the permission granted.
- 1.6. As part of the decision notice, local planning authorities must specify the location of the site, the type of development and provide an indication of the amount of development the site has permission in principle for. The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (i.e. taking in to account any existing dwellings on the site) which are, in principle, permitted. Where non-residential development is granted permission in principle, local planning authorities are required to provide a description of the type of development (e.g. by indicating the use classes of the buildings or land) and the scale development permitted. The decision notice must also meet the requirements of Article 5T of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) including that the notice should provide full reasons where permission in principle is refused.

### 2. Assessment

- 2.1. The National Planning Policy Framework, and more specifically, its presumption in favour of sustainable development, does not change the statutory status of the development plan as the starting point for decision-making. Where planning applications and proposed development subscribes to an up-to-date Local Plan, they should be approved, and where they conflict with the Local Plan, they should be refused, unless other material considerations indicate otherwise.
- 2.2. The documents that are relevant to this particular application are the Camden Local Plan 2017 and the Fortune Green and West Hampstead Local Plan 2015. The Council's decision will be based on these documents.
- 2.3. The principal considerations material to the determination of this application are:
  - The location of the proposed development;
  - The land use of the proposed development;
  - The amount of development proposed.

### 3. Location

- 3.1. The site is located within a mainly residential area of West Hampstead, within the Fortune Green and West Hampstead Neighbourhood Area and close to the West Hampstead Growth Area (as designated by the Camden Local Plan). Policy G1 (delivery and location of growth) of the Local Plan does encourage the concentration of development within the designated growth areas, however also at highly accessible locations, which West Hampstead is noted as being. The supporting text to this policy goes on to say that the Council encourages the

efficient use of land and increase in density where appropriate.

- 3.2. Policy H1 (maximising housing supply) also seeks to meet Camden's housing targets by taking advantage of underused or vacant sites, which should be used to help contribute to providing more homes within the borough. The application site is currently vacant and has fallen into a state of disrepair. Although the development would involve a relatively small backland site with no road frontage other than the access road entrance, the technical details consent stage could deal with matters such as access and amenity space. In principle, the location of the proposal would support Camden's housing targets and its location would support policies G1, H1, and H6 (housing choice and mix), which aims to provide Camden with a range of sizes.
- 3.3. The site itself is a previously flooded street and so would be defined as an area of flood risk. The considerations that would therefore be required are detailed in the consultation response section of this report and are matters that would be dealt with at the technical details consent stage. Although different considerations should be made, the flood risk resulting from the location of the site does not mean that residential use in principle is unacceptable, so long as the development is not vulnerable (e.g. residential basements), it is not in principle contrary to policy CC3 (water and flooding) of the Local Plan.
- 3.4. The site is in an existing residential area with high levels of accessibility due to the close proximity to public transport routes. There are no heritage restrictions that would be an impediment to redevelopment, as the site is not listed nor is it in a conservation area. Although it is in an area of flood risk, residential development that is not vulnerable would be acceptable subject to details that would be provided at the technical detail consent stage.
- 3.5. Given the above, the location is considered appropriate for residential development.

#### **4. Land Use**

- 4.1. It is unclear when exactly the workshop at 140a Maygrove Road was constructed, but the earliest planning history relates to the retention of a roof over the factory yard, which was granted in 1980. The site was historically used as a workshop/factory for an injection moulding company called 'Maygrove Plastics'. According to planning history, the property had been marketed unsuccessfully for light industrial use for nearly two years prior to 2004 and was considered to be Use Class B1 (Business).
- 4.2. An application was granted in 2004 for the demolition of the existing structure and erection of 3 x three-bedroom dwelling houses (2004/0241/P). However, the site was never developed, so the use reverted back to B1 following the expiry of the planning permission. On 1 September 2020, the Town and Country Planning (Use Classes Order) 2015 was amended and introduced new use classes. Some use classes, including B1, were revoked and uses previously falling under this were given a new use class, Class E (commercial, business, and service use). It is considered that this site would therefore now fall under Class E, however this has never been regularised by Way of planning permission or certificate of lawfulness.
- 4.3. No employment takes place, or has taken place within the site for a number of years, with the workshop having been vacant for some time. The site is also not subject to any Article 4 Directions, so the change from Class E to Class C3 could be sought through prior approval.
- 4.4. Given that the site no longer has a business use or provides employment and it could in principle be changed to residential use as permitted development through prior approval, its redevelopment to residential dwellings is considered to be acceptable in principle. The details of the proposal would be subject to other considerations under the TDC stage, with a decision made in accordance with the development plan unless material considerations indicate otherwise. This would include land use requirements under the plan such as affordable housing contributions, and car-free development.
- 4.5. It would also be appropriate for any site constraints such as contamination and flood risk which would restrict a residential use to be dealt with at the TDC stage.

#### **5. Amount of Development**

- 5.1. The application for the development of this site states that the proposal is for the erection of three dwelling houses. As previously noted, the amount of residential development must be expressed as a range. The maximum number of dwellings that has been proposed for this site is three, so the range is considered to be 1 to 3 units.
- 5.2. It has been demonstrated through this report and the relevant consultation responses that there is capacity within the site for three residential units, provided the relevant technical issues arising from the provision of three dwellings are acceptable. These matters include design, residential standards, amenity impact, servicing, transport, flood risk, contamination and sustainability and they will be dealt with at the technical details stage.
- 5.3. It is considered that a range of 1-3 residential dwellings can be accommodated within the site, and 1 – 3 dwellings

are in principle and acceptable proposed amount of development.

## **6. Conclusion**

6.1. Permission in principle can be granted for a residential development of between 1 and 3 dwellings.

## **7. Community Infrastructure Levy / S106 Obligations**

7.1. The applicant will be notified of any Community Infrastructure Levy (CIL) resulting from this development following the grant of technical details consent, should the application be granted this. Similarly, any planning obligations required such as legal agreements will be secured at the technical details consent stage.

## **8. Recommendation**

8.1. Grant permission in principle.

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 10<sup>th</sup> April 2023, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.***



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# DRAFT

Dear Sir/Madam

## DECISION

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

#### Permission in Principle Granted

Address:  
**140A Maygrove Road**  
**London**  
**NW6 2EP**

Proposal: Permission in principle for the demolition of the existing workshop building and the redevelopment of the site to include the erection of 1 to 3 residential dwelling houses.

Drawing Nos: N/A

The Council has considered your application and decided to grant permission in principle having regard to the provision of the following informative(s):

Informative(s):

- 1 This permission ceases to have effect at the end of three years from the date of this permission (or such other period as may be specified herein).

Reason: In order to comply with the provisions of Section 59(A)8 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted in principle requires full planning permission following the submission of an application for Technical Details Consent to the Council to be granted.

Reason: In order to comply with the provisions of Section 59(A)8 of the Town and Country Planning Act 1990 (as amended).

- 3 The development hereby permitted must be begun not later than the end of three years (or such other period as may be specified) from the date of this permission.

Reason: In order to comply with the provisions of Section 59(A)8 of the Town and Country Planning Act 1990 (as amended).

- 4 An application for Technical Details Consent will not apply where the permission in principle has been in force for longer than a period specified in the permission, and / or where there has been a material change of circumstances since the permission came into force.

Reason: In order to comply with the provisions of Section 59(A)8 of the Town and Country Planning Act 1990 (as amended).

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2021.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

**DECISION**