

Delegated Report		Analysis sheet	Expiry Date:	28/03/2013
		N/A	Consultation Expiry Date:	27/02/2013
Officer			Application Number	
Ben Le Mare			2013/0392/P	
Application Address			Drawing Numbers	
2-12 Harmood Street and 34 Chalk Farm Road Harmood Street London NW1 8DJ			Refer to decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Variation of condition 11 (approved plans) of planning permission 2008/2981/P granted 23/09/2008 (Erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing buildings)). namely to include; increase in height of the building's parapet, reduced set back of the third floor, increase in size of the stair tower, new window detailing, facing materials and pavement balustrade on the Harmood Street elevation and other associated alterations (retrospective).				
Recommendation:		Refused and Warning of Enforcement Action to be taken		
Application Type:		Variation or Removal of Condition		

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	17	No. of responses	33	No. of objections	33
Summary of consultation responses:	A site notice was displayed from 06/02/2013.					
	27 letters of objection have been received from the following addresses: No's 11, 13, 15, 18, 19 (x3), 20 (x2), 22, 24, 26, 28, 36 (x2), 64, 84 Harmood Street; no. 64, 71, 81 Clarence Way; no's 5, 9, 15, 17, 19, 21, 81c Hartland Road. 5 letters provided no postal addresses. The concerns which have been raised are summarised below: <i>Land use</i> - The property is being used as a youth hostel rather than students of higher education as approved; - The building is more densely occupied than first thought; - There are bunk beds in each of the rooms so there will be double the number of residents; - The local estate agent, William Lewis, is advertising rooms as 2 x double beds. <i>Design</i> - The current proposals would make a negative contribution to the character and appearance of the Harmood Street Conservation Area by virtue of bulk, massing, poor quality design and materials, and sheer offensive ugliness. It would create material harm to its historic context and the quality of life of local residents; - The development blatantly disregards the original design and finishes; - The building looks garish and cheap; - The use of materials is crass, the brash colours being of character with existing old London brick that used to build the terrace; - The increase in height of the development overpowers the two storey houses along Harmood Street; - The upper storey was consented to be set back to reduce bulk and impact and was to be made largely of glass and now is not set back, not made of glass and is over the permitted height; - The bulk of the building is not was consented; - It is 0.75m higher than approved; - No green roof has been provided. <i>Amenity</i> - The consented decorative screens have not been installed over the rear windows which results in overlooking into properties to the rear (along Hartland Road); - There are occupiers of the building smoking out of open top windows; - Further daylight/sunlight issues. <i>Other matters</i> - The building has been occupied in advance of Camden's approval of the					

	<p>Student Management Plan</p> <p><u>Councillor Sanders:</u> Objects to the development proposals for the reasons outlined above.</p>
CAAC/Local groups comments:	<p><u>North Camden Town Neighbourhood Forum: Objection</u> <i>We object to this application to vary or remove conditions of planning for the following reasons:</i></p> <p><i>1 Allowing this building to be built so differently from the planning approval and conditions sets an poor precedent</i> <i>2 The building causes harm to the conservation area and should have enhanced the area</i> <i>3 The building is approx 750mm higher than the agreed permission</i> <i>4 The green roof has not been installed</i> <i>5 The building is advertised as being 2 bed units and is being let to anyone with a student card. The permission was granted for self-contained one bed units.</i> <i>7 the top floor on Harwood street should have been set back with a fully glazed cladding so that it would 'disappear'. What has been built is dark, large and bulky with windows.</i> <i>8 the materials on the facade are cheap and ugly looking</i> <i>9 the glazed boxes projecting out from the Harwood Street facade in the original design have been replaced by a an aluminium frame sitting round a standard window which is cheap and bulky looking</i> <i>10 the increased height of the building causes overlooking to the rear of Hartland Road albeit more than 20m away</i></p> <p><i>We are frankly shocked that the developer has been allowed to get away with this so far and believe that they should be required to lower the building and modify the facade to a new design acceptable within a conservation area.</i></p> <p><u>Harmood, Clarence, Hartland Residents Association: Objection</u> <i>The planning matters are very much bound up with issues of enforcement. The revised shape and size of the student rooms is no doubt influenced by the use to which the rooms have been put.</i></p> <p><i>Please consider the following points in deciding whether this building is being used as required by the planning permission:</i></p> <p><i>1. The accommodation is known as The Stay Club - one of two Stay Clubs in London.</i> <i>2. It is advertised on websites for cheap hotels.</i> <i>3. Advertisements say that residents have to show a student card - something possessed by every young person, especially when travelling.</i> <i>4. Special rates are offered for students of higher education - surely unnecessary if the Stay Club is exclusively for students of higher education. (The student rates are around £325, not unusual for a studio in student accommodation in central London but nevertheless way beyond the pocket of the average student. On the other hand, the advertised charge of £56 a night for a shared hotel room is extremely reasonable for central London.</i> <i>5. Most if not all rooms have two beds and are advertised as having two</i></p>

double beds - although most are not double. As a result the rooms, though adequate for an hotel, are cramped and unsuitable for longer term use by students.

6. The following appeared on The Stay Club's Facebook page:

"We're getting lots of enquiries at the moment, not just for The Stay Club @ Willesden but also for @ Camden as well. We can take students, young professionals or tourists for as short as 1 night and as long as 1 year. For the best deals, check out our website: www.thestayclub.com Any questions please mail: sales@thestayclub.com Happy to help!"

Finally, I draw attention to the fact that CPG2 states at para.3.26 that "...the Council will resist schemes that have not identified which institution the students occupying the proposed accommodation would attend." The Residents Association's comments on applications for this site consistently asked the Council to link the development to an institution of higher education, but in vain. This situation would not have arisen if Camden had followed its own guidance.

Castlehaven Community Association: Objection

Support the views of all of the objectors to the application

Site Description

The application relates to a site located between Harmood Street and the rear of residential properties in Hartland Road. The re-development of the site for the provision of 192 self-contained students housing units is nearing completion and being occupied. The main entrance into the building is off Chalk Farm Road adjacent to the Lock Tavern Public House. The site is not within a conservation area, but the Harmood Street Conservation Area (designated in 2005) adjoins the site to the north and includes those properties to the west, on the opposite side of Harmood Street. Most of the site is located within the Kentish Town Area and the part of the site fronting Chalk Farm Road is within the Camden Town Centre.

Relevant History

13/03/2008 – **p.p refused (2007/6339/P)** Erection of 4-storey building with two basement levels to provide student accommodation comprising 235 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing buildings).

23/09/2008 – **p.p granted subject to a s106 agreement (2008/2981/P)** Erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing buildings).

08/06/2009 – **p.p granted (2009/1976/P)** Details of ground investigation for soil and groundwater contamination and landfill gas pursuant to Condition 9 of planning permission dated 23/09/08 (Ref: 2008/2981/P) for the erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing buildings).

24/09/2009 – **planning application withdrawn (2009/3631/P)** Details pursuant to condition 2c for detailed drawings of railings, condition 3 for details of cycle storage, condition 5 for details of green roofs, condition 6 for details of hard and soft landscaping and condition 8 details of bird boxes of the planning permission dated 23/09/2008 (2008/2981/P) for 'Erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing buildings).'

15/02/2010 – **p.p granted (2009/5964/P)** Details of railing and green roof pursuant to condition 2 part (c) and condition 5 respectively of planning permission dated 24/10/09 (Ref. No. 2008/2981/P) for (Erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing buildings).

16/06/2010 – **p.p granted (2010/1756/P)** Details pursuant to conditions 3 (bicycle storage), 6 (landscaping) and 8 (bird and bat boxes) of planning permission (2008/2981/P) dated 23/09/08 for the erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing buildings).

08/11/2010 – **p.p granted (2010/5199/P)** Non-material amendments (relating to which bedrooms provide the 20 wheelchair bedrooms and internal alterations to staircore 1, the boundary to the Lock Tavern public house, the basement bike store and laundry, the ground floor reception and the landscaping at lower ground floor level within the lightwells) to planning permission granted subject to S106 agreement dated 23 September 2008 (ref. 2008/2981/P) for the erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing buildings).

2012/1511/P – **p.p granted (2012/1511/P)** Details of facing materials (condition 2a - part discharge) and Cor-ten run off (2b) of planning permission ref:2008/2981/P dated 23/09/2008 for (erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing buildings).

02/10/2012 – **p.p granted (2012/4135/P)** Amendment to add a condition to ensure development shall be carried out in accordance with the approved plans pursuant to planning permission 2008/2981/P granted on 23/9/08 for the erection of a part 2, part 4-storey building with two basement levels to provide student accommodation.

24/12/2012 – **p.p refused (2012/5639/P)** for the erection of a roof extension to provide an additional five single occupancy student accommodation units to the existing building.

18/09/2013 – **p.p granted subject to a deed of variation of the s106 agreement associated with 2008/2981/P being agreed and signed (2013/4467/P)** The erection of rear extension at 4th floor level to provide two additional student units associated with existing accommodation (Class C2).

Ongoing investigation enforcement investigation (**EN12/0622 & EN12/0998**) into the development not being constructed in accordance with the approved plans or the approved CMP.

Site at Former Esso Petrol Station - 29-33 Chalk Farm Road

2012/0974/P - Redevelopment of existing petrol filling station site with a basement plus 4-storey mixed-use building, comprising 6 x retail units (Class A1/A3) at basement and ground floor level and 40 student residential units (Sui Generis) at mezzanine, first, second and third floor level with cycle storage in the basement - Granted subject to a Section 106 Agreement

Relevant policies

Local Development Framework (2010)

Core Strategy

- CS1 (Distribution of growth)
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS11 (Promoting sustainable and efficient travel)
- CS13 (Tackling climate change through promoting higher environmental standards)
- CS14 (Promoting high quality places and conserving our heritage)
- CS15 (Protecting and improving our parks and open spaces and encouraging biodiversity)
- CS18 (Dealing with our waste and encouraging recycling)
- CS19 (Delivering and monitoring the Core Strategy)

Development Policies

- DP2 (Making full use of Camden's capacity for housing)
- DP9 (Student housing, bedsits and other housing with shared facilities)
- DP16 (The transport implications of development)
- DP17 (Walking, cycling and public transport)
- DP18 (Parking standards and limiting the availability of car parking)
- DP19 (Managing the impact of parking)
- DP20 (Movement of goods and materials)
- DP21 (Development connecting to the highway network)
- DP22 (Promoting sustainable design and construction)
- DP23 (Water)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)

DP26 (Managing the impact of development on occupiers and neighbours)
DP28 (Noise and Vibration)
DP31 (Provisions of, and improvement to, open space and outdoor sport and recreation facilities)

Camden Planning Guidance (2013)

CPG 1 (Design) sections 1, 2, 3, 5, 6, 10, 11

CPG 2 (Housing) sections 1, 3, 4, 5

CPG 3 (Sustainability) sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13

Camden Planning Guidance (2011)

CPG 6 (Amenity) sections 1, 2, 4, 5, 6, 7, 8, 9, 11, 12

Harmood Street Conservation Area Statement 2005

The London Plan 2011

National Planning Policy Framework 2012

Assessment

Background / Proposals

This application has been submitted to amend planning permission 2008/2981/P for the erection of a part 2, part 4-storey building with two basement levels to provide student accommodation comprising 192 self-contained study rooms and ancillary facilities (Sui Generis) (following demolition of existing buildings), granted subject to S106 agreement dated 23 September 2008. It also seeks to amend application 2010/5199/P for non-material amendments (relating to which bedrooms provide the 20 wheelchair bedrooms and internal alterations to staircore 1, the boundary to the Lock Tavern public house, the basement bike store and laundry, the ground floor reception and the landscaping at lower ground floor level within the lightwells).

Work began and over the following few years a series of successful applications were made to discharge the conditions, many of which concerned the submission of details about various aspects of the development. Taking all of these subsequent grants of permission for details into account, it appears that all of the conditions imposed on the 2008 consent have now been discharged except for condition 4 (waste details).

In addition permission was granted on 8/11/2013 (ref: 2010/5199/P) for a non material amendment (NMA) concerning which bedrooms are to be wheelchair accessible, internal alterations to Staircore 1, the boundary with the Lock Tavern, the basement bike store and laundry, ground floor reception and the landscaping at lower ground floor level within the lightwells.

A further non material amendment was granted on 2/10/2012 (2012/4135/P) which sought to add a condition to the 2008 permission to the effect that development shall be carried out in accordance with the (2008) approved plans, which are listed in the 2012 NMA.

At the time of writing, the development is nearing completion. During its construction both local residents and Council officers have identified that significant amount of the works which have been undertaken are unauthorised. These are subject to an ongoing enforcement investigation (ref's EN12/0622 & EN12/0998). This application seeks to resolve many of these breaches in planning control. It should however be noted that the suspected unauthorised use of the building as hostel, or an increase in occupancy levels, are currently being investigated by the Council and do not form part of this application.

The submitted Design and Access Statement lists what are recognised as being the main internal and external discrepancies between the approved drawings (both in the original submission and the

subsequent NMAs) and the 'as built' situation.

Below provides a list of, what are perceived to be, the main internal and external physical amendments scheme which are proposed by this application:

Internal

- Staircore 1 is repositioned in line with the twin lifts to accommodate a single larger plant room in the basement;
- Staircore 3 has been enlarged;
- Rooms have been pushed back between first and third floors for structural stability with secondary projecting box;
- Consolidation of two passenger lifts with the omission of the larger service lift;
- Room sizes have been reduced slightly to accommodate an increase thickness of concrete walls;
- The main central courtyard has been reduced in the width of the internal courtyard;
- Rooms on upper floors redesigned to allow for linked access to adjacent site;

Basement

- Relocation of laundry and cycle store to form larger plant space;
- Large common room redesigned to include smaller meeting / quiet study spaces;

Lower Ground floor

- New access and additional fire exit route into adjoining basement level of 29-33 Chalk Farm Road;
- Relocation of refuse store closer to the Chalk Farm elevation;
- Room size amended (49 on 'as built lower ground floor plan');
- Electrical substation and switch room built under main Chalk Farm Road entrance;
- One room has been removed and re-provided on the third floor;

Ground Floor

- Various minor alterations including an larger reception area, service riser added, communal WC added, repositioning of the disabled/service lift, additional staircase with cycle side gulley into lower ground floor;
- Cycle storage removed and relocated into the basement of the approved 29-33 Chalk Farm Road scheme;
- Creation of a sheltered lobby behind the main Chalk Farm Road entrance;
- Enlargement of the lightwell on the boundary with 29-33 Chalk Farm Road.

First Floor

- Various minor alterations including Stair 2 being extended up to first floor, laundry room relocated from basement level, flat roof enlarged to provide potential fire exit route, service riser added.

Second Floor

- Minor alterations including a service riser and corridor extended around Stair 1;
- Room 1 (138 on the 'as built second floor plan') rotated to align with other rooms.

Third Floor

- Setback on the front elevation has been reduced from 1.5m to 0.95m;
- Setback on the rear of the third floor has been reduced;
- Increase in the size of a room (179 on the 'as built third floor plan');
- Additional room to compensate for the loss of one on the ground floor.

Roof

- Plant room and ventilation and boiler / CHP flues relocated.

External

Harmood Street Elevation

- The stair tower adjacent to 14 Harmood Street has been set further away from boundary, but the facing materials differ, projects further forward onto Harmood Street and is higher;
- Top floor level recess has been reduced from 1.5m to 0.95m;
- Glass cladding / windows on the top floor level replaced with metal flashing and outward opening windows;
- Roof line and parapet have been raised;
- Plant room boilers, CHP and ventilation flues 1.2m higher;
- Separation distance between paired windows;
- The boundary treatment has glass panels with metal posts;

Harland Road Elevation

- Brown composite panels replaced with white composite cladding panels;
- Stair 1 cladding amended to metal mesh cladding;
- Roof line and parapet raised of top floor;
- Increase in the height of the rear boundary wall;
- Glass cladding / windows on the top floor level replaced with metal flashing and outward opening windows;
- External cladding with bamboo print replaced with solid white composite panels and windows;
- Side return glazing replaced with solid white composite panels.

North Road Elevation

- First floor roof line raised;
- Stairwell Structure enlarged.

Planning Issues

The main issues associated with the proposals include: design, standard of accommodation, amenity, sustainability and planning enforcement. These are addressed below in the context of planning policy and other material considerations.

Design

Context

A large proportion of Harmood Street was designated as a conservation area in September 2005. The application site lies outside of, but immediately adjacent to, the conservation area boundary, and therefore Policy DP25, which seeks to protect the setting of conservation areas, as with the original planning permission (2008/2981/P), is relevant in the assessment of this application.

Internal Alterations

As listed above there have been a number of internal alterations to the layout of the building. Whilst many of these changes were required under building regulations some have been undertaken by the developer out of convenience which have significantly compromised the external appearance of the building. These external alterations are considered below.

External Alterations

Additional height of the building

The increase in height of the building to what was shown on the approved drawings in part relates to

deficiencies in original site surveys which were carried out. It should also be recognised that much of the building was constructed from shipment containers (or 'pods'), which have a pre-prescribed height and area.

As it stands the 'as built' solid section of façade on Harmood Street is 0.54m higher than the parapet level of 14 Harmood Street. height of the parapet is therefore considered not to respect the historic rhythm of the adjoining terrace to the north which is harmful impact on the streetscene and the setting of the conservation area. The application should be refused on this basis.

Harmood Street Elevation

Third Floor

During the determination of the 2008/2981/P permission, the Harmood Street Elevation was revised to set back the third floor from the parapet of the main building by approx. 1.4m. This was required by officers to reduce the impact of the development on the streetscene by ensuring that it *'will have a lightweight and recessive appearance'*. During construction however the design of third floor has been altered significantly, almost beyond recognition from what was approved. The 'as built' third floor is set approx. 0.95m from the parapet and comprises a metal flashing exterior with nine outward opening windows, as opposed to being approx. 1.5m from the parapet with a fully glazed frontage.

The reduced set back of third floor is considered to have a greater impact upon the overall height and perceived bulk of the building, making it appear overly dominant within the streetscene. The detailed design of the top storey is also now much heavier with inset square windows and flashing detail as opposed to the original proposed glazing. When both these elements are combined they result in an unacceptable form of development, which through its siting and design result in the third floor having an unacceptable impact on the host building, the streetscene and the setting of the conservation area.

Stair tower

The stair tower is considered to form an important element of the development as it is sited along the boundary with row period properties – Nos. 14-34 Harmood Street. The original 2008 permission recognised this through ensuring the stair tower was glazed, 1.8m wide and set back from the main building to *'give visual relief between the differing building types'*. It should also be noted that this part of the stair tower was recessed further (2.6m instead of 1m) than on the previously refused scheme. The 'as built' stair tower has a heavier and more dominant appearance than what was approved through having smaller areas of glazing and separation beams (which are shown on the submitted plans as being aluminium, but have since been clad the existing Harmood Street facing material). It is also set further forward towards the front of the building. The combination of its siting, height, massing and inappropriate use of materials is therefore considered to detract from the character of the streetscene and harmful to the setting of the Harmood Street Conservation Area.

Harmood street facing materials

Planning permission 2012/1511/P granted approval for the external facing materials of the building – English Cherry panel (Trespa Exterior NW10/ST). This panelling was considered by officers to *'be durable and maintain its appearance for a long time'* and that its colour *'is similar to the overall colour of the brickwork within the street so it will sit well with the adjacent buildings'*. The facing materials which have been applied differ to what was approved, through being both lighter in colour and having a poor quality wooden grain detailing. This material is considered not to be of a sufficiently high quality and would fail to compliment the streetscene and the setting of the Harmood Street Conservation Area.

Artwork wall

The façade of the building which fronts Harmood Street and the rear garden of the Lock Tavern was intended for artwork. This has now been built with a continuation of the Harmood Street elevational materials. This is regrettable and a clear dilution of the quality of the scheme. However, replicating

the materials from the Harmood Street elevation is acceptable in principle, although the same issues apply with regard to quality and execution of the exiting facing materials.

Front boundary treatment

The 'as built' front balustrade along the boundary of the site incorporates glazed panels affixed to steel posts at approx. 1.4m intervals. This differs significantly from design of the 15mm square section black painted metal railings, spaced at 1.2m intervals with 200mm square piers and a low plinth, the details of which was approved under condition 2(c) (ref: 2009/5664/P). Within the street there is a limited palette of boundary treatments, which are predominantly comprised of low brick walls or simple vertical uprights supported on a low brick plinth. In considering applications for new boundary treatment, CPG1 states, in para. 6.36, that the Council '*will expect the design, detailing and materials used to provide a strong positive contribution to the character and distinctiveness of the area and integrate the site into the streetscene*'. The approved railings would have achieved this by not having appeared weak against the building. The 'as built' railings however by reason of their poor quality appearance and finish are excessively heavy and crude and do not complement the existing streetscene and the wider setting of the conservation area and should therefore be refused consent on this basis.

Hartland Road Elevation/rear of the block

The overall design of the rear elevation of the building this has been seriously diluted from what was previously consent; this is largely due to the omission of the large areas of glazing overlaid with printed cladding. These have instead been replaced with a series of square windows set into solid white cladding panels. This elevation will however not be visible from the public realm although it will be apparent from the rear gardens of the property on Hartland Road. The rear of the building is also only really visible from the rear gardens of some the properties fronting Harmood Street, so not considered to have a harmful impact on the setting of the conservation area.

Standard of accommodation

The development in general is not considered to result in an unacceptable standard of the accommodation which is being provided in terms of layout, rooms sizes, daylight/sunlight, outlook and ventilation. There is however one bedroom on the lower ground floor of the building (no. 49 on drawing 130110 A(AB)090) which would have a L-shaped layout. This arrangement is considered to be slightly awkward, but the room is acceptable in terms of space standards and would benefit from adequate outlook and light.

Amenity

Policy DP26 states that the Council will only grant permission for development that does not cause harm to amenity. The impact of development on daylight / sunlight, outlook, privacy, noise and are considered below.

Daylight/sunlight

In support of the application a revised daylight/sunlight has been submitted to compare the approved scheme with the 'as built' situation and assess the impact of the development on neighbouring residential properties. This assessment has been undertaken in accordance with the BRE guidelines.

Considering first daylight matters the BRE recognised vertical sky component (VSC – test is not less than 27% and not less than 0.8 times its former value) and no sky line (NSL – also known as daylight distribution - test is loss must be not less than 0.8 times its former value) calculations have been made. The study identifies a total of 4 habitable room windows (at No's 3, 5, 7 Hartland Road) which would fail VSC test under the approved scheme. However, in testing the 'as built scheme' the study identifies that 3 out of these 4 windows failed the VSC. The VSC of a window in no. 7 Hartland Street

went from 0.79 to 0.8.

In terms of sunlight the BRE recognised annual probable sunlight hours (APSH – test is more than 25%, of which 5% during winter) test has been undertaken. The study identifies that none of the habitable room windows at the properties along Hartland Road face within 90 degrees south and were therefore not tested. The windows at 14 Harmood Street however were required to be tested as they face 90 degrees due south. The study confirms that the windows under both the approved scheme and ‘as built’ situation pass the APSH tests.

Privacy / Outlook

Concerns have been raised by the residential occupiers of properties along Hartland Street that as the consented decorative screens have not been installed over the rear windows there is an unacceptable level of overlooking between windows serving habitable rooms. Whilst the screens have not been installed, by measuring off the submitted plans there appears to be a distance of approx. 28m between directly facing windows, which exceeds the Camden’s requirement of a minimum distance of 18m.

Noise and disturbance

This application does not propose to increase the capacity of the building. Any matters relating to the use of the unauthorised use of the building as a hostel or occupancy levels (the provision of additional bed space) are subject to ongoing investigation by Camden’s enforcement team and they are not being considered under this application.

Sustainability

The application is accompanied by a letter from a qualified sustainability consultant (Hodkinson Consultancy). This confirms that the development will be able to achieve a ‘very good’ BREEAM rating and will have no impact upon the proposed energy sources (CHP and gas-fired boilers). As these matters are controlled through a s106 agreement officers are satisfied that the development will meet Council’s sustainability standards.

Planning Enforcement

As noted above, the site is subject to an ongoing enforcement investigation relating to a wide range of breaches in planning control. These identified breaches relate to the authorised building works which are proposed by this application, unauthorised works not shown on the submitted drawings and the existing use of the property.

There are number of works proposed by this application which are considered to be contrary to planning policy and guidance. In order to resolve these breaches in planning control the recommendation section below sets out the requirements of the enforcement notice.

Recommendations

a) Refuse planning permission with warning of enforcement action to be taken.

b) That the Head of Legal Services be instructed to issue an Enforcement Notice under Section 172 of the Town & Country Planning Act 1990 as amended for: Construction of a building materially different from approved plans so as to be without planning permission, and to pursue any legal action necessary to secure compliance and officers be authorised in the event of non-compliance, to prosecute under section 179 or appropriate power and/or take direct action under 178 in order to secure the cessation of the breach of planning control.

The Notice shall allege the following breach of planning control:

Construction of a building materially different from approved plans so as to be without planning permission.

The notice shall require:

Make the development comply with the terms (including conditions and limitations) of the planning permissions granted in respect of the land: [2008/2981/P], [2009/1976/P], [2009/5964/P], [2010/1756/P], [2010/5199/P], [2012/1511/P], [2012/4135/P], [2012/4249/P].

Reasons for Issuing the Notice:

- 1) The above breach of planning control has occurred within the last 4 years.
- 2) The height of the building's parapet fails to respect the historic rhythm of the adjoining terrace properties and is considered to have a harmful impact on the setting of the Harmood Street Conservation Area. This is contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 3) The third floor by reason of its siting, scale, detailed design and inappropriate use of materials is overly dominant within the streetscene and detrimental to views into the Harmood Street Conservation Area. This is contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 4) The stair tower fronting Harmood Street by reason of its height, massing and inappropriate use of materials is considered to detract from the character of the streetscene and be harmful to the setting of the Harmood Street Conservation Area. This is contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 5) The external finishing material on the Harmood Street elevation is not of a sufficiently high quality and fails to compliment the streetscene and the setting of the Harmood Street Conservation Area. This is contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.
- 6) The railings fronting Harmood Street by reason of their poor quality appearance and finish are excessively heavy and crude, fail to compliment the streetscene and the setting of the Harmood Street Conservation Area. This is contrary to policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage) of the

London Borough of Camden Local Development Framework Core Strategy and policies DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.